

1 ENGROSSED HOUSE
2 BILL NO. 1774

By: Williams of the House

3 and

4 Bullard of the Senate

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8 An Act relating to state government; amending 74 O.S.
9 2021, Section 85.3A, as amended by Section 53,
10 Chapter 228, O.S.L. 2022 (74 O.S. Supp. 2022, Section
11 85.3A), which relates to the Oklahoma Central
12 Purchasing Act; adding exemption; amending 74 O.S.
13 2021, Sections 2213, 2221, 2239 and 2244 which relate
14 to the Oklahoma Tourism, Parks and Recreation
15 Enhancement Act; modifying exemptions from the
16 Oklahoma Central Purchasing Act; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 74 O.S. 2021, Section 85.3A, as
20 amended by Section 53, Chapter 228, O.S.L. 2022 (74 O.S. Supp. 2022,
21 Section 85.3A), is amended to read as follows:

22 Section 85.3A A. Compliance with the provisions of the
23 Oklahoma Central Purchasing Act shall not be required of:

24 1. County government;

- 1 2. The Oklahoma State Regents for Higher Education, the
2 institutions, centers or other constituent agencies of The Oklahoma
3 State System of Higher Education;
- 4 3. The telecommunications network known as OneNet;
- 5 4. The Department of Public Safety gun range;
- 6 5. The State Treasurer for the following purchases:
 - 7 a. services including, but not limited to, legal services
8 to assist in the administration of the Uniform
9 Unclaimed Property Act, as provided in Section 668 of
10 Title 60 of the Oklahoma Statutes, and
 - 11 b. software, hardware and associated services to assist
12 in the administration of funds and securities held by
13 the state, as provided in Section 71.2 of Title 62 of
14 the Oklahoma Statutes;
- 15 6. Statutorily allowed interagency agreements between state
16 agencies;
- 17 7. The Oklahoma Department of Veterans Affairs, in accordance
18 with Section 63.22 of Title 72 of the Oklahoma Statutes;
- 19 8. The Oklahoma Military Department for the purchases of
20 heraldry items including, but limited to, medals, badges and other
21 military accoutrements;
- 22 9. A transaction, wholly funded by monies other than state-
23 derived funds, in which a state agency functions only as a pass-
24 through conduit to fund an acquisition that is required by the

1 funding source for the benefit of another entity or individuals and
2 the state agency does not retain ownership of any part of the
3 acquisition as a result of the transaction; ~~or~~

4 10. The Secretary of State when selecting a vendor for
5 publication of the Oklahoma Statutes in accordance with Section 13
6 of Title 75 of the Oklahoma Statutes; or

7 11. The Oklahoma Tourism and Recreation Commission for the
8 purpose of soliciting, negotiating, and effectuating contracts
9 pursuant to Sections 2213, 2221, 2239 and 2244 of this title.

10 B. The State Purchasing Director may form an advisory committee
11 consisting of representatives from entities exempted from the
12 provisions of the Oklahoma Central Purchasing Act. The purpose of
13 the committee shall be to allow committee members to provide input
14 into the development of shared state purchasing contracts,
15 collaboratively participate in the integration of their purchasing
16 platforms or electronic purchasing catalogs, analyze solutions that
17 may be used by state government to meet the purchasing needs of the
18 entities, explore joint purchases of general use items that result
19 in mutual procurement of quality goods and services at the lowest
20 reasonable cost and explore flexibility, administrative relief and
21 transformation changes through utilization of procurement
22 technology.

23 C. At the invitation of the State Purchasing Director entities
24 exempted from the provisions of the Oklahoma Central Purchasing Act

1 shall participate in the advisory committee referenced in subsection
2 B of this section.

3 D. The State Purchasing Director may invite representatives of
4 political subdivisions, and local common education entities to
5 participate as members of the advisory committee.

6 SECTION 2. AMENDATORY 74 O.S. 2021, Section 2213, is
7 amended to read as follows:

8 Section 2213. A. The Oklahoma Tourism and Recreation Commission
9 may contract for the study, analysis, and planning as reasonably
10 necessary to aid in determining the feasibility of leasing, selling
11 or privately managing or developing the property or facilities under
12 the control of the Commission. The Commission shall be exempt from
13 the competitive bidding requirements of the Oklahoma Central
14 Purchasing Act for the purpose of soliciting, negotiating, and
15 effectuating such a contract or contracts pursuant to Section 85.3A
16 of this title.

17 B. The State Purchasing Director shall review and audit all
18 uses of the exemptions provided in subsection A of this section.

19 SECTION 3. AMENDATORY 74 O.S. 2021, Section 2221, is
20 amended to read as follows:

21 Section 2221. A. The Oklahoma Tourism and Recreation
22 Commission, through the Department, is authorized to promote state-
23 owned, leased, or operated facilities. The Department may utilize
24 specific promotion programs such as the provision of complimentary

1 rooms, package-rate plans, group rates, guest incentive sales
2 programs, entertainment of prospective guests, employee-information
3 programs, golf promotional programs as well as other sales and
4 promotion programs considered acceptable in the hospitality
5 industry, in the travel industry, or the regional magazine industry
6 are approved as necessary advertising and promotion expenses.

7 B. In order to best carry out the duties and responsibilities
8 of the Department and to serve the people of the state in the
9 promotion of tourism and tourism economic development, the
10 Department may enter into partnerships for promotional programs and
11 projects with a private person, firm, corporation, organization or
12 association. The Department may enter into contracts or agreements
13 under terms to be mutually agreed upon to carry out the promotional
14 programs and projects, excluding the advertising contract by the
15 Department which utilizes the Tourism Promotion Tax or acquisition
16 of land or buildings. The contracts or agreements may be negotiated
17 and shall ~~not be subject to the provisions of the~~ be exempt from the
18 Oklahoma Central Purchasing Act ~~or~~ and the Public Competitive
19 Bidding Act of 1974.

20 C. All contracts or agreements entered into as partnerships for
21 promotional projects or programs by the Department shall be approved
22 by the Commission.

23 D. The State Purchasing Director shall review and audit all
24 uses of the exemptions provided in this section.

1 SECTION 4. AMENDATORY 74 O.S. 2021, Section 2239, is
2 amended to read as follows:

3 Section 2239. A. The following purchases by the Oklahoma
4 Tourism and Recreation Department shall be exempt from ~~The~~ the
5 Oklahoma Central Purchasing Act:

6 1. Merchandise for resale purchased for and sold over the
7 Internet, in publications or through Department retail outlets, such
8 as lodges, gift shops, golf course pro shops, restaurants and other
9 purchases made for the production of such merchandise;

10 2. Materials, supplies and services necessary for the efficient
11 and economical operation of revenue-generating, Department-operated
12 facilities and programs including those made to maintain or improve
13 guest perception of quality and service; and

14 3. The services of writers, artists, photographers, designers,
15 programmers, prepress houses, printers, shippers and other
16 professionals and firms involved in the artistic production of
17 department publications, television shows, websites or other
18 revenue-generating or public-facing media, pursuant to internal
19 purchasing procedures approved by the State Purchasing Director.

20 B. The State Purchasing Director shall review and audit all
21 uses of the exemptions provided in subsection A of this section;
22 provided, no exemption shall be construed for the use of leasing or
23 contracting for state owned restaurants in Oklahoma State Parks.

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1 SECTION 5. AMENDATORY 74 O.S. 2021, Section 2244, is
2 amended to read as follows:

3 Section 2244. A. ~~The Department shall be exempt from any~~
4 ~~provision of Sections 85.1 through 85.45k of this title requiring~~
5 ~~purchases to be made pursuant to a statewide contract for individual~~
6 ~~purchases of less than Two Thousand Five Hundred Dollars (\$2,500.00)~~
7 ~~when the following conditions are met:~~

8 1. ~~The Department documents a cost savings to the state~~
9 ~~resulting from the purchase of the item(s) from a vendor not on the~~
10 ~~statewide contract;~~

11 2. ~~The exempted purchase is made in the county where the~~
12 ~~purchasing facility, as identified in subsection B of this section,~~
13 ~~is located or in an adjacent county; and~~

14 3. ~~The exempted purchase is approved by the Executive Director~~
15 ~~or a designee prior to the purchase.~~

16 B. ~~The Commission shall promulgate rules, procedures, and forms~~
17 ~~necessary to adequately document the dollar savings resulting from~~
18 ~~the application of this section.~~

19 C. ~~The exemption provided for in this section shall apply to~~
20 ~~individual department entities identified by the annual budget~~
21 ~~submitted to the Office of Management and Enterprise Services.~~

22 D. The Department shall not be required to purchase furniture,
23 fixtures and equipment, and soft goods associated with the decor of
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1 the state parks, lodges, golf, and tourism information center
2 facilities from Oklahoma prisons or reformatories.

3 E. B. The State Purchasing Director shall review and audit all
4 uses of the exemptions provided in this section. Nothing in this
5 section shall be construed to authorize bid splitting as prohibited
6 by ~~The~~ the Oklahoma Central Purchasing Act.

7 SECTION 6. This act shall become effective November 1, 2023.

8 Passed the House of Representatives the 13th day of March, 2023.

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Presiding Officer of the House
of Representatives

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13 Passed the Senate the ____ day of _____, 2023.

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Presiding Officer of the Senate

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