

An Act

ENROLLED SENATE
BILL NO. 122

By: Stanislawski of the Senate

and

Pfeiffer of the House

An Act relating to public finance; amending 62 O.S. 2011, Section 34.11.7, as amended by Section 8, Chapter 358, O.S.L. 2013 (62 O.S. Supp. 2018, Section 34.11.7), which relates to the Oklahoma State Finance Act; modifying requirements for a statewide assistance telework program; amending 74 O.S. 2011, Section 129.4, as renumbered by Section 39, Chapter 209, O.S.L. 2013, and as last amended by Section 2, Chapter 309, O.S.L. 2016 (61 O.S. Supp. 2018, Section 327), which relates to public buildings and public works; requiring submission of certain telework documentation for state agency real property transactions; and providing an effective date.

SUBJECT: Telework

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.7, as amended by Section 8, Chapter 358, O.S.L. 2013 (62 O.S. Supp. 2018, Section 34.11.7), is amended to read as follows:

Section 34.11.7. A. 1. The State Governmental Technology Applications Review Board shall establish a statewide assistance program with guidelines and support to encourage all state agencies in the development of a telework model designed for maximum

efficiency and to reduce the need for additional state office space and to produce cost savings.

2. In establishing a statewide assistance telework program, the Board, working with the Office of Management and Enterprise Services, shall:

- a. provide policies and guidance for telework in the areas of pay and leave, performance management, official worksite, recruitment and retention and accommodation for employees with disabilities,
- b. assist each state agency in establishing qualitative and quantitative measures and telework goals,
- c. provide guidance to ensure the adequacy of information and security protections for information and information systems while teleworking to:
 - (1) control access to agency information and information systems,
 - (2) protect agency information and information systems,
 - (3) protect information systems not under the control of the state agency that are used for telework,
 - (4) limit the introduction of vulnerabilities, and
 - (5) safeguard wireless and other telecommunications capabilities, and
- d. maintain a central telework website including:
 - (1) telework links,
 - (2) announcements,
 - (3) guidance developed by the Board and the Office of Management and Enterprise Services, and

- (4) documents to be used by staff, managers and human resource professionals.

B. The State Governmental Technology Applications Review Board shall establish performance reporting metrics for each state employee who begins participating in telework following July 1, 2012. These reports shall be published through the data.ok.gov website.

~~C. All requests for additional office space for a state agency shall be submitted and reviewed by the State Governmental Technology Applications Review Board according to the guidelines established pursuant to subsection A of this section. Prior to the lease, purchase, rental or issuance of bonds for the use of additional office space, a state agency shall receive certification from the State Governmental Technology Applications Review Board that the lease, purchase, rental or issuance of bonds is necessary, after considering the extent to which state employee jobs in that agency can be performed through telework and telework is eliminated as a viable plan for additional space.~~

~~D.~~ The Oklahoma Healthcare Authority shall authorize one division of employees to participate in a telework pilot program pursuant to the terms of this section.

~~E.~~ D. For the purposes of this section, "performance reporting metrics" shall mean a set of criteria which demonstrates the quantity and quality of work. "Telework" shall mean work which is performed outside of the traditional on-site work environment.

SECTION 2. AMENDATORY 74 O.S. 2011, Section 129.4, as renumbered by Section 39, Chapter 209, O.S.L. 2013, and as last amended by Section 2, Chapter 309, O.S.L. 2016 (61 O.S. Supp. 2018, Section 327), is amended to read as follows:

Section 327. A. Unless procedures for state agency real property transactions are otherwise specifically provided for by law, no state agency shall sell, lease, exchange, or otherwise dispose of such real property subject to its jurisdiction, or lease, purchase or otherwise acquire real property subject to its jurisdiction, except as provided for in this section. As used in

this section, "state agency" means any department, board, commission, institution, agency or entity of state government.

B. 1. Every state agency shall request the Office of Management and Enterprise Services to dispose of real property upon:

- a. legislative authorization,
- b. authorization by the Long-Range Capital Planning Commission, or
- c. a determination, in writing, by the Office of Management and Enterprise Services or the state agency that a parcel of real property subject to its jurisdiction is no longer needed.

2. Upon the request of the state agency to dispose of real property, the Office of Management and Enterprise Services shall:

- a. obtain at least one complete appraisal made by a person certified by the Real Estate Appraiser Board of the Oklahoma Insurance Department, who shall ascertain:
 - (1) the present fair value of the property,
 - (2) the present value of the improvements on such property, and
 - (3) the actual condition of the improvements on the property,
- b. cause notice of such sale to be published for at least one (1) day in a newspaper of general statewide circulation authorized to publish legal notices, and weekly for three (3) consecutive weeks in a newspaper of general circulation published in the county or counties in which the property is located. The notice shall contain the legal description of each parcel of real property to be offered for sale, the appraised value thereof, the time and location of the sale or opening of the bids, and terms of the sale including

the fact that no parcel of property shall be sold for less than ninety percent (90%) of the appraised value of the real property; provided, in lieu of such procedure, the information may be published electronically on the Office of Management and Enterprise Services' website if the notice of sale and instructions on accessing the public information are published in a newspaper of general circulation in the county or counties in which the property is located weekly for three (3) consecutive weeks,

- c. offer the property through public auction or sealed bids within three (3) weeks after the last publication of the notice. The property shall be sold to the highest bidder. The Office of Management and Enterprise Services shall not accept a bid of less than ninety percent (90%) of the average appraised fair value of the property and the improvements on such property, and
- d. if the property is being disposed of in compliance with Section 908 of Title 62 of the Oklahoma Statutes, the Office may auction the property at public or electronic auction provided proper public notice is given in compliance with this section and the property has been approved for liquidation by the Long-Range Capital Planning Commission. The Office of Management and Enterprise Services is authorized to reject all bids.

3. The cost of the appraisal required by the provisions of this section, together with other necessary expenses incurred pursuant to this section, shall be paid by the state agency for which the real property is to be sold from funds available to the state agency for such expenditure. All monies received from the sale or disposal of the property, except those monies necessary to pay the expenses incurred pursuant to this section, shall be deposited in the Maintenance of State Buildings Revolving Fund unless otherwise provided by law.

4. The Office of Management and Enterprise Services may dismiss from consideration any appraisal found to be incomplete or flawed.

C. Unless otherwise provided by law, the Office of Management and Enterprise Services shall review and approve state agency real property transactions. A state agency shall not lease or acquire real property, or lease, dispose of or transfer state-owned real property until the Office provides notice of transaction approval to the state agency. Prior to approval, a state agency shall provide documents to the Office and provide reference to statutory or other legal authority of the state agency to lease or acquire real property, or lease, dispose of or transfer state-owned real property. If the state agency intends to lease or acquire real property, the state agency shall state the intended use of the real property, and shall provide the Office with required telework documentation. Within thirty (30) days of receipt, the Office shall provide notice of transaction approval or disapproval to the state agency.

D. The provisions of this section shall not apply to the lease of office space or real property subject to supervision of the Commissioners of the Land Office or district boards of education.

E. 1. The Office of Management and Enterprise Services shall maintain a comprehensive inventory of state-owned real property and its use excluding property of the public schools and property subject to the jurisdiction of the Commissioners of the Land Office.

2. Each state agency shall, within thirty (30) days of the closing date for lands newly acquired, provide to the Office a list of records, deeds, abstracts and other title instruments showing the description of and relating to any and all such lands or interests therein.

3. The provisions of paragraph 2 of this subsection shall apply to all lands of public trusts having a state agency as the primary beneficiary, but shall not apply to lands of municipalities, counties, school districts, or agencies thereof, or Department of Transportation rights-of-way.

4. A state agency that sells or otherwise disposes of land shall notify the Office within thirty (30) days of the disposition closing date.

F. This section shall not be construed to authorize any state agency, not otherwise authorized by law, to sell, lease, or otherwise dispose of any real property owned by the state.

G. The Office of Management and Enterprise Services may provide services to sell, transfer, trade or purchase real property for other state agencies.

H. The Director of the Office of Management and Enterprise Services shall, pursuant to the Administrative Procedures Act, promulgate rules to effect procedures necessary to the fulfillment of its responsibilities under this section.

I. The Oklahoma Ordnance Works Authority and its lands, and the Northeast Oklahoma Public Facilities Authority, the Oklahoma Historical Society, the Oklahoma Department of Transportation and the Oklahoma Turnpike Authority, shall be exempt from the application of this section. The Grand River Dam Authority and its lands shall be exempt from the application of this section for any real property disposed of prior to November 1, 2006.

J. Unless otherwise provided for by law, the procedures established pursuant to this section for the sale or exchange of real estate or personal property as authorized pursuant to Sections 2222 and 2223 of Title 74 of the Oklahoma Statutes shall be followed unless the sale is to an entity of state government.

K. The Director of the Office of Management and Enterprise Services shall contract with experts, professionals or consultants as necessary to perform the duties of the Office. Selections shall be made using the qualifications-based procedures established in Section 62 of this title, and the rules promulgated by the Director for the selection of construction managers and design consultants.

SECTION 3. This act shall become effective November 1, 2019.

Passed the Senate the 13th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____