

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 SENATE BILL NO. 727

By: Stephens

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6 An Act relating to public buildings and public works;  
7 amending 61 O.S. 2021, Section 130, as amended by  
8 Section 27, Chapter 238, O.S.L. 2022 (61 O.S. Supp.  
9 2022, Section 130), which relates to emergency  
10 purchasing; raising purchasing limit for certain  
11 department under certain circumstances; and declaring  
12 an emergency.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 61 O.S. 2021, Section 130, as  
15 amended by Section 27, Chapter 238, O.S.L. 2022 (61 O.S. Supp. 2022,  
16 Section 130), is amended to read as follows:

17 Section 130. A. The provisions of the Public Competitive  
18 Bidding Act of 1974 with reference to notice and bids shall not  
19 apply to an emergency if:

20 1. The governing body of a public agency declares by a two-  
21 thirds (2/3) majority vote of all of the members of the governing  
22 body that an emergency exists;

23 2. The Transportation Commission and the Oklahoma Tourism and  
24 Recreation Commission, by majority vote of all the members of each  
Commission, declare that an emergency exists; or

1           3. The chief administrative officer of a public agency without  
2 a governing body declares that an emergency exists.

3           B. The governing body of a public agency may, upon approval of  
4 two-thirds (2/3) majority of all of the members of the governing  
5 body, delegate to the chief administrative officer of a public  
6 agency the authority to declare an emergency whereby the provisions  
7 of the Public Competitive Bidding Act of 1974 with reference to  
8 notice and bids shall not apply to contracts less than One Hundred  
9 Fifty Thousand Dollars (\$150,000.00) in amount; provided, such  
10 authority of the Department of Transportation and the Oklahoma  
11 Turnpike Authority shall not extend to any contract exceeding Seven  
12 Hundred Fifty Thousand Dollars (\$750,000.00) in amount and such  
13 authority of the Department of Corrections shall not extend to any  
14 contract exceeding ~~Two Hundred Fifty Thousand Dollars (\$250,000.00)~~  
15 Five Hundred Thousand Dollars (\$500,000.00) in amount for situations  
16 in which the emergency impacts the conditions of confinement, health  
17 and safety of correctional officers and inmates in the custody of  
18 the Department of Corrections.

19           C. Upon approval of a two-thirds (2/3) majority vote, the  
20 Oklahoma Conservation Commission may delegate to the Executive  
21 Director the authority to declare an emergency and set a monetary  
22 limit for the declaration. The provisions of this subsection may  
23 only be used for the purpose of responding to an emergency involving  
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1 the reclamation of abandoned coal mines or the repair of damaged  
2 upstream floodwater retarding structures.

3 D. An emergency declared by the Board of Corrections pursuant  
4 to subsection C of Section 65 of this title shall exempt the  
5 Department of Corrections from the limits which would otherwise be  
6 imposed pursuant to subsection B of this section for the contracting  
7 and construction of new or expanded correctional facilities.

8 E. The chief administrative officer of a public agency with a  
9 governing body shall notify the governing body within ten (10) days  
10 of the declaration of an emergency if the governing body did not  
11 approve the emergency. The notification shall contain a statement  
12 of the reasons for the action, and shall be recorded in the official  
13 minutes of the governing body.

14 F. Emergency as used in this section shall be limited to  
15 conditions resulting from a sudden unexpected happening or  
16 unforeseen occurrence or condition whereby the public health or  
17 safety is endangered or further damage to state property is likely  
18 if the situation is not addressed promptly.

19 G. The chief administrative officer of a public agency shall  
20 report an emergency within ten (10) days of the emergency  
21 declaration and include the official minutes of the governing body  
22 of the public agency, if applicable, to the Office of Management and  
23 Enterprise Services which shall compile an annual report detailing  
24 all emergencies declared pursuant to this section during the

1 previous calendar year. The report shall be submitted to the  
2 Governor, the President Pro Tempore of the Senate, and the Speaker  
3 of the House of Representatives upon request.

4 H. The Risk Management Administrator of the Office of  
5 Management and Enterprise Services may declare an emergency on  
6 behalf of a public agency when an insurable loss has occurred which  
7 would lead to further economic loss or additional property damage if  
8 not addressed promptly. Such declaration shall not relieve the  
9 public agency of fiscal responsibility for its deductible, uninsured  
10 losses, and other related expenses.

11 SECTION 2. It being immediately necessary for the preservation  
12 of the public peace, health or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
16 March 2, 2023 - DO PASS  
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