

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1110

By: Thompson

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5  
6 AS INTRODUCED

7 An Act relating to State Use Committee; amending 74  
8 O.S. 2011, Sections 3001, as last amended by Section  
9 117, Chapter 15, O.S.L. 2013, 3004.1, as amended by  
10 Section 1001, Chapter 304, O.S.L. 2012, and 3007, as  
11 last amended by Section 119, Chapter 15, O.S.L. 2013  
12 (74 O.S. Supp. 2015, Sections 3001, 3004.1 and 3007),  
13 which relate to functions of the State Use Committee;  
14 modifying entity responsible for creation and  
15 function of the State Use Committee; modifying  
16 membership of certain committee; providing for  
17 transfer of powers, duties, functions and  
18 responsibilities relating to the State Use Committee;  
19 creating certain fund; providing for contents of the  
20 fund; allowing for certain expenditures for the fund;  
21 repealing 74 O.S. 2011, Section 3004.2, as amended by  
22 Section 1002, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
23 2015, Section 3004.2), which relates to State Use  
24 Committee Revolving Fund; providing for codification;  
providing an effective date; and declaring an  
emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 3001, as  
last amended by Section 117, Chapter 15, O.S.L. 2013 (74 O.S. Supp.  
2015, Section 3001), is amended to read as follows:

Section 3001. A. ~~There~~ Upon the effective date of this act,  
there is hereby ~~created in~~ placed under the direction of the ~~Office~~

1 ~~of Management and Enterprise~~ State Department of Rehabilitation  
2 Services a committee to be known as the "State Use Committee". The  
3 Committee shall consist of seven (7) members and one nonvoting  
4 member as follows:

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

9 2. The Director of the ~~Office of Management and Enterprise~~  
10 State Department of Rehabilitation Services or designee;

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

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

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

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

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

23 8. As a nonvoting member, a person employed by the ~~Office of~~  
24 Management and Enterprise State Department of Rehabilitation

1 Services as in a contracting officer in the purchasing division  
2 position relating to purchasing and entering contracts, appointed by  
3 the State Purchasing Director with the advice of the Committee and  
4 designated specifically to solicit, develop, and negotiate contracts  
5 with agencies and individuals.

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

8 C. The private citizen on the Committee shall serve for a  
9 period of two (2) years and may be reappointed by the appointing  
10 authority. Any private citizen appointed pursuant to this section  
11 to fill a vacancy occurring prior to the expiration of the term for  
12 which the predecessor was appointed shall be appointed only for the  
13 remainder of the term.

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

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 3001.1 of Title 74, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. On July 1, 2016, all powers, duties, functions and  
20 responsibilities of the Office of Management and Enterprise Services  
21 that relate to the State Use Committee shall be transferred to the  
22 State Department of Rehabilitation Services. The transfer shall  
23 include all equipment, supplies, records, assets, current and future  
24 liabilities, fund balances, encumbrances, obligations and

1 indebtedness associated with the Office of Management and Enterprise  
2 Services that relate to the State Use Committee.

3 B. Any monies accruing to or in the name of the Office of  
4 Management and Enterprise Services on and after the effective date  
5 of this act that relate to the State Use Committee, or any monies  
6 that accrue in any funds or accounts or are maintained for the  
7 benefit of the Office of Management and Enterprise Services on and  
8 after the effective date of this act that relate to the State Use  
9 Committee shall be transferred to the State Department of  
10 Rehabilitation Services.

11 C. The State Department of Rehabilitation Services shall  
12 succeed to any contractual rights and responsibilities incurred by  
13 the Office of Management and Enterprise Services.

14 D. The Director of the Office of Management and Enterprise  
15 Services is hereby directed to coordinate the transfer of funds,  
16 allotments, purchase orders and outstanding financial obligations or  
17 encumbrances as provided for in this section.

18 SECTION 3. AMENDATORY 74 O.S. 2011, Section 3004.1, as  
19 amended by Section 1001, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
20 2015, Section 3004.1), is amended to read as follows:

21 Section 3004.1. A one-percent fee of any contract for products  
22 or services of the severely disabled shall be assessed against the  
23 qualified organization and deposited in the State Use Committee  
24 Revolving Fund, as created in Section 3004.2 of this title, for the

1 salary, administrative costs, and other expenses incurred by the  
2 ~~Purchasing Division of the Office of Management and Enterprise State~~  
3 Department of Rehabilitation Services for promoting goods and  
4 services provided by qualified organizations.

5 SECTION 4. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 3004.3 of Title 74, unless there  
7 is created a duplication in numbering, reads as follows:

8 There is hereby created in the State Treasury a revolving fund  
9 for the State Department of Rehabilitation Services to be designated  
10 the "State Use Committee Revolving Fund". The fund shall be a  
11 continuing fund, not subject to fiscal year limitations, and shall  
12 consist of all proceeds from the one-percent fee on contracts for  
13 purchases of products or services of the severely disabled, as  
14 provided in Section 3004.1 of Title 74 of the Oklahoma Statutes.  
15 The fund shall be invested in any of the types of instruments in  
16 which the State Treasurer is authorized by law to invest. Interest  
17 earned shall be retained by the fund. All monies accruing to the  
18 credit of the fund are hereby appropriated and may be budgeted and  
19 expended by the State Department of Rehabilitation Services for the  
20 salary and other administrative expenses of the buyer and clerical  
21 and technical support in the State Department of Rehabilitation  
22 Services responsible for contracts for the products and services of  
23 the severely disabled and expenses the Department incurs to support  
24 Committee operations. Expenditures from the fund shall be made upon

1 warrants issued by the State Treasurer against claims filed as  
2 prescribed by law with the Director of the State Department of  
3 Rehabilitation Services for approval and payment.

4 SECTION 5. AMENDATORY 74 O.S. 2011, Section 3007, as  
5 last amended by Section 119, Chapter 15, O.S.L. 2013 (74 O.S. Supp.  
6 2015, Section 3007), is amended to read as follows:

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

14 B. An agency of this state shall not evade the intent and  
15 meaning of this section by slight variations from standards adopted  
16 by the ~~Office of Management and Enterprise~~ State Department of  
17 Rehabilitation Services.

18 C. Provided, the requirements of this section shall not apply  
19 to the procurement of janitorial services by the Oklahoma State  
20 Bureau of Investigation. The Bureau shall conduct background  
21 investigations and national criminal history record checks on  
22 companies and individuals with which it contracts to provide  
23 janitorial services.  
24

1 D. When the fair market price for a product or service approved  
2 by the Committee exceeds a current market price for the same product  
3 or service, and such lower market price has been verified by the  
4 agency through compliance with the fair market analysis process  
5 approved by the ~~Office of Management and Enterprise~~ State Department  
6 of Rehabilitation Services, the state use contracting officer may  
7 grant a temporary exception to a requesting agency so that the  
8 agency may purchase the product or service from the vendor offering  
9 the lower market price. The temporary exception shall automatically  
10 expire when a new fair market price is established by the State Use  
11 Committee.

12 SECTION 6. REPEALER 74 O.S. 2011, Section 3004.2, as  
13 amended by Section 1002, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
14 2015, Section 3004.2) is hereby repealed.

15 SECTION 7. This act shall become effective July 1, 2016.

16 SECTION 8. It being immediately necessary for the preservation  
17 of the public peace, health and safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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