

1 **SENATE FLOOR VERSION**

2 February 14, 2019

3 SENATE BILL NO. 122

By: Stanislawski

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7 An Act relating to public finance; amending 62 O.S.  
8 2011, Section 34.11.7, as amended by Section 8,  
9 Chapter 358, O.S.L. 2013 (62 O.S. Supp. 2018, Section  
10 34.11.7), which relates to the Oklahoma State Finance  
11 Act; modifying requirements for a statewide  
12 assistance telework program; amending 74 O.S. 2011,  
13 Section 129.4, as renumbered by Section 39, Chapter  
14 209, O.S.L. 2013, and as last amended by Section 2,  
15 Chapter 309, O.S.L. 2016 (61 O.S. Supp. 2018, Section  
16 327), which relates to public buildings and public  
17 works; requiring submission of certain telework  
18 documentation for state agency real property  
19 transactions; and providing an effective date.

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

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

24 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

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

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

6 a. provide policies and guidance for telework in the  
7 areas of pay and leave, performance management,  
8 official worksite, recruitment and retention and  
9 accommodation for employees with disabilities,

10 b. assist each state agency in establishing qualitative  
11 and quantitative measures and telework goals,

12 c. provide guidance to ensure the adequacy of information  
13 and security protections for information and  
14 information systems while teleworking to:

15 (1) control access to agency information and  
16 information systems,

17 (2) protect agency information and information  
18 systems,

19 (3) protect information systems not under the control  
20 of the state agency that are used for telework,

21 (4) limit the introduction of vulnerabilities, and

22 (5) safeguard wireless and other telecommunications  
23 capabilities, and

24 d. maintain a central telework website including:

- 1 (1) telework links,
- 2 (2) announcements,
- 3 (3) guidance developed by the Board and the Office of
- 4 Management and Enterprise Services, and
- 5 (4) documents to be used by staff, managers and human
- 6 resource professionals.

7 B. The State Governmental Technology Applications Review Board  
8 shall establish performance reporting metrics for each state  
9 employee who begins participating in telework following July 1,  
10 2012. These reports shall be published through the data.ok.gov  
11 website.

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

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

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

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

12       Section 327. A. Unless procedures for state agency real  
13 property transactions are otherwise specifically provided for by  
14 law, no state agency shall sell, lease, exchange, or otherwise  
15 dispose of such real property subject to its jurisdiction, or lease,  
16 purchase or otherwise acquire real property subject to its  
17 jurisdiction, except as provided for in this section. As used in  
18 this section, "state agency" means any department, board,  
19 commission, institution, agency or entity of state government.

20       B. 1. Every state agency shall request the Office of  
21 Management and Enterprise Services to dispose of real property upon:  
22           a. legislative authorization,  
23           b. authorization by the Long-Range Capital Planning  
24           Commission, or

1 c. a determination, in writing, by the Office of  
2 Management and Enterprise Services or the state agency  
3 that a parcel of real property subject to its  
4 jurisdiction is no longer needed.

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

7 a. obtain at least one complete appraisal made by a  
8 person certified by the Real Estate Appraiser Board of  
9 the Oklahoma Insurance Department, who shall  
10 ascertain:

11 (1) the present fair value of the property,

12 (2) the present value of the improvements on such  
13 property, and

14 (3) the actual condition of the improvements on the  
15 property,

16 b. cause notice of such sale to be published for at least  
17 one (1) day in a newspaper of general statewide  
18 circulation authorized to publish legal notices, and  
19 weekly for three (3) consecutive weeks in a newspaper  
20 of general circulation published in the county or  
21 counties in which the property is located. The notice  
22 shall contain the legal description of each parcel of  
23 real property to be offered for sale, the appraised  
24 value thereof, the time and location of the sale or

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

12 c. offer the property through public auction or sealed  
13 bids within three (3) weeks after the last publication  
14 of the notice. The property shall be sold to the  
15 highest bidder. The Office of Management and  
16 Enterprise Services shall not accept a bid of less  
17 than ninety percent (90%) of the average appraised  
18 fair value of the property and the improvements on  
19 such property, and

20 d. if the property is being disposed of in compliance  
21 with Section 908 of Title 62 of the Oklahoma Statutes,  
22 the Office may auction the property at public or  
23 electronic auction provided proper public notice is  
24 given in compliance with this section and the property

1 has been approved for liquidation by the Long-Range  
2 Capital Planning Commission. The Office of Management  
3 and Enterprise Services is authorized to reject all  
4 bids.

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

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

16 C. Unless otherwise provided by law, the Office of Management  
17 and Enterprise Services shall review and approve state agency real  
18 property transactions. A state agency shall not lease or acquire  
19 real property, or lease, dispose of or transfer state-owned real  
20 property until the Office provides notice of transaction approval to  
21 the state agency. Prior to approval, a state agency shall provide  
22 documents to the Office and provide reference to statutory or other  
23 legal authority of the state agency to lease or acquire real  
24 property, or lease, dispose of or transfer state-owned real

1 property. If the state agency intends to lease or acquire real  
2 property, the state agency shall state the intended use of the real  
3 property, and shall provide the Office with required telework  
4 documentation. Within thirty (30) days of receipt, the Office shall  
5 provide notice of transaction approval or disapproval to the state  
6 agency.

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

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

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

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

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

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

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

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

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

21          J. Unless otherwise provided for by law, the procedures  
22 established pursuant to this section for the sale or exchange of  
23 real estate or personal property as authorized pursuant to Sections  
24

1 2222 and 2223 of Title 74 of the Oklahoma Statutes shall be followed  
2 unless the sale is to an entity of state government.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
11 February 14, 2019 - DO PASS  
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