

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1628

By: Johnson (Constance) of the
Senate

and

Shumate and Shelton of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state government; stating public policy; creating the Task Force to Study Trends in State Purchasing Procedures; stating purpose; providing for membership, vacancies, convening of the first meeting, quorum, designation of cochairs, and determination of meeting schedules; subjecting proceedings to the Oklahoma Open Meeting Act; providing for operations, staffing, travel reimbursement, and duties and responsibilities; requiring and providing for frequency of report submission until completion of report; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.59 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. It is the public policy of the State of Oklahoma to:

1. Recognize and support small and minority-owned businesses;

2. Acknowledge the contributions of small and minority-owned businesses as productive citizens and employers in the state and the useful functions served in the local communities; and

3. Support procedures for state contracting which ensure full participation by eligible businesses in the awarding of state contracts and which do not unfairly burden small and minority-owned businesses.

B. There is hereby created the Task Force to Study Trends in State Purchasing Procedures to continue until June 30, 2008. The purpose of the task force is to develop a comprehensive report on state purchasing policies and procedures and their effects on small and minority-owned businesses in the State of Oklahoma, and to make recommendations to adjust such policies and procedures as necessary.

C. The Task Force to Study Trends in State Purchasing Procedures shall be composed of nineteen (19) appointed members and seventeen (17) ex officio, nonvoting members, as follows:

1. a. The Governor shall appoint:

- (1) a representative from the Minority Business Development Center at Langston University, Oklahoma City,
- (2) a representative of the Greater Oklahoma City Hispanic Chamber of Commerce,
- (3) a representative of the Oklahoma Chinese Times Newspaper, Oklahoma City,
- (4) a representative of the Small Business Development Center, Langston University, Oklahoma City, and
- (5) a representative of the Capitol Chamber of Commerce, Oklahoma City.

b. The President Pro Tempore of the Senate shall appoint:

- (1) a representative of the Oklahoma Native American Enterprise Center, Tulsa,
- (2) a representative of the American Indian Chamber of Commerce of Oklahoma, Tulsa,
- (3) a representative of the Oklahoma Minority Business Development Consortium, Oklahoma City,
- (4) a representative of the Greater Tulsa Hispanic Chamber of Commerce, and

- (5) the chair of the Senate Business and Labor Committee, or designee of the chair.
- c. The Speaker of the House of Representatives shall appoint:
- (1) a representative of the Northside Chamber of Commerce, Lawton,
 - (2) a representative of the Greenwood Chamber of Commerce, Tulsa,
 - (3) a representative of the Asia Society of Oklahoma, Edmond,
 - (4) a representative of the Oklahoma Minority Supplier Development Council, Oklahoma City, and
 - (5) the chair of the House Business and Economic Development Committee, or designee of the chair.
- d. The Executive Director of the Oklahoma Department of Commerce shall appoint:
- (1) an owner of a small business located in the northeast quadrant of the state, and
 - (2) an owner of a small business located in the southeast quadrant of the state.
- e. The Director of the Department of Central Services shall appoint:
- (1) an owner of a small business located in the northwest quadrant of the state, and
 - (2) an owner of a small business located in the southwest quadrant of the state.

For purposes of this section, a "small business" shall mean a business with twenty-five (25) or fewer employees.

2. The ex officio nonvoting members shall be:

- a. the Attorney General, or designee,
- b. the State Auditor and Inspector, or designee,

- c. the Director of the Department of Central Services, or designee,
- d. the Executive Director of the Oklahoma Department of Commerce, or designee,
- e. the Director of the State Department of Corrections, or designee,
- f. the Director of the Office of State Finance, or designee,
- g. the State Commissioner of Health, or designee,
- h. the Administrator of the Oklahoma Health Care Authority, or designee,
- i. the Director of the Department of Human Services, or designee,
- j. the Commissioner of Labor, or designee,
- k. the Commissioner of the Department of Mental Health and Substance Abuse Services, or designee,
- l. the State Superintendent of Public Instruction, or designee,
- m. the Chancellor of the Oklahoma State Regents for Higher Education, or designee,
- n. the Director of the State Department of Rehabilitation Services, or designee,
- o. the Director of the Oklahoma Tourism and Recreation Department, or designee,
- p. the Director of the Department of Transportation, or designee, and
- q. the Director of the Oklahoma Turnpike Authority, or designee.

D. 1. Members shall serve at the pleasure of their appointing authorities. A vacancy on the task force shall be filled by the original appointing authority.

2. Appointments to the task force shall be made by July 15, 2006.

3. A majority of the members of the task force shall constitute a quorum.

4. The President Pro Tempore and the Speaker shall each designate a cochair from among the members of the task force.

5. The cochairs of the task force shall convene the first meeting of the task force on or before September 1, 2006, at which time a schedule of the first year's meetings shall be determined. The task force shall meet at least four times annually.

6. Proceedings of all meetings of the task force shall comply with the provisions of the Oklahoma Open Meeting Act.

7. The task force may divide into subcommittees in furtherance of its purpose.

E. 1. The Department of Commerce and the Department of Central Services shall serve as lead agencies and as such shall provide primary staffing for the task force.

2. The task force may use the expertise and services of the staffs of the State Senate and the Oklahoma House of Representatives.

F. All departments, officers, agencies, and employees of this state shall cooperate with the task force in fulfilling its duties and responsibilities including, but not limited to, providing any information, records, or reports requested by the task force.

G. Members of the task force shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the task force shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the task force shall be reimbursed by their appointing authorities or respective agencies for necessary

travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

H. The duties and responsibilities of the task force shall include, but need not be limited to:

1. Reviewing trends in state governmental contracting practices and the way in which small and minority-owned businesses currently participate in the process;

2. Reviewing existing statutes, policies, programs, procedures, services and funding sources that affect the ability of small and minority-owned businesses to compete in the awarding of such contracts;

3. Identifying and reviewing the number of small and minority-owned businesses in rural and metropolitan areas of the state and their participation in awarding of state contracts;

4. Identifying changes to contracting practices to promote entrepreneurship and economic development by supporting small and minority-owned businesses; and

5. Taking all other actions necessary to develop the comprehensive report and recommendations pursuant thereto.

I. The task force shall prepare and submit the report of its findings and recommendations to the Legislature and to the Governor by June 30, 2008.

SECTION 2. 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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