

THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 1600

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1600 - By: CRAIN
of the Senate and SCHWARTZ of the House.

[state government - Department of Human Services - exempting revenues and
donations - requiring deposits – effective date -
emergency]

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

1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.12c, is amended to read
2 as follows:
3 Section 85.12c A. Purchases made from funds received by local offices
4 administered by the Department of Human Services for fund-raising activities and
5 donations for the benefit of clients and potential clients at the local offices where such
6 purchases may not otherwise be paid for from appropriated funds, shall not be subject to
7 requirements of The Oklahoma Central Purchasing Act. Monies received by such fund-
8 raising activities or donations shall be maintained in an Agency Special Account, and
9 expenditure control shall reside at the local offices. Monies received by such fund-raising
10 activities or donations from the local office, vending operations administered by
11 employees of the Department of Human Services, and all other nonrestricted cash and

1 cash-equivalent items received by employees of the Department of Human Services shall
2 be deposited in the Agency Special Account established for this purpose. Such deposits
3 shall be made at local banking institutions approved by the State Treasurer.

4 B. Purchases made from funds received by local offices administered by the Office
5 of Juvenile Affairs for fund-raising activities and donations for the benefit of clients and
6 potential clients at the local offices where such purchases may not otherwise be paid for
7 from appropriated funds shall not be subject to requirements of The Oklahoma Central
8 Purchasing Act. Monies received by such fund-raising activities or donations shall be
9 maintained in an agency special account, and expenditure control shall reside at the local
10 offices. Monies received by such fund-raising activities or donations from the local office,
11 vending operations administered by employees of the Office of Juvenile Affairs, and all
12 other nonrestricted cash and cash-equivalent items received by employees of the Office of
13 Juvenile Affairs shall be deposited in the agency special account established for this
14 purpose. The deposits shall be made at local banking institutions approved by the State
15 Treasurer.

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

19 D. Purchases and solicitations made from funds or assets received in accordance
20 with Section 2-106 of Title 43A of the Oklahoma Statutes and administered by the
21 Department of Mental Health and Substance Abuse Services shall not be subject to
22 requirements of The Oklahoma Central Purchasing Act. Monies received by such

1 activities or donations shall be maintained in an Agency Special Account, and
2 expenditure control shall reside in a trust created by the Department and with oversight
3 by the Board of Mental Health and Substance Abuse Services. Such deposits shall be
4 made at local banking institutions approved by the State Treasurer.

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

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

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

1 of the Oklahoma Department of Commerce who contract to provide services to the
2 Oklahoma Capital Investment Board.

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

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

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

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

21 G. To maintain public health infrastructure and preparedness, the State
22 Department of Health and city-county health departments may enter into a contract for

1 professional services at any time with a physicians assistant, registered nurse, advanced
2 practice nurse, nurse midwife, registered dietician, occupational therapist, physical
3 therapist, or speech-language pathologist who has retired from state service; provided,
4 the provisions specified in subsection B of this section are also satisfied.

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION,
16 dated 04-06-10 - DO PASS, As Amended.