

1 ENGROSSED SENATE
2 BILL NO. 28

By: Brecheen of the Senate

and

Echols of the House

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6 An Act relating to state purchasing; amending 74 O.S.
7 2011, Section 85.3, as amended by Section 735,
8 Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2014, Section
9 85.3), which relates to the State Purchasing
10 Director; removing certain age requirement; and
11 declaring an emergency.

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

13 SECTION 1. AMENDATORY 74 O.S. 2011, Section 85.3, as
14 amended by Section 735, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2014, Section 85.3), is amended to read as follows:

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

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

- 23 1. ~~Be at least twenty-eight (28) years of age;~~
24 2. Have a thorough knowledge of office practices and buying
procedures in volume purchasing; and

1 ~~3.~~ 2. Be a graduate of an accredited college or university with
2 at least five (5) years' experience in commercial or governmental
3 purchasing, or, in lieu of such education, have at least ten (10)
4 years' experience in commercial or governmental purchasing.

5 C. The Purchasing Division may include the following employees,
6 and employment of such employees is hereby authorized:

7 1. One assistant director;

8 2. One qualified specifications engineer;

9 3. Buyers who have at least three (3) years' procurement
10 experience for:

11 a. food,

12 b. hardware,

13 c. textiles,

14 d. petroleum,

15 e. office supplies,

16 f. building materials,

17 g. pharmaceutical supplies,

18 h. automotive equipment, parts, and accessories, and

19 i. any other commodity group found by the Director of the
20 Office of Management and Enterprise Services to
21 justify special purchasing attention;

22 4. One buyer for products and services of the severely disabled
23 as provided in Section 3001 et seq. of this title;

1 5. One dietitian, who shall have the qualifications required by
2 the State Department of Health; and

3 6. Such other technical and clerical personnel as shall be
4 assigned to the Purchasing Division by the Director of the Office of
5 Management and Enterprise Services.

6 D. All activities of any state agency, department, or
7 institution relating to purchasing shall be under the direction of
8 the Purchasing Division unless otherwise provided by The Oklahoma
9 Central Purchasing Act.

10 E. The Purchasing Division shall provide qualified personnel to
11 assist the purchasing activities of state agencies, departments, and
12 institutions.

13 F. Each state agency, department, and institution shall
14 designate personnel to coordinate its purchasing functions with the
15 Purchasing Division.

16 G. The Purchasing Division may, if the needs of a state agency,
17 department, or institution are such as to so require, employ, and
18 establish a buyer within a state agency, department, or institution.

19 H. No state agency, department, or institution subject to The
20 Oklahoma Central Purchasing Act shall have or maintain a purchasing
21 section without the prior approval in writing of the Purchasing
22 Division unless otherwise provided in The Oklahoma Central
23 Purchasing Act.
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1 I. The Purchasing Division shall make acquisitions from
2 industries operated by the Department of Corrections pursuant to the
3 provisions of Section 549.1 of Title 57 of the Oklahoma Statutes.

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

5 1. Sell to or otherwise provide acquisitions to any state
6 agency subject to The Oklahoma Central Purchasing Act;

7 2. Be employees, partners, associates, officers, or
8 stockholders in or with any business entity that sells to or
9 otherwise provides acquisitions to any agency subject to The
10 Oklahoma Central Purchasing Act;

11 3. Be employed in any of the positions authorized by this
12 section if a spouse or child owns any stock in any business entity
13 which sells to or otherwise provides acquisitions to any agency
14 subject to The Oklahoma Central Purchasing Act; or

15 4. Be employed in any of the positions authorized by this
16 section if a relative within the third degree of consanguinity or
17 affinity sells to or otherwise provides acquisitions to any agency
18 subject to The Oklahoma Central Purchasing Act or is interested in
19 any business entity which does so, except that such relative,
20 excluding a spouse or child, may own Five Thousand Dollars
21 (\$5,000.00) worth or less, or one percent (1%) or less, whichever
22 amount is the lesser amount, of the stock of a corporation or any
23 business entity which sells to or otherwise provides acquisitions to
24 any state agency subject to The Oklahoma Central Purchasing Act.

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

5 Passed the Senate the 3rd day of March, 2015.

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8 Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,
10 2015.

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13 Presiding Officer of the House
14 of Representatives