ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2646

By: Brumbaugh and Kern of the House

and

Holt of the Senate

An Act relating to state government; amending 74 O.S. 2011, Sections 3001, 3003 and 3007, which relate to the State Use Committee; modifying members of the Committee; modifying definitions; and providing for temporary exception for the purchase of certain products.

AUTHOR: Add the following House Coauthor: Hickman

AMENDMENT NO. 1. Page 1, strike the title to read

"[state government - State Use Committee - temporary exception]"

Passed the Senate the 18th day of April, 2012.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2012.

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Presiding Officer of the House of Representatives

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 3001, is amended to read as follows:

Section 3001. A. There is hereby created in the Department of Central Services a committee to be known as the "State Use Committee". The Committee shall consist of ~~five (5)~~ seven (7) members and one nonvoting member as follows:

1. A private citizen conversant with the employment needs of people with severe disabilities who shall be appointed by and serve at the pleasure of the Governor to act as an advocate for the employment needs of people with severe disabilities;

2. The Director of the Department of Central Services or designee;

3. The Director of Visual Services, or designee;

4. The past president of Oklahoma Community-Based Providers or designee to serve for a one-year period, who may be reappointed by the succeeding president;

5. An individual or a parent or guardian of an individual with severe disabilities who participates in vocational programming through a sheltered environment facility, to be selected by the Committee; ~~and~~

6. As a nonvoting member, a person employed by the Department of Central Services as a contracting officer in the purchasing division, appointed by the State Purchasing Director with the advice of the Committee and designated specifically to solicit, develop, and negotiate contracts with agencies and individuals;

7. The Director of the Oklahoma State Bureau of Investigation, or a designee; and

8. A Certified Procurement Officer of any state agency appointed by the State Purchasing Director, selected to represent the customer agencies of the State of Oklahoma.

B. The Committee shall elect from among its membership a Chair and a Vice Chair who shall both serve for a period of one year.

C. The four private citizens on the Committee shall serve for a period of two (2) years and may be reappointed by the appointing authority. Any private citizen appointed pursuant to this section to fill a vacancy occurring prior to the expiration of the term for

which the predecessor was appointed shall be appointed only for the remainder of the term.

D. Any member of the Committee shall be prohibited from voting on any issue in which the member has an interest.

SECTION 2. AMENDATORY 74 O.S. 2011, Section 3003, is amended to read as follows:

Section 3003. As used in this act:

1. "Blind person" means a person having a visual acuity not to exceed 20/200 in the better eye, with correcting lenses, or visual acuity greater than 20/200 but with limitation in the field of vision such that the widest diameter of visual field subtends an angle no greater than twenty (20) degrees;

2. "Committee" means the State Use Committee;

3. "Qualified nonprofit agency for the severely handicapped" means a nonprofit agency which is certified as a sheltered workshop by the wage and hour division of the U.S. Department of Labor and employing severely disabled persons who constitute at least seventy-five percent (75%) of the personnel engaged in direct production of products or services offered by the agency for procurement by this state;

4. "Severely disabled person" means an individual with a physical or mental disability constituting a substantial handicap to employment and preventing the person from engaging in normal competitive employment and includes any blind person; ~~and~~

5. "Qualified organization" means a blind person, qualified nonprofit agency for the severely handicapped, or severely disabled person contracting to supply goods or services;

6. "Manufactured" means goods made by manual labor;

7. "Produced" means to have brought into existence or created from raw materials;

8. "Processed" means the action of taking something through an established and mostly routine set of procedures or steps to substantially convert a potential product from one form to another. This action involves a sequence of multiple steps each requiring a distinct decision-making process to evolve a potential product to the next step; and

9. "Assembled" means to put or fit together or put together the parts of a potential product.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 3007, is amended to read as follows:

Section 3007. A. Whenever the State of Oklahoma or any of its agencies intends to procure any product or service included in the procurement schedule, that entity shall secure the product or service from a qualified nonprofit agency providing employment to people with severe disabilities at the fair market price determined by the Committee if the product or service is available within the period required by the entity.

B. An agency of this state shall not evade the intent and meaning of this section by slight variations from standards adopted by the Department of Central Services.

C. Provided, the requirements of this section shall not apply to the procurement of janitorial services by the Oklahoma State Bureau of Investigation. The Bureau shall conduct background investigations and national criminal history record checks on companies and individuals with which it contracts to provide janitorial services.

D. When an established approved fair market price of a product or service is discovered to be legitimately higher than current market prices, the State Use Contracting Officer may grant a temporary exception for the purchase of the product on the open market until a new fair market value can be set by the committee.

Passed the House of Representatives the 7th day of March, 2012.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate