

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 CONFERENCE COMMITTEE
SUBSTITUTE
4 FOR ENGROSSED
HOUSE BILL NO. 1755

5 By: Martin (Scott), Pittman and
Derby of the House

6 and

7 Jolley of the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to state government; authorizing
12 CompSource Oklahoma to develop a pilot program;
13 stating purpose; providing duration of pilot program;
14 providing that program will become permanent under
15 certain circumstances; requiring annual reports;
16 exempting CompSource Oklahoma from compliance with
17 certain laws and requirements; requiring CompSource
18 Oklahoma to comply with certain procedures; requiring
19 CompSource Oklahoma to keep certain records and
20 documentation; making certain transactions subject to
21 audit; amending 61 O.S. 2001, Section 60, as last
22 amended by Section 5, Chapter 271, O.S.L. 2006 (61
23 O.S. Supp. 2008, Section 60), which relates to
24 consultant and construction contract forms; providing
exception to mandatory use; amending 61 O.S. 2001,
Section 65, as last amended by Section 12, Chapter
271, O.S.L. 2006 (61 O.S. Supp. 2008, Section 65),
which relates to consultant and construction
contracts; providing exception from certain
requirements; amending 61 O.S. 2001, Section 129,
which relates to the Public Competitive Bidding Act
of 1974; exempting certain contracts from the Public
Competitive Bidding Act of 1974; amending 61 O.S.
2001, Section 207.2, as last amended by Section 6,
Chapter 319, O.S.L. 2008 (61 O.S. Supp. 2008, Section
207.2), which relates to contracts with architects,
engineers and land surveyors; expanding exceptions;

1 amending 62 O.S. 2001, Sections 41.5a and 41.5e, as
2 last amended by Sections 1 and 3, Chapter 266, O.S.L.
3 2006, 41.5f, as amended by Section 1, Chapter 148,
4 O.S.L. 2007, 41.5j, as last amended by Section 3 of
5 Enrolled Senate Bill No. 1153 of the 1st Session of
6 the 52nd Oklahoma Legislature, 41.7c, 41.29, as last
7 amended by Section 2, Chapter 311, O.S.L. 2008 and
8 45.2 (62 O.S. Supp. 2008, Sections 41.5a, 41.5e,
9 41.5f and 41.29), which relate to budget law;
10 providing exemptions from certain restrictions and
11 requirements; amending 74 O.S. 2001, Section 62.3, as
12 last amended by Section 1, Chapter 234, O.S.L. 2005
13 (74 O.S. Supp. 2008, Section 62.3), which relates to
14 the Oklahoma Surplus Property Act; providing an
15 exemption; amending 74 O.S. 2001, Section 63, as
16 amended by Section 7, Chapter 319, O.S.L. 2008 (74
O.S. Supp. 2008, Section 63), which relates to the
general powers and authority of the Department of
Central Services; providing that the Department of
Central Services shall not have authority or
responsibility for certain property; amending 74 O.S.
2001, Sections 78a and 78b, which relate to
requisition and disposal of state vehicles; excluding
CompSource Oklahoma from requisition and disposal
requirements under certain circumstances; amending 74
O.S. 2001, Section 85.3A, as amended by Section 8,
Chapter 319, O.S.L. 2008 (74 O.S. Supp. 2008, Section
85.3A), which relates to The Oklahoma Central
Purchasing Act; expanding exempted entities;
providing for codification; providing an effective
date; and declaring an emergency.

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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3316 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:
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CompSource Oklahoma is hereby permitted to develop a pilot
program. The purpose of the pilot program is to capture cost

1 savings and improve services through exemption from certain
2 purchasing and acquisition statutory provisions and rules and from
3 certain budget filings and information systems conversions. The
4 pilot program shall continue for a period of three (3) years and
5 shall become permanent if the program remains in existence and
6 written authorization for continuation from the Governor is provided
7 during the 2012 legislative session. CompSource Oklahoma shall
8 further be accountable to provide a report annually to the President
9 Pro Tempore of the Senate, Speaker of the House of Representatives
10 and Governor describing the methods and innovations utilized in its
11 procurement processes, and the improved services and savings accrued
12 as a result of the program.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3317 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Compliance with the provisions of The Oklahoma Central
17 Purchasing Act shall not be required of CompSource Oklahoma.
18 CompSource Oklahoma shall observe internal purchasing procedures
19 approved by the Purchasing Director of the Department of Central
20 Services and keep records of acquisitions which shall be subject to
21 audit by the Department of Central Services.

22 B. Compliance with the provisions of the Public Competitive
23 Bidding Act of 1974, Public Building Construction and Planning Act,
24 and Consulting Services through the Construction and Properties

1 Division of the Department of Central Services shall not be required
2 of CompSource Oklahoma. CompSource Oklahoma shall observe internal
3 procurement and bidding procedures and keep records of contracts and
4 acquisitions which shall be subject to audit by the Department of
5 Central Services.

6 C. Compliance with the provisions of the Oklahoma Surplus
7 Property Act shall not be required of CompSource Oklahoma.
8 CompSource Oklahoma shall observe internal property disposition
9 procedures and keep records of property dispositions which shall be
10 subject to audit by the Department of Central Services.

11 D. CompSource Oklahoma shall additionally be exempted from
12 compliance with Sections 78 through 78b of Title 74 of the Oklahoma
13 Statutes concerning Fleet Management within the Department of
14 Central Services and shall keep records and documentation of its
15 motor-vehicle-related transactions which shall be subject to audit
16 by the Department of Central Services.

17 E. CompSource Oklahoma shall be exempted from the requirements
18 of the Office of State Finance to file the annual budget work
19 program, budget request, information systems plan and
20 telecommunications plan. CompSource Oklahoma shall continue to file
21 an annual audited financial statement in accordance with
22 governmental accounting standards.

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1 F. CompSource Oklahoma shall further be exempted from
2 conversion to CORE Phase II requirements of the Office of State
3 Finance.

4 SECTION 3. AMENDATORY 61 O.S. 2001, Section 60, as last
5 amended by Section 5, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008,
6 Section 60), is amended to read as follows:

7 Section 60. All state agencies, boards, commissions, offices,
8 institutions, and other governmental bodies of this state, and all
9 individuals representing such entities, except the Department of
10 Transportation and, the Oklahoma Turnpike Authority, and CompSource
11 Oklahoma provided CompSource Oklahoma is operating pursuant to a
12 pilot program authorized by Sections 1 and 2 of this act, shall use
13 construction manager, consultant and construction contract forms
14 that the State Construction Administrator of the Construction and
15 Properties Division of the Department of Central Services requires
16 to award and execute contracts for designs to construct, renovate,
17 alter, repair, maintain, or improve real property or fixtures of
18 real property of the state. The Administrator may authorize, in
19 writing, exceptions to the use of construction manager, consultant
20 and construction contract forms for specific projects.

21 SECTION 4. AMENDATORY 61 O.S. 2001, Section 65, as last
22 amended by Section 12, Chapter 271, O.S.L. 2006 (61 O.S. Supp. 2008,
23 Section 65), is amended to read as follows:

1 Section 65. A. In addition to the conditions prescribed
2 pursuant to subsection subsections C and D of this section, the
3 provisions of Section 62 of this title shall not apply whenever the
4 Construction and Properties Division of the Department of Central
5 Services with concurrence of the chief administrative officer of the
6 public agency affected declares that an emergency exists. The
7 construction manager or consultant shall be selected by the State
8 Construction Administrator of the Construction and Properties
9 Division of the Department of Central Services. The resulting
10 construction manager or consultant contract shall not exceed Fifteen
11 Thousand Dollars (\$15,000.00). The reasons for the emergency shall
12 be recorded in the official records of the Division.

13 B. Emergency as used in this section shall be limited to
14 conditions resulting from any of the following:

15 1. A sudden unexpected happening or unforeseen occurrence if it
16 is impossible for the provisions of Section 62 of this title to be
17 observed because of the time factor and if the public health or
18 safety is endangered; and

19 2. A condition or situation which, if allowed to continue,
20 would lead to economic loss to the state or to further damage of
21 state property.

22 C. The provisions of Section 62 of this title shall not apply
23 to the process for construction of a correctional facility whenever
24 the State Board of Corrections informs the Division that an

1 emergency condition threatens the security of the state correctional
2 system, including inmate population growth, and the condition
3 requires expeditious treatment for the review, approval and bid
4 process as it relates to construction or expansion of correctional
5 facilities. The Division and the Department of Corrections are
6 authorized to implement an expedited competitive bid process for the
7 contracting of construction managers or consultants and construction
8 of new or expanded correctional facilities that adequately respond
9 to the emergency. The State Board of Corrections shall provide
10 written notification to the Governor, the Speaker of the House of
11 Representatives and to the President Pro Tempore of the Senate of
12 the emergency conditions.

13 D. The provisions of Section 62 of this title shall not apply
14 to CompSource Oklahoma if CompSource Oklahoma is operating pursuant
15 to a pilot program authorized by Sections 1 and 2 of this act.

16 SECTION 5. AMENDATORY 61 O.S. 2001, Section 129, is
17 amended to read as follows:

18 Section 129. This act A. The Public Competitive Bidding Act of
19 1974 shall not apply to contracts awarded or contracts for which
20 bids have been solicited on or before ~~the effective date of this act~~
21 August 1, 1974.

22 B. The Public Competitive Bidding Act of 1974 shall not apply
23 to contracts awarded or contracts for which bids are solicited by

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CompSource Oklahoma if CompSource Oklahoma is operating pursuant to a pilot program authorized by Sections 1 and 2 of this act.

SECTION 6. AMENDATORY 61 O.S. 2001, Section 207.2, as

last amended by Section 6, Chapter 319, O.S.L. 2008 (61 O.S. Supp. 2008, Section 207.2), is amended to read as follows:

Section 207.2 A. Except as provided by subsection B of this

section, no state agency shall employ, either temporary or full-time, any person engaged in the practice of architecture,

engineering or land surveying for the purpose of planning or

10 performing any construction upon any real property belonging to the
11 agency or to the state, or upon any real property of which this
12 state will assume possession or ownership by contract, option to
13 purchase agreement, lease, or otherwise. The term "practice of
14 architecture" shall be defined as those activities of an architect
15 as provided for in Section 46.3 of Title 59 of the Oklahoma
16 Statutes. The terms "practice of engineering" or the "practice of
17 land surveying" shall be defined as such terms are defined by
18 Section 475.2 of Title 59 of the Oklahoma Statutes.

B. The provisions of subsection A of this section shall not

apply to:

1. The Department of Human Services;
 2. The Oklahoma Tourism and Recreation Department;
 3. The State Department of Health insofar as the monitoring of permitted health care facility construction for licensing purposes;

1 4. The Oklahoma Historical Society insofar as the monitoring of
2 historical site preservation and authenticity;
3 5. The Department of Central Services;
4 6. The State Department of Education and the public schools
5 subject to its jurisdiction;
6 7. The Department of Transportation;
7 8. The Oklahoma State System of Higher Education;
8 9. The Military Department of the State of Oklahoma;
9 10. The Oklahoma Municipal Power Authority; and
10 11. The Department of Public Safety gun range; and
11 12. CompSource Oklahoma if CompSource Oklahoma is operating
12 pursuant to a pilot program authorized by Sections 1 and 2 of this
13 act.

14 SECTION 7. AMENDATORY 62 O.S. 2001, Section 41.5a, as
15 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
16 2008, Section 41.5a), is amended to read as follows:

17 Section 41.5a A. The Information Services Division shall:

18 1. Coordinate information technology planning through analysis
19 of the long-term information technology plans for each agency;

20 2. Develop a statewide information technology plan with annual
21 modifications to include, but not be limited to, individual agency
22 plans and information systems plans for the statewide electronic
23 information technology function;

24 3. Establish and enforce minimum mandatory standards for:

- 1 a. information systems planning,
- 2 b. systems development methodology,
- 3 c. documentation,
- 4 d. hardware requirements and compatibility,
- 5 e. operating systems compatibility,
- 6 f. software and hardware acquisition,
- 7 g. information security and internal controls,
- 8 h. data base compatibility, and
- 9 i. contingency planning and disaster recovery.

10 The standards shall, upon adoption, be the minimum requirements

11 applicable to all agencies. These standards shall be compatible

12 with the standards established for the Oklahoma Government

13 Telecommunications Network created in Section 41.5m of this title.

14 Individual agency standards may be more specific than statewide

15 requirements but shall in no case be less than the minimum mandatory

16 standards. Where standards required of an individual agency of the

17 state by agencies of the federal government are more strict than the

18 state minimum standards, such federal requirements shall be

19 applicable;

20 4. Develop and maintain applications for agencies not having

21 the capacity to do so;

22 5. Operate an information technology service center to provide

23 operations and hardware support for agencies requiring such services

24 and for statewide systems;

1 6. Maintain a directory of the following which have a value of
2 Five Hundred Dollars (\$500.00) or more: application systems,
3 systems software, hardware, internal and external information
4 technology, communication or telecommunication equipment owned,
5 leased, or rented for use in communication services for state
6 government, including communication services provided as part of any
7 other total system to be used by the state or any of its agencies,
8 and studies and training courses in use by all agencies of the
9 state; and facilitate the utilization of the resources by any agency
10 having requirements which are found to be available within any
11 agency of the state;

12 7. Assist agencies in the acquisition and utilization of
13 information technology systems and hardware to effectuate the
14 maximum benefit for the provision of services and accomplishment of
15 the duties and responsibilities of agencies of the state;

16 8. Coordinate for the executive branch of state government
17 agency information technology activities, encourage joint projects
18 and common systems, and linking of agency systems through the review
19 of agency plans, development of a statewide plan and its integration
20 with the budget process to ensure that developments or acquisitions
21 are consistent with statewide objectives and that proposed systems
22 are justified and cost effective;

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1 9. Develop performance reporting guidelines for information
2 technology facilities and conduct an annual review to compare agency
3 plans and budgets with results and expenditures;

4 10. Establish operations review procedures for information
5 technology installations operated by agencies of the state for
6 independent assessment of productivity, efficiency, cost
7 effectiveness, and security;

8 11. Establish service center user charges for billing costs to
9 agencies based on the use of all resources;

10 12. Provide system development and consultant support to state
11 agencies on a contractual, cost reimbursement basis; and

12 13. In conjunction with the Oklahoma Office of Homeland
13 Security, enforce the minimum information security and internal
14 control standards established by the Information Services Division.

15 An enforcement team consisting of the Director of the Information
16 Services Division or a designee, a representative of the Oklahoma
17 Office of Homeland Security, and a representative of the Oklahoma
18 State Bureau of Investigation shall enforce the minimum information
19 security and internal control standards. An agency that is not in
20 compliance with the minimum information security and internal
21 control standards shall be notified. The agency will be required to
22 submit a plan for becoming compliant within a specified time period,
23 based on the severity of the noncompliance. If the agency does not
24 become compliant with the minimum information security and internal

1 control standards within the specified time period, the enforcement
2 team shall institute progressive actions as follows:

- 3 a. if possible, extend the time period for becoming
4 compliant,
- 5 b. work with the agency to mitigate the noncompliance,
- 6 c. notify the agency director, the Governor, the Speaker
7 of the House of Representatives, and the President Pro
8 Tempore of the Senate that the agency will be removed
9 from the infrastructure of the state until the agency
10 becomes compliant,
- 11 d. notify the agency director, the Governor, the Speaker
12 of the House of Representatives, and the President Pro
13 Tempore of the Senate that the enforcement team will
14 take control of the information technology function of
15 the agency until the agency is compliant, and
- 16 e. recommend to the Governor and the Legislature that the
17 administration and management of the information
18 technology function of the agency be transferred to
19 another state agency.

20 B. No agency of the executive branch of the state shall use
21 state funds for or enter into any agreement for the acquisition of
22 computer hardware, software or any contract for information
23 technology services and equipment exceeding Twenty-five Thousand
24 Dollars (\$25,000.00) in value without written authorization of the

1 Director of State Finance. The provisions of this subsection shall
2 not be applicable to any member of The Oklahoma State System of
3 Higher Education, any public elementary or secondary schools of the
4 state, or any technology center school district as defined in
5 Section 14-108 of Title 70 of the Oklahoma Statutes, or CompSource
6 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
7 program authorized by Sections 1 and 2 of this act.

8 C. The Office of State Finance and all agencies of the
9 executive branch of the state shall not be required to disclose,
10 directly or indirectly, any information of a state agency which is
11 declared to be confidential or privileged by state or federal
12 statute or the disclosure of which is restricted by agreement with
13 the United States or one of its agencies, nor disclose information
14 technology system details that may permit the access to confidential
15 information or any information affecting personal security, personal
16 identity, or physical security of state assets.

17 SECTION 8. AMENDATORY 62 O.S. 2001, Section 41.5e, as
18 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
19 2008, Section 41.5e), is amended to read as follows:

20 Section 41.5e A. No later than July 1 of each year, all
21 agencies of the executive branch of this state presently using or
22 contemplating the use of telecommunications and electronic
23 information technology applications, including, but not limited to,
24 the use of mainframe computers, minicomputers or microcomputers,

1 word processing equipment, office automation systems, Internet,
2 eGovernment, or contracts for information technology services and
3 equipment, shall annually submit to the Information Services
4 Division a one-year operations plan, which shall include as a
5 minimum:

6 1. An overview of major projects and objectives;

7 2. Cost per defined category of hardware, software, services
8 and personnel;

9 3. An assurance of compliance with state standards on

10 accessibility of information technology for individuals with
11 disabilities developed in accordance with Section 41.5t of this
12 title; and

13 4. Such other information as the Information Services Division
14 may require for analysis and consolidation into a statewide
15 telecommunications and electronic information technology plan.

16 B. No agency of the executive branch of this state shall enter
17 into any agreement for the acquisition, development, or enhancement
18 of application systems software or for the acquisition of electronic
19 information technology equipment or peripheral devices, including
20 Internet and eGovernment, whether or not connected to such
21 equipment, unless the cost of such acquisition, development, or
22 enhancement has been included in the plan for the agency. The
23 Information Services Division upon review of an information
24 technology and telecommunication plan for the agency, shall submit

1 in writing to the Governor, the Speaker of the House of
2 Representatives, and the President Pro Tempore of the Senate its
3 findings and recommendations on all proposed new and expanded
4 programs and expenditures for personnel and the purchase or
5 acquisition of equipment, hardware, software, accessories, or
6 services thereto, including but not limited to leases, rentals or
7 lease-purchase, indicating that the associated cost meet or comply
8 with Section 41.5a of this title.

9 C. The provisions of this section shall not apply to the
10 telecommunications network known as OneNet whether said network is
11 governed or operated by the Oklahoma State Regents for Higher
12 Education or any other state entity assigned responsibility for
13 OneNet.

14 D. The provisions of this section shall not apply to CompSource
15 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
16 program authorized by Sections 1 and 2 of this act.

17 SECTION 9. AMENDATORY 62 O.S. 2001, Section 41.5f, as
18 amended by Section 1, Chapter 148, O.S.L. 2007 (62 O.S. Supp. 2008,
19 Section 41.5f), is amended to read as follows:

20 Section 41.5f A. The Office of State Finance shall:

21 1. Develop and/or acquire application software, including such
22 modifications as may be required, to implement modern automated
23 systems in the Department of Central Services, the Office of
24 Personnel Management, and the Office of State Finance. Such systems

1 | include applications for accounting, budgeting, payroll/personnel,
2 | and purchasing;

3 | 2. Coordinate the initial implementation of the application
4 | systems with the three central service agencies of the state and
5 | coordinate the phased implementation of the application systems with
6 | all branches of state government;

7 | 3. Develop procedures manuals and the related training
8 | necessary to implement the application systems;

9 | 4. Maintain and enhance, as necessary, the application systems
10 | of the Integrated Central Systems; and

11 | 5. Ensure the integrity of information in the Integrated
12 | Central Systems through data security measures, internal controls,
13 | and appropriate data base management.

14 | B. The Director of State Finance shall make all policy
15 | decisions required to implement the Integrated Central Systems in
16 | accordance with this section after consultation with other affected
17 | agencies.

18 | C. The Director of State Finance may enter into contracts for
19 | services, equipment, software, or supplies needed to carry out the
20 | provisions of this section.

21 | D. With respect to Phase II CORE, the provisions of this
22 | section shall not apply to CompSource Oklahoma if CompSource
23 | Oklahoma is operating pursuant to a pilot program authorized by
24 | Sections 1 and 2 of this act.

1 SECTION 10. AMENDATORY 62 O.S. 2001, Section 41.5j, as

2 last amended by Section 3 of Enrolled Senate Bill No. 1153 of the
3 1st Session of the 52nd Oklahoma Legislature, is amended to read as
4 follows:

5 Section 41.5j A. No agency of the executive branch of the
6 state shall use state funds for or enter into any agreement for the
7 acquisition, development or enhancement of a communication or
8 telecommunication system including voice, data, radio, video,
9 Internet, eGovernment, as referenced in Sections 41.5p and 41.5q of
10 this title, and facsimile systems, without written authorization of
11 the Director of State Finance. The Director of State Finance shall
12 verify that any acquisition, development or enhancement is
13 compatible with the operation of the Oklahoma Government
14 Telecommunications Network created in Section 41.5m of this title.

15 B. No agency of the executive branch of the state shall enter
16 into any agreement for the acquisition, development or enhancement
17 of a communication or telecommunication system or service including
18 voice, data, radio, video, Internet, eGovernment, and facsimile
19 systems, unless the cost of such addition, change, improvement or
20 development has been included in the statewide communications plan
21 of the Information Services Division, as said plan may have been
22 amended or revised.

23 C. State agencies may enter into interagency contracts to share
24 communications and telecommunications resources for mutually

1 beneficial purposes. The contract shall clearly state how its
2 purpose contributes to the development or enhancement or cost
3 reduction of a state network which includes voice, data, radio,
4 video, Internet, eGovernment, or facsimile systems. The contract
5 shall be approved by the Information Services Division before any
6 payments are made.

7 D. The provisions of subsections A, B and C of this section
8 shall not apply to the telecommunications network known as OneNet
9 whether said network is governed or operated by the Oklahoma State
10 Regents for Higher Education or any other state entity assigned
11 responsibility for OneNet.

12 E. The provisions of this section shall not apply to CompSource
13 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
14 program authorized by Sections 1 and 2 of this act.

15 F. No state agency shall use state funds or enter into any
16 agreement for the acquisition, development or enhancement of a
17 public safety communication system unless the request is consistent
18 with the Statewide Communications Interoperability Plan and the
19 public safety communications standards issued by the Oklahoma Office
20 of Homeland Security. Agencies interested in acquiring, developing
21 or enhancing a public safety communications system shall submit a
22 proposal to the Oklahoma Office of Homeland Security. The Oklahoma
23 Office of Homeland Security shall issue a proposal review which
24 summarizes whether the proposal is consistent with the Statewide

1 Communications Interoperability Plan and the technology standards
2 issued. The proposal review shall be submitted to the requesting
3 agency and to the Director of State Finance.

4 SECTION 11. AMENDATORY 62 O.S. 2001, Section 41.7c, is
5 amended to read as follows:

6 Section 41.7c A. On or before the first day of June in each
7 year, or as soon thereafter as possible, all agencies shall be
8 required to file budget work programs with the Director of the
9 Office of State Finance. Copies of all agency budget work programs
10 shall also be made available electronically to the staff of the
11 Joint Legislative Committee on Budget and Program Oversight.

12 B. The required instructions, content and format of budget work
13 programs shall be developed by the staff of the Budget Division of
14 the Office of State Finance. The work programs shall include a
15 description of all funds available to the agency for expenditure and
16 setting out allotments requested by the agency by quarter and the
17 entire fiscal year. The work program shall be accompanied by an
18 organizational chart of the agency, a statement of agency mission
19 and program objectives. The work program shall show budgeted
20 spending by major program category at the activity level and may
21 identify budgeted spending by subprogram category at the subactivity
22 level. Major program categories identified in the budget work
23 program shall conform to the major program categories as provided by
24 law. Budget work programs shall be signed by the executive officer

1 of each agency. Such program and allotment requests may be made by
2 the "request officer" who shall be designated by each agency for
3 that purpose. Executive officers of agencies shall cooperate with
4 the Office of State Finance staff and Joint Committee staff in
5 developing program budgeting categories. All funds available or
6 expected to be made available to any agency, including nonfiscal
7 appropriations, shall not be available for expenditure until the
8 request officer of the agency has complied with the applicable
9 provisions of Sections 41.1 through 41.41 of this title and has
10 received approval of such request for funds from the Director of
11 State Finance.

12 C. The provisions of this section shall not apply to CompSource
13 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
14 program authorized by Sections 1 and 2 of this act.

15 SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.29, as
16 last amended by Section 2, Chapter 311, O.S.L. 2008 (62 O.S. Supp.
17 2008, Section 41.29), is amended to read as follows:

18 Section 41.29 A. Except as provided for in subsection B of
19 this section, on the first day of October preceding each regular
20 session of the Legislature, each of the several state departments,
21 bureaus, divisions, officers, commissions, and institutions,
22 including those created or established pursuant to constitutional
23 provisions, and other spending agencies shall report to the Director
24 of State Finance and the Chair and Vice Chair of the Legislative

1 Oversight Committee on State Budget Performance, in an electronic
2 format for such purpose, an itemized request showing the amount
3 needed for the ensuing fiscal year beginning with the first day of
4 July. The electronic format which must be used in making these
5 reports shall be approved by the Director of State Finance and the
6 Legislative Oversight Committee on State Budget Performance, shall
7 be uniform, and shall clearly designate the kind of information to
8 be given on the reports. Information provided shall include, but
9 not be limited to:

10 1. A budget analysis of existing and proposed programs
11 utilizing zero-based budgeting techniques. Such analysis shall be
12 included as a part of the estimate of funds needed;

13 2. A statement listing any other state, federal or local
14 agencies which administer a similar or cooperating program and an
15 outline of the interaction among such agencies;

16 3. A statement of the statutory authority for the missions and
17 quantified objectives of each program;

18 4. A description of the groups of people served by each program
19 in the agency;

20 5. A quantification of the need for the program;

21 6. A description of the tactics which are intended to
22 accomplish each objective;

23 7. A list of quantifiable program outcomes which measure the
24 efficiency and effectiveness of each program;

1 8. A ranking of these programs by priority;

2 9. Actual program expenditures for the current fiscal year and

3 prior fiscal years and the number of personnel required to

4 accomplish each program; and

5 10. Revenues expected to be generated by each program, if any.

6 Spending agencies shall make an itemized estimate of needs and

7 request for funds for the ensuing fiscal year and an estimate of the

8 revenues from all sources to be received by the agency during the

9 ensuing fiscal year. The Director of State Finance shall submit to

10 the Governor and the Legislative Oversight Committee on State Budget

11 Performance no later than the fifth day of October a complete list

12 of all spending agencies which fail to submit budgets by October 1,

13 pursuant to the provisions of this section.

14 B. 1. The reports required by this section shall include an

15 itemized listing of outstanding capital lease debt and estimated

16 capital lease needs for the ensuing fiscal year, and shall be

17 provided on official forms furnished by the Director of State

18 Finance for this purpose.

19 2. For the purposes of this section "capital lease" means a

20 lease-purchase agreement which provides an option for the State of

21 Oklahoma or its agencies to purchase property, including personal

22 and real property, which is the subject thereof and/or a lease

23 agreement that provides an option for the State of Oklahoma or its

24 agencies to lease such property, which is the subject thereof, at a

1 nominal annual amount, after a period in which leased property is
2 rented at fair market value.

3 C. The provisions of this section shall not apply to CompSource
4 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
5 program authorized by Sections 1 and 2 of this act.

6 SECTION 13. AMENDATORY 62 O.S. 2001, Section 45.2, is
7 amended to read as follows:

8 Section 45.2 In this act, "state agency" means a department,
9 board, commission, or other entity of state government within the
10 Executive Department of the State of Oklahoma, including
11 institutions of higher education, that:

12 1. Was created by the Constitution or a state statute with an
13 ongoing mission and responsibilities;

14 2. Is not the Office of the Governor or Lieutenant Governor;
15 and

16 3. Is not a committee created under state law whose primary
17 function is to advise an agency; and

18 4. Is not CompSource Oklahoma, provided CompSource Oklahoma is
19 operating pursuant to a pilot program authorized pursuant to
20 Sections 1 and 2 of this act.

21 SECTION 14. AMENDATORY 74 O.S. 2001, Section 62.3, as
22 last amended by Section 1, Chapter 234, O.S.L. 2005 (74 O.S. Supp.
23 2008, Section 62.3), is amended to read as follows:

1 Section 62.3 A. The Director of the Department of Central
2 Services shall promulgate rules for use by state agencies and the
3 Department of Central Services to dispose of surplus property. The
4 rules shall include standards for recordkeeping, methods for removal
5 or disposal of surplus property, and acquisition by state agencies
6 and authorized entities of surplus property, and for Department
7 management of surplus property programs.

8 B. A state agency selling, trading, redistributing or otherwise
9 disposing of surplus property shall comply with the rules
10 promulgated by the Director.

11 C. The Department shall make surplus property available to
12 state agencies and authorized entities, which shall include
13 political subdivisions, school districts, and nonprofit entities of
14 this state.

15 D. The provisions of ~~this act~~ the Oklahoma Surplus Property Act
16 shall not apply to institutions of higher education in this state,
17 or the Northeast Oklahoma Public Facilities Authority. The Grand
18 River Dam Authority shall be exempt from the provisions of ~~this act~~
19 the Oklahoma Surplus Property Act for any surplus property disposed
20 of prior to November 1, 2006. CompSource Oklahoma shall be exempt
21 from the provisions of the Oklahoma Surplus Property Act if
22 CompSource Oklahoma is operating pursuant to a pilot program
23 authorized by Sections 1 and 2 of this act.

24

1 E. Notwithstanding the provisions of ~~this act~~ the Oklahoma
2 Surplus Property Act, the Oklahoma State Bureau of Investigation
3 may, pursuant to rules promulgated by the Oklahoma State Bureau of
4 Investigation Commission for that purpose, donate any surplus
5 property, as defined in Section 62.2 of this title, to any law
6 enforcement agency of any political subdivision of the State of
7 Oklahoma. The use of such donated equipment shall be limited to
8 valid and authorized law enforcement efforts by the receiving
9 agency.

10 SECTION 15. AMENDATORY 74 O.S. 2001, Section 63, as
11 amended by Section 7, Chapter 319, O.S.L. 2008 (74 O.S. Supp. 2008,
12 Section 63), is amended to read as follows:

13 Section 63. A. The Department of Central Services shall have
14 power to promulgate rules not inconsistent with the laws of this
15 state.

16 B. The Department of Central Services shall have charge of the
17 construction, repair, maintenance, insurance, and operation of all
18 buildings owned, used, or occupied by or on behalf of the state
19 including buildings owned by the Oklahoma Capitol Improvement
20 Authority where such services are carried out by contract with the
21 Authority, except as otherwise provided by law. Whenever feasible,
22 the Department of Central Services may utilize the Construction
23 Division of the Department of Corrections for the construction and
24 repair of buildings for the Department of Corrections.

1 C. The Director of the Department of Central Services shall
2 have authority to purchase all material and perform all other duties
3 necessary in the construction, repair, and maintenance of all
4 buildings under its management or control, shall make all necessary
5 contracts by or on behalf of the state for any buildings or rooms
6 rented for the use of the state or any of the officers thereof, and
7 shall have charge of the arrangement and allotment of space in such
8 buildings among the different state officers except as otherwise
9 provided by law.

10 D. The Department of Central Services shall not have any
11 authority or responsibility for buildings, rooms or space under the
12 management or control of the University Hospitals Authority.

13 E. The Department of Central Services shall have the custody
14 and control of all state property, and all other property managed or
15 used by the state, except military stores and such property under
16 the control of the State Banking Department and the two houses of
17 the State Legislature, shall procure all necessary insurance thereon
18 against loss and shall allot the use of the property to the several
19 offices of the state, and prescribe where the property shall be kept
20 for public use.

21 F. The Department of Central Services shall keep an accurate
22 account of all property purchased for the state or any of the
23 departments or officers thereof, except that purchased for and by
24 the two houses of the State Legislature. The two houses shall have

1 the exclusive use, care, and custody of their respective chambers,
2 committee rooms, furniture, and property, and shall keep their
3 respective records of said furniture and property.

4 G. The Department of Central Services shall not have any
5 authority or responsibility for property purchased for or under the
6 management or control of the University Hospitals Authority except
7 as expressly provided by law.

8 H. The Department of Central Services shall not have any
9 authority or responsibility for property purchased for or under the
10 management or control of CompSource Oklahoma if CompSource Oklahoma
11 is operating pursuant to a pilot program authorized by Sections 1
12 and 2 of this act.

13 SECTION 16. AMENDATORY 74 O.S. 2001, Section 78a, is
14 amended to read as follows:

15 Section 78a. A. State agencies with authority to own motor
16 vehicles shall submit a requisition to the Director of Central
17 Services prior to acquisition of a motor vehicle. The requisition
18 shall state the type of vehicle, the intended purpose of the
19 vehicle, a statement that the agency has actual need for the
20 vehicle, the supplier of the vehicle, that the state agency has
21 sufficient funds to acquire and maintain the vehicle and cite the
22 statutory authority of the state agency to acquire a vehicle.

23 B. The Director of Central Services shall review the
24 requisition and approve or deny the request of the state agency

1 within fifteen (15) days of receipt by the Director of Central
2 Services. The Director of State Finance shall not approve a
3 purchase order or claim for a motor vehicle unless the acquisition
4 of the motor vehicle was approved by the Director of Central
5 Services.

6 C. The provisions of subsections A and B of this section shall
7 not apply to the Department of Public Safety.

8 D. The provisions of subsections A and B of this section shall
9 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
10 pursuant to a pilot program authorized by Sections 1 and 2 of this
11 act.

12 SECTION 17. AMENDATORY 74 O.S. 2001, Section 78b, is
13 amended to read as follows:

14 Section 78b. A. A state agency shall notify the Fleet
15 Management Division of the Department of Central Services not less
16 than thirty (30) days prior to any vehicle disposal by the state
17 agency.

18 B. A state agency shall not dispose of a passenger car, truck,
19 pickup, or other vehicle the state agency owns until it has been in
20 use for sixty thousand (60,000) miles or at least twenty-four (24)
21 months have elapsed since the day the claim was approved for the
22 payment thereof, unless the vehicle has damage and repairs that will
23 exceed Two Thousand Five Hundred Dollars (\$2,500.00), or the
24

1 Director of the Fleet Management Division of the Department of
2 Central Services provides written authorization for disposal.

3 C. The provisions of subsections A and B of this section shall
4 not apply to CompSource Oklahoma if CompSource Oklahoma is operating
5 pursuant to a pilot program authorized by Sections 1 and 2 of this
6 act.

7 SECTION 18. AMENDATORY 74 O.S. 2001, Section 85.3A, as
8 amended by Section 8, Chapter 319, O.S.L. 2008 (74 O.S. Supp. 2008,
9 Section 85.3A), is amended to read as follows:

10 Section 85.3A Compliance with the provisions of The Oklahoma
11 Central Purchasing Act shall not be required of:

12 1. County government;
13 2. The Oklahoma State Regents for Higher Education, the
14 institutions, centers, or other constituent agencies of The Oklahoma
15 State System of Higher Education;
16 3. The telecommunications network known as OneNet; ~~or~~
17 4. The Department of Public Safety gun range; or
18 5. CompSource Oklahoma if CompSource Oklahoma is operating
19 pursuant to a pilot program authorized by Sections 1 and 2 of this
20 act.

21 SECTION 19. This act shall become effective July 1, 2009.

22 SECTION 20. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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