An Act

ENROLLED HOUSE
BILL NO. 1638

By: Ortega of the House

and

Fields of the Senate

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

SUBJECT: The Oklahoma Central Purchasing Act

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 85.42, as last amended by Section 12, Chapter 322, O.S.L. 2009 (74 O.S. Supp. 2010, Section 85.42), is amended to read as follows:

Section 85.42 A. Except as otherwise provided for in this section, 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.

B. Each contract entered into by any person or firm with the State of Oklahoma shall include a statement certifying that no

person who has been involved in any manner in the development of that contract while employed by the State of Oklahoma shall be employed to fulfill any of the services provided for under said contract. This subsection shall not preclude faculty and staff of the institutions within The State System of Higher Education from negotiating and participating in research grants and educational contracts. Nor shall this subsection apply to personnel of the Capital Resources Division of the Oklahoma Department of Commerce who contract to provide services to the Oklahoma Capital Investment Board.

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 14th day of March, 2011.

Kris Steele

Presiding Officer of the House of Representatives

Passed the Senate the 31st day of March, 2011.

Pro Tem Jolley

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 4th

day of April, **20** 11,

at 2:36 **o'clock** P. **M.**

By: Jessica B. Rogers

Approved by the Governor of the State of Oklahoma the 7th **day of**

April, **20** 11, **at** 3:58 **o'clock** P. **M.**

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th **day of** April, **20** 11,

at 4:11 **o'clock** P. **M.**

By: Michelle R Day