

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 900

By: Weaver

AS INTRODUCED

An Act relating to contracts for professional services; amending 74 O.S. 2021, Section 85.42, which relates to one-year limitation on certain contracts; authorizing the Oklahoma Indigent Defense System to enter into certain contracts; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 85.42, is amended to read as follows:

Section 85.42. A. 1. Except as otherwise provided for in this section or other applicable law, any agency, whether or not such agency is subject to the Oklahoma Central Purchasing Act, is prohibited from entering into a 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 termination date of the employee from the agency. The provisions of this subsection shall not prohibit an agency from hiring or rehiring such person as a state employee.

1           2. Any chief administrative officer of an agency, whether or  
2 not such agency is subject to the Oklahoma Central Purchasing Act,  
3 shall not enter into any contract for nonprofessional or  
4 professional services for the purpose of or which would result in  
5 the circumvention of the full-time equivalent employee limitation  
6 established by law for such agency.

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

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

1 committees, or subcommittees thereof, judges, justices and state  
2 legislators.

3 D. Notwithstanding anything to the contrary in this section,  
4 the following sole source or professional services contracts are  
5 allowed at any time:

6 1. A contract for professional services at any time with a  
7 person who is a qualified interpreter for the deaf; ~~and~~

8 2. A contract between a business entity that is a part-time  
9 certified court reporter and the Administrative Office of the  
10 Courts, on behalf of the district courts, or the Office of the  
11 Attorney General; and

12 3. A contract entered into by the Executive Director of the  
13 Oklahoma Indigent Defense System for the purpose of providing court-  
14 appointed representation for indigent defendants pursuant to the  
15 Indigent Defense Act.

16 E. Provided the provisions specified in subsection B of this  
17 section are satisfied, the following professional services contracts  
18 are allowed:

19 1. The Department of Transportation, Oklahoma Water Resources  
20 Board, Department of Environmental Quality, Oklahoma Tourism and  
21 Recreation Department, the Oklahoma Turnpike Authority and the  
22 Oklahoma Department of Agriculture, Food, and Forestry may contract  
23 with a person who has retired from state service;

1           2. To maintain public health infrastructure and preparedness,  
2 the State Department of Health and city-county health departments  
3 may contract with a physician assistant, registered nurse, advanced  
4 practice nurse, nurse midwife, registered dietician, occupational  
5 therapist, physical therapist or speech-language pathologist who has  
6 retired from state service; and

7           3. The Department of Mental Health and Substance Abuse Services  
8 may contract with a physician, registered nurse, registered  
9 pharmacist or person meeting the definition of a licensed mental  
10 health professional, as defined in Title 43A of the Oklahoma  
11 Statutes, who has separated and/or retired from state service.

12           SECTION 2. This act shall become effective November 1, 2023.

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