

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 304*

Short Title: Procurement Council.

(Public)

Sponsors: Representatives Warner, McAllister, Mitchell, Nichols, Nye; and Shaw.

Referred to: State Government.

February 23, 1995

A BILL TO BE ENTITLED

AN ACT TO CREATE A STATE PROCUREMENT POLICY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 143 of the General Statutes is amended by adding the following new section:

"§ 143-50.1. State Procurement Policy Council.

(a) The State Procurement Policy Council is created. The Council shall consist of seven members. The General Assembly shall appoint four members, two of whom shall be private citizens experienced in large-scale purchasing and two of whom shall be public members from private industry. Of the General Assembly's four appointments, one public member and one member with large-scale purchasing experience shall be appointed upon the recommendation of the President Pro Tempore of the Senate, and one public member and one member with large-scale purchasing experience shall be appointed upon the recommendation of the Speaker of the House of Representatives. The State Treasurer and the State Controller or their designees shall serve as ex officio members. The Secretary of Administration or the Secretary's designee shall serve as the chair of the Council.

(b) The Department shall provide staff and meeting space for the Council.

(c) The Council shall adopt and revise, as necessary, rules to implement the provisions of this Article. The Council shall also monitor policy and the administration

1 of this Article but shall not exercise authority over the award or administration of a
2 contract executed or bid protest or contract controversy claim filed under this Article.

3 (d) The Council shall meet quarterly and upon the call of the chair. A majority of
4 the Council shall constitute a quorum.

5 (e) The initial public member appointed by the General Assembly upon the
6 recommendation of the Speaker of the House of Representatives and the initial member
7 with purchasing experience appointed by the General Assembly upon the
8 recommendation of the President Pro Tempore of the Senate shall each serve an initial
9 term ending June 30, 1997. The initial public member appointed by the General
10 Assembly upon the recommendation of the President Pro Tempore of the Senate and the
11 initial member with purchasing experience appointed by the General Assembly upon the
12 recommendation of the Speaker of the House of Representatives shall each serve an
13 initial term ending June 30, 1997. Thereafter, their successors shall serve three-year
14 terms. No member appointed by the General Assembly may serve more than two
15 complete consecutive terms. A vacancy in a legislative appointment shall be filled in
16 accordance with G.S. 120-122."

17 Sec. 2. G.S. 120-23 is amended by adding a new subdivision to read:

18 "(63) The State Procurement Policy Council."

19 Sec. 3. This act becomes effective July 1, 1995. The rules of the Secretary and
20 Department of Administration adopted pursuant to Article 3 of Chapter 143 of the
21 General Statutes and in effect as of the effective date of this act, including their
22 application to public schools and community colleges, remain in effect until modified by
23 the State Procurement Policy Council; except that the Secretary may adopt rules on or
24 after the effective date of this act if the proposed rule was published prior to that date.