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**SENATE BILL NO. 1314**

Offered January 14, 2009

Prefiled January 14, 2009

*A BILL to amend the Code of Virginia by adding a section numbered 2.2-4323.1 and by adding in Chapter 27 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-3734 through 2.2-3738, relating to the Committee on Purchases of Services From People with Severe Disabilities.*

Patrons—Colgan, Deeds, Edwards, Hanger, Reynolds and Ruff

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 2.2-4323.1 and by adding in Chapter 27 of Title 2.2 an article numbered 10, consisting of sections numbered 2.2-3734 through 2.2-3738 as follows:**

*Article 10.**Committee on Purchases of Services from People with Severe Disabilities.**§ 2.2-2734. Definitions.**As used in this article:*

*"Committee" means the Committee on Purchases of Services from People with Severe Disabilities*

*"Direct labor" means all work required for the provision of services purchased, excluding supervision, administration and inspection.*

*"People with severe disabilities" means an individual or class of individuals under a physical, mental, or sensory disability, which constitutes a substantial barrier to employment.*

*"Political subdivision" means any county, city, town, or other local or regional political subdivision.*

*"Procurement list" means a list consisting of services provided by entities that the Committee determines are suitable for procurement by state agencies and political subdivisions of the Commonwealth.*

*"Qualified nonprofit entity for people with severe disabilities" means an entity that (i) is organized under the laws of the Commonwealth, operated in the interests of people with severe disabilities, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individuals, (ii) complies with any applicable occupational health and safety standard prescribed by the Department of Labor and Industry, and (iii) during the provisions of any services procured by a state agency or political subdivision, employs people with severe disabilities for not less than 60 percent of the times during the first year and 75 percent of the time in subsequent years of man hours of direct labor required for the provisions of such services.*

*"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government.*

*§ 2.2-2735. The Committee on Purchases of Services From People with Severe Disabilities established; purpose.*

*A. The Committee for Purchases of Services from People with Severe Disabilities (the Committee) is established as an advisory commission in the executive branch of state government. The purpose of the Commission shall be to encourage state agencies and political subdivisions of the Commonwealth to purchase services provided by persons with severe disabilities as a means of increasing employment opportunities.*

*B. The Committee shall have a total membership of 11 nonlegislative citizen members as follows: (i) one official or employee representing each of the following secretariats: Administration, Agriculture and Forestry, Commerce and Trade, Education, Health and Human Resources, Natural Resources, Technology, and Transportation, (ii) two members who are not officers or employees of state government and who have experience with the problems incident to the employment of people with severe disabilities, and (iii) one member who is not an officer or employee of state government and who represents people with severe disabilities employed in qualified nonprofit entities.*

*C. After initial staggered terms, members shall serve a term of four years; however, no member shall serve more than two consecutive four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.*

*D. The Committee shall elect a chairman and vice-chairman from among its membership. A majority*

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59 of the members shall constitute a quorum. The Committee shall meet not less than four times each year.  
60 The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the  
61 members so request.

62 E. Members shall serve without compensation. However, all members shall be reimbursed for all  
63 reasonable and necessary expenses incurred in the performance of their duties as provided in  
64 §§ 2.2-2813 and 2.2-2825.

65 § 2.2-2536. Powers and duties of the Committee.

66 The Committee shall have the power and duty to:

67 1. Establish and publish a procurement list of services provided by qualified nonprofit entities for  
68 people with severe disabilities;

69 2. Determine the fair market price of services that are contained on the procurement list and offered  
70 for sale to state agencies and political subdivisions by any qualified nonprofit entity for people with  
71 severe disabilities. The committee shall revise from time to time in accordance with changing market  
72 conditions the price determinations for services included on the procurement list.

73 3. Designate a central nonprofit entity to facilitate the distribution, by direct allocation, subcontract,  
74 or any other means, of the procurement orders of state agencies and political subdivisions for services  
75 on the procurement list among qualified nonprofit entities for people with severe disabilities;

76 4. Develop guidelines regarding specifications for services on the procurement list and the time of  
77 delivery for such services; and

78 5. Study problems related to the employment of people with severe disabilities and the development  
79 and adaptation of production methods that would enable a greater utilization of people with severe  
80 disabilities.

81 § 2.2-2537. Report.

82 On or before November 30 of each year, the Committee shall report to the Governor and the  
83 General Assembly on the activities of the Committee.

84 § 2.2-2538. Staffing.

85 The Department of General Services, and such other executive branch agencies as the Governor may  
86 designate, shall provide staff support to the Committee. All agencies of the Commonwealth shall provide  
87 assistance to the Committee, upon request.

88 § 2.2-4323.1. Procurement from qualified nonprofit entities for people with severe disabilities.

89 A. Any state agency or political subdivision procuring a service on the procurement list established  
90 by the Committee on Purchases of Services From People with Severe Disabilities pursuant to § 2.2-2738  
91 shall purchase such service at the price established by the Committee, from a qualified nonprofit entity  
92 for people with severe disabilities if the service is available within the period required by the state  
93 agency.

94 B. As used in this section, the terms "procurement list" and "qualified nonprofit entity for people  
95 with severe disabilities" shall have the same meaning as those terms have in § 2.2-2735.

96 2. That the initial terms of the members of the Committee shall be staggered as follows: (i) four  
97 members shall be appointed to a term of two years, (ii) four members shall be appointed to a term  
98 of three years, and (iii) four members shall be appointed to a term of four years.