

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1600

By: Crain of the Senate

3 and

4 Schwartz of the House

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8 (state government - Department of Human Services -
9 exempting revenues and donations - requiring
10 deposits -
11 effective date)

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14 AUTHOR: Add the following House Coauthor: Pittman

15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
16 entire bill and insert

17 "(state government - Department of Human Services -
18 exempting revenues and donations - requiring
19 deposits - effective date -
20 emergency)

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

1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.12c, is
2 amended to read as follows:

3 Section 85.12c A. Purchases made from funds received by local
4 offices administered by the Department of Human Services for fund-
5 raising activities and donations for the benefit of clients and
6 potential clients at the local offices where such purchases may not
7 otherwise be paid for from appropriated funds, shall not be subject
8 to requirements of The Oklahoma Central Purchasing Act. Monies
9 received by such fund-raising activities or donations shall be
10 maintained in an Agency Special Account, and expenditure control
11 shall reside at the local offices. Monies received by such fund-
12 raising activities or donations from the local office, vending
13 operations administered by employees of the Department of Human
14 Services, and all other nonrestricted cash and cash-equivalent items
15 received by employees of the Department of Human Services shall be
16 deposited in the Agency Special Account established for this
17 purpose. Such deposits shall be made at local banking institutions
18 approved by the State Treasurer.

19 B. Purchases made from funds received by local offices
20 administered by the Office of Juvenile Affairs for fund-raising
21 activities and donations for the benefit of clients and potential
22 clients at the local offices where such purchases may not otherwise
23 be paid for from appropriated funds shall not be subject to
24 requirements of The Oklahoma Central Purchasing Act. Monies

1 received by such fund-raising activities or donations shall be
2 maintained in an agency special account, and expenditure control
3 shall reside at the local offices. Monies received by such fund-
4 raising activities or donations from the local office, vending
5 operations administered by employees of the Office of Juvenile
6 Affairs, and all other nonrestricted cash and cash-equivalent items
7 received by employees of the Office of Juvenile Affairs shall be
8 deposited in the agency special account established for this
9 purpose. The deposits shall be made at local banking institutions
10 approved by the State Treasurer.

11 C. Merchandise for resale purchased and sold through a canteen
12 established at an institution or facility operated by the Office of
13 Juvenile Affairs shall be exempt from the requirements of The
14 Oklahoma Central Purchasing Act.

15 D. Purchases and solicitations made from funds or assets
16 received in accordance with Section 2-106 of Title 43A of the
17 Oklahoma Statutes and administered by the Department of Mental
18 Health and Substance Abuse Services shall not be subject to
19 requirements of The Oklahoma Central Purchasing Act. Monies
20 received by such activities or donations shall be maintained in an
21 Agency Special Account, and expenditure control shall reside in a
22 trust created by the Department and with oversight by the Board of
23 Mental Health and Substance Abuse Services. Such deposits shall be
24 made at local banking institutions approved by the State Treasurer.

1 SECTION 2. AMENDATORY 74 O.S. 2001, Section 85.42, as
2 last amended by Section 12, Chapter 322, O.S.L. 2009 (74 O.S. Supp.
3 2009, Section 85.42), is amended to read as follows:

4 Section 85.42 A. Except as otherwise provided for in this
5 section, any agency, whether or not such agency is subject to The
6 Oklahoma Central Purchasing Act, is prohibited from entering into a
7 sole source contract or a contract for professional services with or
8 for the services of any person, who has terminated employment with
9 or who has been terminated by that agency for one (1) year after the
10 termination date of the employee from the agency. The provisions of
11 this subsection shall not prohibit an agency from hiring or rehiring
12 such person as a state employee.

13 B. Each contract entered into by any person or firm with the
14 State of Oklahoma shall include a statement certifying that no
15 person who has been involved in any manner in the development of
16 that contract while employed by the State of Oklahoma shall be
17 employed to fulfill any of the services provided for under said
18 contract. This subsection shall not preclude faculty and staff of
19 the institutions within The State System of Higher Education from
20 negotiating and participating in research grants and educational
21 contracts. Nor shall this subsection apply to personnel of the
22 Capital Resources Division of the Oklahoma Department of Commerce
23 who contract to provide services to the Oklahoma Capital Investment
24 Board.

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

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

12 E. The Department of Transportation, Oklahoma Water Resources
13 Board, Department of Environmental Quality, Oklahoma Tourism and
14 Recreation Department, the Oklahoma Turnpike Authority and the
15 Oklahoma Department of Agriculture, Food, and Forestry may enter
16 into a contract for professional services at any time with a person
17 who has retired from state service, provided the provisions
18 specified in subsection B of this section are satisfied.

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

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

9 H. The Department of Mental Health and Substance Abuse Services
10 may enter into a contract for professional services at any time with
11 a physician, registered nurse, registered pharmacist, or person
12 meeting the definition of a licensed mental health professional as
13 defined in Title 43A of the Oklahoma Statutes, who has separated
14 and/or retired from state service; provided that the provisions
15 specified in subsection B of this section are satisfied.

16 SECTION 3. This act shall become effective July 1, 2010.

17 SECTION 4. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 14th day of April, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate