

THE HOUSE OF REPRESENTATIVES
Tuesday, April 8, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1759

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1759 - By:
ADELSON of the Senate and COX of the House.

An Act relating to state government; amending 74 O.S. 2001, Section 85.42, as last amended by Section 1, Chapter 115, O.S.L. 2007 (74 O.S. Supp. 2007, Section 85.42), which relates to contracting for professional services; authorizing the Department of Mental Health and Substance Abuse Services to enter certain contracts; and providing an effective date.

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

1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.42, as last amended by
2 Section 1, Chapter 115, O.S.L. 2007 (74 O.S. Supp. 2007, Section 85.42), is amended to
3 read as follows:
4 Section 85.42 A. Except as otherwise provided for in this section, any agency,
5 whether or not such agency is subject to the Oklahoma Central Purchasing Act, is
6 prohibited from entering into a sole source contract or a contract for professional services
7 with or for the services of any person, who has terminated employment with or who has
8 been terminated by that agency for one (1) year after the termination date of the
9 employee from the agency. The provisions of this subsection shall not prohibit an agency
10 from hiring or rehiring such person as a state employee.

1 B. Each contract entered into by any person or firm with the State of Oklahoma
2 shall include an affidavit certifying that no person who has been involved in any manner
3 in the development of that contract while employed by the State of Oklahoma shall be
4 employed to fulfill any of the services provided for under said contract. This subsection
5 shall not preclude faculty and staff of the institutions within The State System of Higher
6 Education from negotiating and participating in research grants and educational
7 contracts. Nor shall this subsection apply to personnel of the Capital Resources Division
8 of the Oklahoma Department of Commerce who contract to provide services to the
9 Oklahoma Capital Investment Board.

10 C. As used in this section, person is defined as any state official or employee of a
11 department, board, bureau, commission, agency, trusteeship, authority, council,
12 committee, trust, school district, fair board, court, executive office, advisory group, task
13 force, study group, supported in whole or in part by public funds or entrusted with the
14 expenditure of public funds or administering or operating public property, and all
15 committees, or subcommittees thereof, judges, justices, and state legislators.

16 D. An agency may enter into a sole source contract or a contract for professional
17 services at any time with a person who is a qualified interpreter for the deaf.

18 E. The Department of Transportation, Oklahoma Water Resources Board,
19 Department of Environmental Quality, Oklahoma Tourism and Recreation Department,
20 the Oklahoma Transportation Authority and the Oklahoma Department of Agriculture,
21 Food, and Forestry may enter into a contract for professional services at any time with a

1 person who has retired from state service, provided the provisions specified in subsection
2 B of this section are satisfied.

3 F. The Department of Human Services may enter into a contract for professional
4 services related to computer application development support and network engineering
5 at any time with a person who has separated from state service, provided the provisions
6 specified in subsection B of this section are satisfied.

7 G. To maintain public health infrastructure and preparedness, the State
8 Department of Health and city-county health departments may enter into a contract for
9 professional services at any time with a physicians assistant, registered nurse, advanced
10 practice nurse, nurse midwife, registered dietician, occupational therapist, physical
11 therapist, or speech-language pathologist who has retired from state service; provided,
12 the provisions specified in subsection B of this section are also satisfied.

13 H. The Department of Mental Health and Substance Abuse Services may enter into
14 a contract for professional services at any time with a physician who has separated
15 and/or retired from state service; provided that the provisions specified in subsection B of
16 this section are satisfied.

17 SECTION 2. This act shall become effective November 1, 2008.

18 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND
19 TRANSPORTATION, dated 04-07-08 - DO PASS, As Amended.