

05/17/2012 02:43:12 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2646

By: Brumbaugh of the House and Holt of the Senate

Title: State government; relating to the State Use Committee; modifying members and definitions; providing for temporary exception for hte purchase of certain products.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

That the Senate recede from Senate Amendment No. 1 and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Banz Gary W. Banz

Brumbaugh David Brumbaugh

Cockroft _____

Dorman _____

Faught George Faught

Hilliard _____

Moore J. H. Moore

Murphey Joan W. Murphey

Quinn _____

Stiles _____

Walker Ernest D. Walker

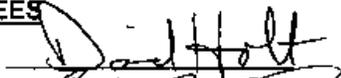
Watson John Watson

Williams _____

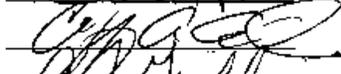
HB2646 CCR A

SENATE CONFEREES

Holt



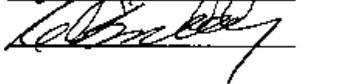
Aldridge



Griffin



Brinkley



Bass

McAffrey

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2646

By: Brumbaugh, Kern and Hickman
of the House

7 and

Holt of the Senate

8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to state government; amending 74 O.S.
12 2011, Sections 3001, 3003 and 3007, which relate to
13 the State Use Committee; modifying membership of the
14 Committee; modifying definitions; and providing for
15 temporary exception for the purchase of certain
16 products.

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

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

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

24 1. A private citizen conversant with the employment needs of
people with severe disabilities who shall be appointed by and serve

1 at the pleasure of the Governor to act as an advocate for the
2 employment needs of people with severe disabilities;

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

5 3. The Director of Visual Services, or designee;

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

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

13 6. The Director of Human Services, or designee;

14 7. A certified procurement officer from any state agency
15 appointed by the State Purchasing Director, selected to represent
16 the customer agencies of the State of Oklahoma; and

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

22 B. The Committee shall elect from among its membership a Chair
23 and a Vice Chair who shall both serve for a period of one (1) year.

24

1 C. The ~~four private citizens~~ citizen on the Committee shall
2 serve for a period of two (2) years and may be reappointed by the
3 appointing authority. Any private citizen appointed pursuant to
4 this section to fill a vacancy occurring prior to the expiration of
5 the term for which the predecessor was appointed shall be appointed
6 only for the remainder of the term.

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

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

11 Section 3003. As used in this act:

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

17 2. "Committee" means the State Use Committee;

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

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

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

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

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

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

17 9. "Assemble" means to put or fit together or put together the
18 parts of a potential product.

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

21 Section 3007. A. Whenever the State of Oklahoma or any of its
22 agencies intends to procure any product or service included in the
23 procurement schedule, that entity shall secure the product or
24 service from a qualified nonprofit agency providing employment to

1 people with severe disabilities at the fair market price determined
2 by the Committee if the product or service is available within the
3 period required by the entity.

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

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

13 D. When the fair market price for a product or service approved
14 by the Committee exceeds a current market price for the same product
15 or service, and such lower market price has been verified by the
16 agency through compliance with the fair market analysis process
17 approved by the Department of Central Services, the state use
18 contracting officer may grant a temporary exception to a requesting
19 agency so that the agency may purchase the product or service from
20 the vendor offering the lower market price. The temporary exception
21 shall automatically expire when a new fair market price is
22 established by the State Use Committee.

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