

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1862

By: Blackwell of the House

and

Adelson of the Senate

An Act relating to public finance; amending 62 O.S. 2001, Sections 41.5a and 41.5i, which relate to the powers and duties of the Information Services Division; deleting power to coordinate and have oversight of state agency computer and telecommunications purchasing; amending Section 2, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2004, Section 41.5t), which relates to accessibility of information technology; deleting requirement to include certain information in long-range plans; repealing 62 O.S. 2001, Section 41.5e, as amended by Section 1, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2004, Section 41.5e), which relates to long-range plans for state agency computer equipment and software; repealing 62 O.S. 2001, Section 41.5j, which relates to long range-plans for state agency communications and telecommunications systems; and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"[public finance - Information Services Division -
effective date]

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 41.5a, is amended to read as follows:

Section 41.5a A. The Information Services Division shall:

1. Coordinate data processing planning through analysis of each agency's long-term data processing plans;
2. Develop a ~~state-wide~~ statewide data processing plan with annual modifications to include as a minimum:
 - a. individual agency plans,

- ~~b.~~ information systems plans for the ~~state-wide~~ statewide electronic data processing function,
 - ~~e.~~ b. major development projects proposed for the current year and the next three (3) years, and
 - ~~d.~~ c. an explanation of revisions to previous plans;
3. Establish minimum ~~mandatory~~ standards for:
- a. information systems planning,
 - b. systems development methodology,
 - c. documentation,
 - d. hardware requirements and compatibility,
 - e. operating systems compatibility,
 - f. software and hardware acquisition,
 - g. data security and internal controls,
 - h. data base compatibility, and
 - i. contingency planning and disaster recovery.

Such standards ~~shall, upon adoption,~~ may be the minimum requirements applicable to all agencies. These standards shall be compatible with the standards established for the Oklahoma Government Telecommunications Network created in Section ~~4~~ 41.5m of this act. ~~Individual agency standards may be more specific than state-wide requirements but shall in no case be less than the minimum mandatory standards. Where standards required of an individual agency of the state by agencies of the federal government are more strict than the state minimum standards, such federal requirements shall be applicable~~ title;

4. Develop and maintain applications for agencies not having the capacity to do so;

5. Operate a data processing service center to provide operations and hardware support for agencies requiring such services and for ~~state-wide~~ statewide systems;

6. Maintain a directory of application systems, systems software, hardware, internal and external data processing studies

and training courses in use by all agencies of the state; and facilitate the utilization of such resources by any agency having requirements which are found to be available within any agency of the state;

7. Assist agencies in the acquisition and utilization of data processing systems and hardware to effectuate the maximum benefit for the provision of services and accomplishment of the duties and responsibilities of agencies of the state;

8. In conjunction with the Office of Personnel Management, establish training guidelines for electronic data processing personnel, assist agencies in placing personnel in appropriate courses offered by other agencies of the state, and sponsor training courses for attendance by data processing personnel of all agencies;

9. Coordinate for the executive branch of state government agency data processing activities, encourage joint projects and common systems, and linking of agency systems through the review of agency plans, development of a ~~state-wide~~ statewide plan and its integration with the budget process to ensure that developments and/or acquisitions are consistent with ~~state-wide~~ statewide objectives and that proposed systems are justified and cost effective;

10. Develop performance reporting guidelines for data processing facilities and conduct an annual review to compare agency plans and budgets with results and expenditures;

11. Establish operations review procedures for data processing installations operated by agencies of the state for independent assessment of productivity, efficiency, and cost effectiveness;

12. Establish service center user charges for billing costs to agencies based on the use of all resources; and

13. Provide system development and consultant support to state agencies on a contractual, cost reimbursement basis.

B. No agency of the executive branch of the state shall use state funds for or enter into any agreement for the acquisition of computer hardware or software exceeding ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ Twenty-five Thousand Dollars (\$25,000.00) in value without written authorization of the Director of State Finance. The provisions of this subsection shall not be applicable to any member of The Oklahoma State System of Higher Education, any public elementary or secondary schools of the state, or any technology center school district as defined in Section 14-108 of Title 70 of the Oklahoma Statutes.

C. The provisions of this act shall not require the disclosure, directly or indirectly, of any information of a state agency which is declared to be confidential or privileged by state or federal statute or the disclosure of which is restricted by agreement with the United States or one of its agencies, nor the disclosure of data processing system details that may permit the access to confidential information.

SECTION 2. AMENDATORY 62 O.S. 2001, Section 41.5i, is amended to read as follows:

Section 41.5i In addition to the powers and duties as defined elsewhere in this title, the Information Services Division of the Office of State Finance shall:

1. Coordinate statewide planning for communication and telecommunications needs of state government, including, but not limited to, voice, data, radio, video and facsimile transmissions through analysis of each agency's long-term communication and telecommunications plans;

2. Develop and integrate a statewide communications plan to address the design requirements and networks necessary to serve agency needs, which will consist of as a minimum:

- a. an inventory of communication or telecommunication equipment owned, leased or rented for use in

communication services for state government, including communication services provided as part of any other total system to be used by the state or any of its agencies,

- b. current budget plans, expenditures and resources necessary to operate any and all systems included in the above inventory,
- c. major development projects proposed for the current fiscal year and the next three (3) fiscal years and the anticipated results and benefits to be achieved, and
- d. an explanation of revisions to previous plans;

3. Establish minimum ~~mandatory~~ standards and protocols for:

- a. communication networks and equipment,
- b. wide area and local area systems,
- c. integration of equipment, systems and joint usage,
- d. operating systems or methods to be used to meet communications requirements efficiently and effectively,
- e. rendering of aid between state government and its political subdivisions with respect to organizing of communications systems, and
- f. an economical and cost-effective utilization of communication services.

Such standards and protocols shall be compatible with the standards and protocols established for the Oklahoma Government Telecommunications Network created in Section ~~4~~ 41.5m of this ~~act~~ title;

4. Serve as a focal point for all statewide projects involving current communications vendors where the focus of such authority can substantially enhance the state communications plan or the savings which can be achieved thereunder;

5. Provide, when requested by political subdivisions of the state, for the organizing of communications or telecommunications systems and service between the state and its political subdivisions and enter into agreements to effect the purposes of this section;

6. Cooperate with any federal, state or local emergency management agency in providing for emergency communications and telecommunication services;

7. Apply for, receive, and hold, or assist agencies in applying for, receiving or holding such authorizations, licenses and allocations of channels and frequencies to carry out the purposes of this section;

8. Accomplish such other purposes as may be necessary or incidental to the administration of its authority or functions pursuant to law; and

9. Provide support for telecommunication networks of state agencies through analysis of each agency's telecommunications needs and requirements and promotion of the use of the Oklahoma Government Telecommunications Network created in Section ~~4~~ 41.5m of this ~~act~~ title.

SECTION 3. AMENDATORY Section 2, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2004, Section 41.5t), is amended to read as follows:

Section 41.5t A. The Information Services Division of the Office of State Finance shall work in conjunction with the Department of Central Services to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of Section 508 of the Workforce Investment Act of 1998.

B. When developing, procuring, maintaining or using information technology, or when administering contracts or grants that include the procurement, development, upgrading, or replacement of information technology each state agency shall ensure, unless an

undue burden would be imposed on the agency, that the information technology allows employees, program participants, and members of the general public access to use of information and data that is comparable to the access by individuals without disabilities.

C. To assure accessibility, the Information Services Division and the Department of Central Services shall:

1. Adopt accessibility standards that address all technical standard categories of Section 508 of the Workforce Investment Act of 1998 to be used by each state agency in the procurement of information technology, and in the development and implementation of custom-designed information technology systems, ~~web~~ Web sites, and other emerging information technology systems;

2. Establish and implement a review procedure to be used to evaluate the accessibility of custom-designed information technology systems proposed by a state agency prior to expenditure of state funds;

3. Review and evaluate accessibility of information technology commonly purchased by state agencies, and provide accessibility reports on such products to those responsible for purchasing decisions;

4. Provide in partnership with Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University, training and technical assistance for state agencies to assure procurement of information technology that meets adopted accessibility standards;

5. Consult with the Oklahoma Department of Rehabilitation Services and individuals with disabilities in accessibility reviews of information technology and in the delivery of training and technical assistance;

6. Establish complaint procedures, consistent with Section 508 of the Workforce Development Act of 1998, to be used by an

individual who alleges that a state agency fails to comply with the provisions of this section;

7. Work with and seek advice from the Electronic and Information Technology Accessibility Advisory Council, created in Section 4 41.5t.2 of this ~~act~~ title in developing accessibility standards and complaint procedures as required in this section; and

8. Require state agencies to submit evidence of assurance of compliance with state standards on accessibility of information technology for individuals with disabilities developed in accordance with this section. ~~For executive branch state agencies that are required to submit an annual long range plan pursuant to Section 41.5e of Title 62 of the Oklahoma Statutes evidence of compliance shall be included in that report.~~

D. The Director of State Finance and the Director of the Department of Central Services shall promulgate rules, as necessary, to implement the provisions of this section.

SECTION 4. This act shall become effective July 1, 2005.

Passed the Senate the 26th day of April, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2005.

Presiding Officer of the House
of Representatives