

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 539

By: Dickerson of the Senate

and

Steidley of the House

COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Section 85.3, which relates to the Purchasing Division of the Department of Central Services; clarifying language; modifying number of qualified buyers; defining duties of certain buyer; authorizing percentage of certain contracts of the severely handicapped to be withheld for certain purposes; establishing the Purchases of Products and Services of the Severely Handicapped Revolving Fund; restricting expenditures; making Fund nonfiscal; providing for disbursement of funds; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.3, is amended to read as follows:

Section 85.3 There is hereby created and established in the ~~Office of Public Affairs~~ Department of Central Services a Purchasing Division, the administrative head of which shall be the ~~Purchasing~~ Director of Central Purchasing. Said Director shall be hired by the Director of ~~Public Affairs~~ the Department of Central Services. The Director shall be at least twenty-eight (28) years of age, have a thorough knowledge of office practices and buying procedures in volume purchasing, and be a graduate of an accredited college or university with at least five (5) years' experience in commercial or governmental purchasing, or, in lieu of such educational requirement, have at least ten (10) years' experience in commercial or governmental purchasing. Said State Purchasing Division shall include the following employees, and employment of such employees is hereby authorized: one assistant

director; one qualified specifications engineer; ~~eighteen~~ nineteen or less qualified buyers who shall be experienced for three (3) years, respectively, in the following commodities: food, hardware, textiles, petroleum, office supplies, building materials, pharmaceutical supplies, automotive equipment, parts and accessories, and any other commodity group found by the ~~Office of Public Affairs~~ Department of Central Services to justify special purchasing attention, and one of whom shall be responsible solely for purchases of products and services of the severely handicapped, as provided in Section 3001 et seq. of this title; one dietitian, who shall have the qualifications required by the State Department of Health; and such other technical and clerical personnel as shall be employed by the ~~Office of Public Affairs~~ Department of Central Services, or hereafter provided by law. All activities of any state agency, department, or institution relating to purchasing shall be under the direction of the Purchasing Division, except such acquisitions as are excluded by the Oklahoma Central Purchasing Act. The provisions of the Oklahoma Central Purchasing Act shall not apply to county government nor to institutions of higher learning. The Purchasing Division shall provide qualified personnel to supervise the purchasing activities of the various agencies, departments, and institutions of the state. Each agency, department, and institution shall designate personnel to coordinate its purchasing functions with the Purchasing Division. The Purchasing Division may, if the needs of an agency, department, or institution are such as to so require, employ, and establish a buyer within such agency, department, or institution. No agency, department, or institution of this state shall have or maintain a purchasing section without the prior approval in writing of the Purchasing Division except those agencies whose acquisitions are exempted in Section 85.12 of this title.

The Purchasing Division is encouraged to make purchases from industries operated by the State Department of Corrections of items manufactured or offered for sale by said Department of Corrections, and to make all purchases from industries operated

and items manufactured and sold in this state, whenever practicable.

None of the personnel authorized by this section shall furnish any of the services, materials, supplies, or equipment covered by the Oklahoma Central Purchasing Act, nor shall such personnel be employees, partners, associates, officers, or stockholders in or with any business entity which does, nor shall anyone be employed in any of the positions authorized by this section whose spouse or child owns any stock in any business entity which furnishes any supplies, materials, services, or equipment covered by the Oklahoma Central Purchasing Act, nor shall anyone be employed in any of the positions authorized by this section whose brother, sister, father, mother, aunt, uncle, or other relative within the third degree, whether related by consanguinity or affinity, is engaged in furnishing such supplies, materials, services, or equipment or is interested in any business entity which does, except that such relative, excluding a spouse or child, may own Five Thousand Dollars (\$5,000.00) worth or less, or one percent (1%) or less, whichever amount is the lesser amount, of the stock of a corporation or any business entity which furnishes such materials, supplies, equipment, and services.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3004.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

One percent (1%) of any contract for products or services of the severely handicapped shall be withheld as paid and deposited in the Purchases of Products and Services of the Severely Handicapped Revolving Fund, as created in Section 3 of this act, for the salary and other administrative costs of the buyer in the Purchasing Division of the Department of Central Services responsible for such contracts.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3004.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Department of Central Services to be designated the

"Purchases of Products and Services of the Severely Handicapped Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all proceeds from the one percent (1%) withheld on contracts for purchases of products or services of the severely handicapped, as provided in Section 2 of this act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Central Services for the salary and other administrative expenses of the buyer in the Purchasing Division of the Department of Central Services responsible for contracts for the products and services of the severely handicapped. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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