

Maxahan

1 *Maxahan* H BILL NO. 298
 2 INTRODUCED BY *Benjamin, Almand, South, Eubank,*
 3 *Robbin, Elphinstone, Day, Humitz, Meloy, [unclear]*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE DEPARTMENTS,
 5 INSTITUTIONS, AGENCIES, AND ANY OTHER POLITICAL SUBDIVISION
 6 OF THE STATE OF MONTANA TO PROCURE PRODUCTS AND SERVICES
 7 FROM SHELTERED WORKSHOPS AND WORK ACTIVITY CENTERS."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Definitions. As used in this act, the
11 following definitions apply:

12 (1) "Certified sheltered workshop" or "work activity
13 center" means a nonprofit corporation incorporated under the
14 laws of the state for the purpose of providing vocational
15 services to disabled vocationally handicapped individuals,
16 in whole or in part, which:

17 (a) holds a current certificate issued by the United
18 States department of labor for either one or all of the
19 following:

- 20 (i) evaluation or training;
- 21 (ii) a regular work program; or
- 22 (iii) work activity center;

23 (b) complies with other applicable occupational,
24 health, and safety standards of local, state, and federal
25 governments governing the operation of such facility not

1 otherwise included in this act;
2 (c) in the manufacture of products and in the
3 provision of service, whether or not the product or service
4 is procured under this act, employs and trains vocationally
5 handicapped individuals for not less than 75% of the
6 man-hours of direct labor required for the manufacture of
7 products or the provision of service; and

8 (d) is hereinafter referred to as a "facility".

9 (2) "Department" means the department of
10 administration.

11 (3) "Vocationally handicapped" means an individual
12 under a physical, mental, or emotional disability which
13 constitutes a substantial handicap to employment and
14 prevents the individual under the disability from engaging
15 in normal competitive employment.

16 Section 2. Advisory committee. The department of
17 administration shall create a disabled vocationally
18 handicapped products and services purchasing advisory
19 committee. The advisory committee shall consist of:

- 20 (1) the director of the department of administration
21 or an authorized representative;
- 22 (2) the director of the department of community
23 affairs or an authorized representative;
- 24 (3) the director of the department of social and
25 rehabilitation services or an authorized representative; and

1 (4) the director of the department of revenue or an
2 authorized representative.

3 Section 3. Duties and powers. (1) The department, in
4 consultation with the advisory committee, shall establish
5 and publish a listing of the products and services purchased
6 by the state. From this list, facilities may select
7 products or services to be produced or provided by one or
8 more facilities.

9 (2) The department, in consultation with the advisory
10 committee, may contract with a nonprofit organization to:

11 (a) certify facilities;

12 (b) provide technical assistance to facilities on
13 matters of product or service capabilities;

14 (c) facilitate distribution of orders among facilities
15 and to insure equal opportunity in obtaining orders.

16 (3) The department, in consultation with the advisory
17 committee, shall determine the fair market price to be
18 charged for products and services on the procurement list
19 which is competitive with readily available alternative
20 sources. In determining and revising the prices of products
21 and services, the department must give consideration to
22 reasonable costs of labor, materials, and overhead.

23 (4) The department shall adopt, revise, and amend
24 rules to implement this act in accordance with the
25 procedures of the Montana Administrative Procedure Act.

1 Section 4. Procurement requirements. Departments,
2 institutions, agencies, and all other political subdivisions
3 of the state shall, after promulgation of the product and
4 service list, procure listed products and services from a
5 facility. The provisions of Title 82, chapter 19, relating
6 to competitive bidding do not apply to purchases made in
7 accordance with this act.

-End-

STATE OF MONTANA

REQUEST NO. 138-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for House Bill 298 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 298 is an act to require departments, institutions, agencies, and any other political subdivision of the state to procure products and services from sheltered work shops and work activity centers.

FISCAL IMPACT:

No appreciable fiscal impact is anticipated upon passage of this bill.

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-27-77

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 298

INTRODUCED BY BENGTSOON, DUSSAJLT, SOUTH,

MENAHAN, MOORE, ROBBINS, E. GUNDERSON, HARPER,

EJDAILY, DAY, HURWITZ, MELOY, COX, KEYSER, ESTENSON, PORTER

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE DEPARTMENTS,
INSTITUTIONS, AGENCIES, AND ANY OTHER POLITICAL SUBDIVISION
OF THE STATE OF MONTANA TO PROCURE PRODUCTS AND SERVICES
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following definitions apply:

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center" means a nonprofit corporation incorporated under the
laws of the state for the purpose of providing vocational
services to disabled vocationally handicapped individuals,
in whole or in part, which:

(a) holds a current certificate issued by the United
States department of labor for either one or all of the
following:

- (i) evaluation or training;
- (ii) a regular work program; or
- (iii) work activity center;

(b) complies with other applicable occupational,

health, and safety standards of local, state, and federal
governments governing the operation of such facility not
otherwise included in this act;

(c) in the manufacture of products and in the
provision of service, whether or not the product or service
is procured under this act, employs and trains vocationally
handicapped individuals for not less than 75% of the
man-hours of direct labor required for the manufacture of
products or the provision of service; and

(d) is hereinafter referred to as a "facility".

(2) "Department" means the department of
administration.

(3) "Vocationally handicapped" means an individual
under a physical, mental, or emotional disability which
constitutes a substantial handicap to employment and
prevents the individual under the disability from engaging
in normal competitive employment.

Section 2. Advisory committee. The department of
administration shall create a disabled vocationally
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committee. The advisory committee shall consist of:

(1) the director of the department of administration
or an authorized representative;

(2) the director of the department of community
affairs or an authorized representative;

1 (3) the director of the department of social and
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5 Section 3. Duties and powers. (1) The department, in
6 consultation with the advisory committee, shall establish
7 and publish a listing of the products and services purchased
8 by the state. From this list, facilities may select
9 products or services to be produced or provided by one or
10 more facilities.

11 (2) The department, in consultation with the advisory
12 committee, may contract with a nonprofit organization to:

- 13 (a) certify facilities;
- 14 (b) provide technical assistance to facilities on
15 matters of product or service capabilities;
- 16 (c) facilitate distribution of orders among facilities
17 and to insure equal opportunity in obtaining orders.

18 (3) The department, in consultation with the advisory
19 committee, shall determine the fair market price to be
20 charged for products and services on the procurement list
21 which is competitive with readily available alternative
22 sources. In determining and revising the prices of products
23 and services, the department must give consideration to
24 reasonable costs of labor, materials, and overhead.
25 CONSIDERATION SHALL ALSO BE GIVEN TO THE ADDITION TO THE

1 FAIR MARKET PRICE OF PAYMENTS MADE BY THE FACILITY PRODUCING
2 THE PRODUCTS OR SERVICES TO THE NONPROFIT AGENCY TO ASSIST
3 IN FUNDING THE ACTIVITIES OF THE NONPROFIT AGENCY SPECIFIED
4 IN (2)(A), (2)(B), AND (2)(C) ABOVE.

5 (4) The department shall adopt, revise, and amend
6 rules to implement this act in accordance with the
7 procedures of the Montana Administrative Procedure Act.

8 Section 4. Procurement requirements. Departments,
9 institutions, agencies, and all other political subdivisions
10 of the state shall, after promulgation of the product and
11 service list, procure listed products and services from a
12 facility. The provisions of Title 82, chapter 19, relating
13 to competitive bidding do not apply to purchases made in
14 accordance with this act. AFTER THE DETERMINATION HAS BEEN
15 MADE THAT A PRODUCT OR SERVICE IS APPROPRIATE FOR FACILITY
16 USE, THAT PRODUCT OR SERVICE SHALL BE SET ASIDE EXCLUSIVELY
17 FOR THE STATE FACILITIES AS LONG AS THE PRODUCT OR SERVICE
18 IS NEEDED BY THE STATE AND THE FACILITY MEETS THE SPECIFIED
19 QUALITY STANDARDS AND PRODUCTION QUANTITY AND SCHEDULE
20 DEADLINES.

-End-

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2 INTRODUCED BY BENGTSON, DUSSAULT, SOUTH,

3 MENAHAN, MOORE, ROBBINS, E. GUNDERSON, HARPER,

4 EJDAILY, DAY, HURWITZ, MELOY, COX, KEYSER, ESTENSON, PORTER

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20 States department of labor for either one or all of the
21 following:

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25 (b) complies with other applicable occupational,

1 health, and safety standards of local, state, and federal
2 governments governing the operation of such facility not
3 otherwise included in this act;4 (c) in the manufacture of products and in the
5 provision of service, whether or not the product or service
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7 handicapped individuals for not less than 75% of the
8 man-hours of direct labor required for the manufacture of
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 20 DEADLINES.

-End-

March 29, 1977

STANDING COMMITTEE REPORT
Senate Committee on Public Health, Welfare & Safety

That House Bill No. 298 be amended as follows:

1. Amend title, line 6.

Following: "REQUIRE"

Insert: "STATE"

2. Amend title, line 7.

Following: "INSTITUTIONS"

Strike: ", "

Insert: "AND"

Following: "AGENCIES"

Strike: ", AND ANY OTHER POLITICAL SUBDIVISION OF THE STATE OF MONTANA"

3. Amend page 4, section 4, line 8.

Following: "requirements."

Strike: "Departments"

Insert: "state departments"

4. Amend page 4, section 4, line 9.

Following: "institutions"

Strike: ", "

Insert: "and"

Following: "agencies"

Strike: ", and all other political subdivisions of the state"

April 1, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 298 be amended as follows:

1. Amend page 3, section 3, line 10.

Following: "facilities."

Insert: "A product or service shall be removed from the list approved for facilities whenever the committee ascertains that the product or service exceeds 20% of the gross sales of any business in Montana producing that product or providing that service."

2. Amend page 3, section 3, line 24.

Following: "overhead"

Insert: "and a percentage of gross sales to fund the activities of the non-profit organization specified in (2) (a), (2) (b), and (2) (c) above"

3. Amend page 3, section 3, lines 25 through line 4 on page 4.

Following: line 24

Strike: lines 25 through line 4 on page 4.

4. Amend page 4, section 4, line 14.

Following: "act."

Strike: lines 14 through 20 in their entirety

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6 Section 3. Duties and powers. (1) The department, in

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8 and publish a listing of the products and services purchased

9 by the state. From this list, facilities may select

10 products or services to be produced or provided by one or

11 more facilities. ~~A PRODUCT OR SERVICE SHALL BE REMOVED FROM~~

12 ~~THE LIST APPROVED FOR FACILITIES WHENEVER THE COMMITTEE~~

13 ~~ASCERTAINS THAT THE PRODUCT OR SERVICE EXCEEDS 20% OF THE~~

14 ~~GROSS SALES OF ANY BUSINESS IN MONTANA PRODUCING THAT~~

15 ~~PRODUCT OR PROVIDING THAT SERVICE.~~

16 (2) The department, in consultation with the advisory

17 committee, may contract with a nonprofit organization to:

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20 matters of product or service capabilities;

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24 committee, shall determine the fair market price to be

25 charged for products and services on the procurement list

1 which is competitive with readily available alternative

2 sources. In determining and revising the prices of products

3 and services, the department must give consideration to

4 reasonable costs of labor, materials, and overhead ~~AND A~~

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8 ~~ADDITION TO THE FAIR MARKET PRICE OF PAYMENTS MADE BY THE~~

9 ~~FACILITY PROVIDING THE PRODUCTS OR SERVICES TO THE NONPROFIT~~

10 ~~AGENCY TO ASSIST IN FUNDING THE ACTIVITIES OF THE NONPROFIT~~

11 ~~AGENCY SPECIFIED IN (2)(A), (2)(B), AND (2)(C) ABOVE.~~

12 (4) The department shall adopt, revise, and amend

13 rules to implement this act in accordance with the

14 procedures of the Montana Administrative Procedure Act.

15 Section 4. Procurement requirements. ~~Departments STATE~~

16 ~~DEPARTMENTS,~~ institutions, ~~AND~~ agencies, ~~and all other~~

17 ~~political subdivisions of the state~~ shall, after

18 promulgation of the product and service list, procure listed

19 products and services from a facility. The provisions of

20 Title 82, chapter 19, relating to competitive bidding do not

21 apply to purchases made in accordance with this act. ~~AFTER~~

22 ~~THE DETERMINATION HAS BEEN MADE THAT A PRODUCT OR SERVICE IS~~

23 ~~APPROPRIATE FOR FACILITY USE, THAT PRODUCT OR SERVICE SHALL~~

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25 ~~THE PRODUCT OR SERVICE IS NEEDED BY THE STATE AND THE~~

HB 0298/03

- 1 ~~FACILITY MEETS THE SPECIFIED QUALITY STANDARDS AND~~
- 2 ~~PRODUCTION QUANTITY AND SCHEDULING DEADLINES.~~

-End-