

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 380

By: McCortney of the Senate

and

Worthen of the House

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9 An Act relating to court reporters; amending 74 O.S.
10 2011, Section 85.42, which relates to contracts with
11 certain persons; authorizing Administrative Office of
12 the Courts to enter into certain contracts; updating
statutory language; providing an effective date; and
declaring an emergency.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 85.42, is
17 amended to read as follows:

18 Section 85.42. A. Except as otherwise provided for in this
19 section, any agency, whether or not such agency is subject to The
20 Oklahoma Central Purchasing Act, is prohibited from entering into a
21 sole source contract or a contract for professional services with or
22 for the services of any person, who has terminated employment with
23 or who has been terminated by that agency for one (1) year after the
24 termination date of the employee from the agency. The provisions of

1 this subsection shall not prohibit an agency from hiring or rehiring
2 such person as a state employee.

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

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

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 dietitian, 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.

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 I. The Administrative Office of the Courts may, on behalf of
9 the district courts, enter into a sole source contract or a contract
10 for professional services at any time with a person who is a part-
11 time certified court reporter.

12 SECTION 2. This act shall become effective July 1, 2019.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/27/2019 - DO
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