

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2646

By: Brumbaugh

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

22 1. A private citizen conversant with the employment needs of
23 people with severe disabilities who shall be appointed by and serve
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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. As a nonvoting member, a person employed by the Department
14 of Central Services as a contracting officer in the purchasing
15 division, appointed by the State Purchasing Director with the advice
16 of the Committee and designated specifically to solicit, develop,
17 and negotiate contracts with agencies and individuals.

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

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

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

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

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

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

13 Section 3003. As used in this act:

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

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

20 3. "Qualified nonprofit agency for the severely handicapped"
21 means a nonprofit agency which is certified as a sheltered workshop
22 by the wage and hour division of the U.S. Department of Labor and
23 employing severely disabled persons who constitute at least
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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:

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

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

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

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

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23 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
24 03/05/2012 - DO PASS, As Amended.