

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1600

By: Crain of the Senate

and

Schwartz of the House

6  
7  
8  
9 COMMITTEE SUBSTITUTE

10 [ state government - Department of Human Services -  
11 exempting revenues and donations - requiring  
12 deposits - effective date -  
13 emergency ]

14  
15  
16  
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

20 Section 85.12c A. Purchases made from funds received by local  
21 offices administered by the Department of Human Services for fund-  
22 raising activities and donations for the benefit of clients and  
23 potential clients at the local offices where such purchases may not  
24 otherwise be paid for from appropriated funds, shall not be subject

1 to requirements of The Oklahoma Central Purchasing Act. Monies  
2 received by such fund-raising activities or donations shall be  
3 maintained in an Agency Special Account, and expenditure control  
4 shall reside at the local offices. Monies received by such fund-  
5 raising activities or donations from the local office, vending  
6 operations administered by employees of the Department of Human  
7 Services, and all other nonrestricted cash and cash-equivalent items  
8 received by employees of the Department of Human Services shall be  
9 deposited in the Agency Special Account established for this  
10 purpose. Such deposits shall be made at local banking institutions  
11 approved by the State Treasurer.

12 B. Purchases made from funds received by local offices  
13 administered by the Office of Juvenile Affairs for fund-raising  
14 activities and donations for the benefit of clients and potential  
15 clients at the local offices where such purchases may not otherwise  
16 be paid for from appropriated funds shall not be subject to  
17 requirements of The Oklahoma Central Purchasing Act. Monies  
18 received by such fund-raising activities or donations shall be  
19 maintained in an agency special account, and expenditure control  
20 shall reside at the local offices. Monies received by such fund-  
21 raising activities or donations from the local office, vending  
22 operations administered by employees of the Office of Juvenile  
23 Affairs, and all other nonrestricted cash and cash-equivalent items  
24 received by employees of the Office of Juvenile Affairs shall be

1 deposited in the agency special account established for this  
2 purpose. The deposits shall be made at local banking institutions  
3 approved by the State Treasurer.

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

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

18 SECTION 2. AMENDATORY 74 O.S. 2001, Section 85.42, as  
19 last amended by Section 12, Chapter 322, O.S.L. 2009 (74 O.S. Supp.  
20 2009, Section 85.42), is amended to read as follows:

21 Section 85.42 A. Except as otherwise provided for in this  
22 section, any agency, whether or not such agency is subject to The  
23 Oklahoma Central Purchasing Act, is prohibited from entering into a  
24 sole source contract or a contract for professional services with or

1 for the services of any person, who has terminated employment with  
2 or who has been terminated by that agency for one (1) year after the  
3 termination date of the employee from the agency. The provisions of  
4 this subsection shall not prohibit an agency from hiring or rehiring  
5 such person as a state employee.

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

18 C. As used in this section, person is defined as any state  
19 official or employee of a department, board, bureau, commission,  
20 agency, trusteeship, authority, council, committee, trust, school  
21 district, fair board, court, executive office, advisory group, task  
22 force, study group, supported in whole or in part by public funds or  
23 entrusted with the expenditure of public funds or administering or  
24

1 operating public property, and all committees, or subcommittees  
2 thereof, judges, justices, and state legislators.

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

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

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

18 G. To maintain public health infrastructure and preparedness,  
19 the State Department of Health and city-county health departments  
20 may enter into a contract for professional services at any time with  
21 a physicians assistant, registered nurse, advanced practice nurse,  
22 nurse midwife, registered dietician, occupational therapist,  
23 physical therapist, or speech-language pathologist who has retired  
24

1 from state service; provided, the provisions specified in subsection  
2 B of this section are also satisfied.

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

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

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

15

16 52-2-10548 LRB 04/06/10

17

18

19

20

21

22

23

24