

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1010

By: West (Rick)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to the Oklahoma Central Purchasing
10 Act; amending 74 O.S. 2021, Section 85.3, which
11 relates to the Purchasing Division; allowing certain
12 state entities to make certain purchases; requiring
13 certain documentation; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2021, Section 85.3, is
17 amended to read as follows:

18 Section 85.3 A. There is hereby created and established in the
19 Office of Management and Enterprise Services a Purchasing Division,
20 the administrative head of which shall be the State Purchasing
21 Director.

22 B. The Director of the Office of Management and Enterprise
23 Services shall hire the State Purchasing Director. The State
24 Purchasing Director shall:

1 1. Have a thorough knowledge of office practices and buying
2 procedures in volume purchasing; and

3 2. Be a graduate of an accredited college or university with at
4 least five (5) years' experience in commercial or governmental
5 purchasing, or, in lieu of such education, have at least ten (10)
6 years' experience in commercial or governmental purchasing.

7 C. The State Purchasing Director, with the approval of the
8 Director of the Office of Management and Enterprise Services, may
9 employ such personnel as may be necessary to exercise authority and
10 perform duties under the Oklahoma Central Purchasing Act.

11 D. All activities of any state agency, department, or
12 institution relating to purchasing shall be under the direction of
13 the Purchasing Division unless otherwise provided by the Oklahoma
14 Central Purchasing Act.

15 E. The Purchasing Division shall provide qualified personnel to
16 assist the purchasing activities of state agencies, departments, and
17 institutions, as required by the Oklahoma Central Purchasing Act.

18 F. Each state agency, department, and institution shall
19 designate personnel to coordinate its purchasing functions with the
20 Purchasing Division.

21 G. The Purchasing Division may, if the needs of a state agency,
22 department, or institution are such as to so require, employ, and
23 establish a buyer within a state agency. The state agency shall pay
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1 all expenses incurred for any buyer required to be placed within its
2 agency.

3 H. Except as provided in Section 34.36 of Title 62 of the
4 Oklahoma Statutes, no state agency subject to the Oklahoma Central
5 Purchasing Act shall have or maintain a purchasing section without
6 the prior approval in writing of the Purchasing Division unless
7 otherwise provided in the Oklahoma Central Purchasing Act nor shall
8 such purchasing section perform purchasing functions for another
9 state agency.

10 I. The Purchasing Division shall make acquisitions from
11 industries operated by the Department of Corrections pursuant to the
12 provisions of Section 549.1 of Title 57 of the Oklahoma Statutes.

13 J. None of the personnel authorized by this section shall:

14 1. Sell to or otherwise provide acquisitions to any state
15 agency subject to the Oklahoma Central Purchasing Act;

16 2. Be employees, partners, associates, officers, or
17 stockholders in or with any business entity that sells to or
18 otherwise provides acquisitions to any state agency subject to the
19 Oklahoma Central Purchasing Act;

20 3. Be employed in any of the positions authorized by this
21 section if a spouse or child owns any stock in any business entity
22 which sells to or otherwise provides acquisitions to any agency
23 subject to the Oklahoma Central Purchasing Act;

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1 4. Be employed in any of the positions authorized by this
2 section if a relative within the third degree of consanguinity or
3 affinity sells to or otherwise provides acquisitions to any state
4 agency subject to the Oklahoma Central Purchasing Act or is
5 interested in any business entity which does so, except that such
6 relative, excluding a spouse or child, may own Twenty-five Thousand
7 Dollars (\$25,000.00) worth or less, or one percent (1%) or less,
8 whichever amount is the lesser amount, of the stock of a corporation
9 or any business entity which sells to or otherwise provides
10 acquisitions to any state agency subject to the Oklahoma Central
11 Purchasing Act; or

12 5. Violate applicable rules of the Ethics Commission
13 promulgated pursuant to Article XXIX of the Oklahoma Constitution
14 that relate to accepting gifts from a vendor or a vendor's agent.

15 K. Any state agency, department, institution, or satellite
16 office thereof that is otherwise subject to the provisions of the
17 Oklahoma Central Purchasing Act, but is located in a county without
18 statewide contracted vendors, may elect to purchase necessary
19 equipment and supplies from a local business without first obtaining
20 a waiver from or the permission of the Purchasing Division after
21 seventy-two (72) hours from providing written or electronic notice
22 to the Central Purchasing Director of said purchase; amount not to
23 exceed Two Thousand Five Hundred Dollars (\$2,500.00). Any state
24 agency that elects to make purchases from local vendors pursuant to

1 this subsection shall maintain a document file for each acquisition
2 the state agency makes which shall include, at a minimum,
3 justification for the acquisition, supporting documentation, copies
4 of all contracts, if any, pertaining to the acquisition,
5 evaluations, written reports if required by contract and any other
6 information the State Purchasing Director requires to be kept.

7 SECTION 2. This act shall become effective November 1, 2023.

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9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
10 02/14/2023 - DO PASS, As Amended.

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