

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2043

By: Archer

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6 AS INTRODUCED

7 An Act relating to the Energy Discrimination
8 Elimination Act of 2022; amending Section 5, Chapter
9 231, O.S.L. 2022 (74 O.S. Supp. 2024, Section 12005),
10 which relates to municipal and state agency
contracts; deleting definition; modifying application
of certain contract requirements; updating statutory
reference; and declaring an emergency.

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

14 SECTION 1. AMENDATORY Section 5, Chapter 231, O.S.L.
15 2022 (74 O.S. Supp. 2024, Section 12005), is amended to read as
16 follows:

17 Section 12005. A. ~~As used in this section only of the Energy~~
18 ~~Discrimination Elimination Act of 2022, "governmental entity" means~~
19 ~~a state agency or political subdivision of this state.~~

20 ~~B. 1. Except for paragraph 4 of this subsection as provided in~~
21 subsection B of this section, this section applies only to a
22 contract that:

- 23 a. is between a ~~governmental entity~~ state agency and a
24 company with ten or more full-time employees, and

1 b. ~~will pay a company~~ provides terms for payment of One
2 Hundred Thousand Dollars (\$100,000.00) or more ~~over~~
3 ~~the term of the contract~~ by a state agency to a
4 company that is to be paid wholly or partly from
5 public funds of the ~~governmental entity~~ state agency;
6 provided, however, the provisions of this paragraph
7 shall apply separately to all companies in a multiple
8 party contract.

9 2. Except as provided by ~~paragraph 4 of this~~ subsection B of
10 this section, a ~~governmental entity~~ state agency shall not enter
11 into a contract with a company for goods or services unless the
12 contract contains a written verification from the company that it:

- 13 a. does not boycott energy companies, and
14 b. will not boycott energy companies during the term of
15 the contract.

16 3. Except as provided by ~~paragraph 4 of this~~ subsection B of
17 this section, a ~~governmental entity~~ state agency shall not enter
18 into a contract for goods or services with a listed financial
19 company under Section ~~3 of this act~~ 12003 of this title.

20 ~~4. B.~~ Paragraphs 2 and 3 of ~~this~~ subsection A of this section
21 shall not apply to:

22 ~~a. a governmental entity~~ 1. A state agency that determines the
23 requirements of paragraphs 2 or 3 of ~~this~~ subsection A of this
24 section are inconsistent with the ~~governmental entity's~~

1 constitutional or statutory duties of the agency related to the
2 issuance, incurrence, or management of debt obligations or the
3 deposit, custody, management, borrowing, or investment of funds,
4 and; or

5 ~~b. a~~ 2. A contract ~~for which that~~ a ~~governmental body~~ state
6 agency determines the supplies or services to be provided are not
7 otherwise reasonably available from a company that is not a listed
8 financial company under Section ~~3 of this act~~ 12003 of this title.

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

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14 60-1-11323 MAH 12/30/24

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