

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2297

House Bill No. 1636*

by adding the following as new subdivisions (a)(1) and (a)(2) in SECTION 11 and renumbering the current subdivisions (a)(1) and (a)(2), and all other remaining subdivisions, accordingly:

(1) "Central procurement office" means the government agency established in § 4-56-104;

(2) "Chief procurement officer" means the person holding the position established in § 4-56-104, as the head of the central procurement office and with the powers and duties set forth in § 4-56-105;

AND FURTHER AMEND SECTION 11 by deleting subsections (d), (e), (g), (h), and (i) and substituting the following:

(d) If the department has actual evidence that a violation of this section has occurred, then the department shall require the person to remedy the violation within sixty (60) days of the department's findings.

(e) If the department determines that a person did not remedy the violation within the sixty-day period described in subsection (d), then the department shall refer its findings to the chief procurement officer for a determination or hearing in accordance with § 12-3-309.

(g) A hearing or determination by the chief procurement officer of a violation of this section is not a contested case hearing, as set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(h) A person appealing a hearing or determination by the chief procurement officer relative to this section must exhaust all administrative remedies provided by the



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chief procurement officer prior to the initiation of judicial review of the hearing or determination.

(i) An appeal of a hearing conducted by the chief procurement officer relative to this section is by common law writ of certiorari. The scope of review in the hearing or determination by the chief procurement officer is limited to the record made before the chief procurement officer and must involve only an inquiry into whether the chief procurement officer exceeded the officer's jurisdiction, followed an unlawful procedure, or acted illegally, fraudulently, or arbitrarily without material evidence to support the officer's action.