

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 380

By: McCortney

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5  
6 AS INTRODUCED

7 An Act relating to court reporters; amending 74 O.S.  
8 2011, Section 85.42, which relates to contracts with  
9 certain persons; authorizing Administrative Office of  
10 the Courts to enter into certain contracts; updating  
11 statutory language; providing an effective date; and  
12 declaring an emergency.

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

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

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

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

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

21 D. An agency may enter into a sole source contract or a  
22 contract for professional services at any time with a person who is  
23 a qualified interpreter for the deaf.  
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1 E. The Department of Transportation, Oklahoma Water Resources  
2 Board, Department of Environmental Quality, Oklahoma Tourism and  
3 Recreation Department, the Oklahoma Turnpike Authority and the  
4 Oklahoma Department of Agriculture, Food, and Forestry may enter  
5 into a contract for professional services at any time with a person  
6 who has retired from state service, provided the provisions  
7 specified in subsection B of this section are satisfied.

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

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

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

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

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

9 SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health or 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.

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