

1 **SENATE FLOOR VERSION**

2 March 23, 2011

3 ENGROSSED HOUSE

4 BILL NO. 1638

By: Ortega of the House

5 and

6 Fields of the Senate

7
8 An Act relating to state government; amending 74 O.S.
9 2001, Section 85.42, as last amended by Section 12,
10 Chapter 322, O.S.L. 2009 (74 O.S. Supp. 2010, Section
11 85.42), which relates to The Oklahoma Central
12 Purchasing Act; modifying provisions related to sole
13 source contracts by the Department of Mental Health
14 and Substance Abuse Services; authorizing contracts
15 for certain professional services; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. 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 2010, 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
for the services of any person, who has terminated employment with
or who has been terminated by that agency for one (1) year after the

1 termination date of the employee from the agency. The provisions of
2 this subsection shall not prohibit an agency from hiring or rehiring
3 such person as a state employee.

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

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

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

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

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

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

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

8 SECTION 2. This act shall become effective July 1, 2011.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
14 3-21-11 - DO PASS.

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