

1 ENGROSSED HOUSE  
2 BILL NO. 2646

By: Brumbaugh and Kern of the  
House

3 and

4 Holt of the Senate

5  
6  
7 An Act relating to state government; amending 74 O.S.  
8 2011, Sections 3001, 3003 and 3007, which relate to  
9 the State Use Committee; modifying members of the  
10 Committee; modifying definitions; and providing for  
11 temporary exception for the purchase of certain  
12 products.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Section 3003. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16  
17  
18 Presiding Officer of the House of  
19 Representatives

20 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

21  
22  
23 Presiding Officer of the Senate

24