

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2935

By: Liotta, Bingman, Dorman,
Liebmann, Rousselot and
Blackwell of the House

and

Mazzei and Johnson
(Constance) of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public finance; amending 62 O.S. 2001, Section 41.5a, as amended by Section 1, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2005, Section 41.5a), which relates to the duties of the Information Services Division; changing terminology; modifying duties relating to information technology planning and coordination; deleting certain training related duties; adding duty to enforce minimum information security and internal control standards; providing for certain enforcement actions; expanding restriction on certain expenditures by state agencies; clarifying disclosure requirements; amending 62 O.S. 2001, Section 41.5a-1, which relates to charges to state agencies for processing services; updating statutory language; deleting obsolete language relating to the transfer of funding; amending 62 O.S. 2001, Section 41.5e, as amended by Section 1, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2005, Section 41.5e), which relates to long-range data processing plans; changing name of plans; expanding information technology to be included in the one-year operations plan; deleting certain contents of one-year operations plan; amending 62 O.S. 2001, Section 41.5h, which relates to installation, maintenance, and administration of the central communication system for the state; adding certain communications applications subject to reimbursement and approval; deleting obsolete employee transfer requirements; amending 62 O.S. 2001, Section 41.5i, as amended by Section 2, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2005, Section 41.5i), additional powers and duties of the Information Services Division; adding certain communications applications to information technology plans; changing name of telecommunications plans; deleting certain duties; expanding duty to set certain mandatory standards and protocol; amending 62 O.S. 2001, Section 41.5j, which relates to use of state funds for communication or telecommunication systems; adding communications applications subject to expenditure and contracting restrictions; deleting

requirement for submission of certain long range plans; amending 62 O.S. 2001, Section 41.5k, which relates to the Joint Legislative Committee on Data Processing and Telecommunications; changing name of committee; changing terminology; amending 62 O.S. 2001, Section 41.5l, which relates to the Centrex Revolving Fund; changing name of Fund; expanding authorized expenditures from Fund; amending 62 O.S. 2001, Section 41.5m, which relates to the Oklahoma Government Telecommunications Network; modifying purposes of the Network; expanding communications applications subject to reporting under the statewide master plan; amending 62 O.S. 2001, Section 41.5p, which relates to the state portal system; amending 62 O.S. 2001, Section 41.5q, which relates to convenience fees for electronic or online transactions; amending 62 O.S. 2001, Section 41.5s, which relates to the State Governmental Internet Applications Review Board; updating statutory citations; correcting certain wording; deleting certain duty of the Board; amending Section 3, Chapter 128, O.S.L. 2004 and Section 4, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2005, Sections 41.5t.1 and 41.5t.2), which relate to accessibility of information technology for individuals with disabilities; updating statutory citations; extending termination date of the Electronic and Information Technology Accessibility Advisory Council; directing the Office of State Finance to create a standard security risk assessment that complies with certain international code of practice; requiring certain state agencies to conduct an annual information security risk assessment for certain purpose; requiring submission of a final report by a certain date; specifying contents of the final report; providing a penalty for failure to complete the assessment; specifying assessments that may be used by state agencies; requiring the Office of State Finance to report state agency assessment results by certain date; repealing 62 O.S. 2001, Section 41.5o, which relates to conversion of computer systems for the millennium; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 41.5a, as amended by Section 1, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2005, Section 41.5a), is amended to read as follows:

Section 41.5a A. The Information Services Division shall:

1. Coordinate ~~data processing~~ information technology planning through analysis of ~~each agency's~~ the long-term ~~data processing~~ information technology plans for each agency;

2. Develop a statewide ~~data processing~~ information technology plan with annual modifications to include ~~as a minimum:~~, but not be limited to,

- ~~a.~~ individual agency plans and information systems plans for the statewide electronic ~~data processing~~ information technology function,
- ~~b.~~ ~~major development projects proposed for the current year and the next three (3) years,~~ and
- ~~c.~~ ~~an explanation of revisions to previous plans;~~

3. Establish and enforce 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~~ information security and internal controls,
- h. data base compatibility, and
- i. contingency planning and disaster recovery.

~~Such~~ The standards shall, upon adoption, 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 41.5m of this title. Individual agency standards may be more specific than statewide 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;

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

5. Operate a ~~data processing~~ an information technology service center to provide operations and hardware support for agencies requiring such services and for statewide systems;

6. Maintain a directory of the following which have a value of Five Hundred Dollars (\$500.00) or more: application systems, systems software, hardware, internal and external ~~data processing~~ information technology, 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, and studies and training courses in use by all agencies of the state; and facilitate the utilization of ~~such~~ the 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~~ information technology 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~~ information technology activities, encourage joint projects and common systems, and linking of agency systems through the review of agency plans, development of a statewide plan and its integration with the budget process to ensure that developments ~~and/or~~ or acquisitions are consistent with statewide objectives and that proposed systems are justified and cost effective;

~~10.~~ 9. Develop performance reporting guidelines for ~~data processing~~ information technology facilities and conduct an annual review to compare agency plans and budgets with results and expenditures;

~~11.~~ 10. Establish operations review procedures for ~~data processing~~ information technology installations operated by agencies of the state for independent assessment of productivity, efficiency, ~~and,~~ cost effectiveness, and security;

~~12.~~ 11. Establish service center user charges for billing costs to agencies based on the use of all resources; ~~and~~

~~13.~~ 12. Provide system development and consultant support to state agencies on a contractual, cost reimbursement basis; and

13. In conjunction with the Oklahoma Office of Homeland Security, enforce the minimum information security and internal control standards established by the Information Services Division. An enforcement team consisting of the Director of the Information Services Division or a designee, a representative of the Oklahoma Office of Homeland Security, and a representative of the Oklahoma State Bureau of Investigation shall enforce the minimum information security and internal control standards. An agency that is not in compliance with the minimum information security and internal control standards shall be notified. The agency will be required to submit a plan for becoming compliant within a specified time period, based on the severity of the noncompliance. If the agency does not become compliant with the minimum information security and internal control standards within the specified time period, the enforcement team shall institute progressive actions as follows:

- a. if possible, extend the time period for becoming compliant,
- b. work with the agency to mitigate the noncompliance,
- c. notify the agency director, the Governor, the Speaker of the House of Representatives, and the President Pro

Tempore of the Senate that the agency will be removed from the infrastructure of the state until the agency becomes compliant,

- d. notify the agency director, the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate that the enforcement team will take control of the information technology function of the agency until the agency is compliant, and
- e. recommend to the Governor and the Legislature that the administration and management of the information technology function of the agency be transferred to another state agency.

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 or any contract for information technology services and equipment exceeding 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~~ Office of State Finance and all agencies of the executive branch of the state shall not require the disclosure be required to disclose, 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~~ disclose information technology system details that may permit the access to confidential information or any information affecting personal security, personal identity, or physical security of state assets.

SECTION 2. AMENDATORY 62 O.S. 2001, Section 41.5a-1, is amended to read as follows:

Section 41.5a-1 ~~A.~~ The Information Services Division shall, at the end of each month, render a statement of charges to all state agencies to which it has furnished processing services for the direct costs of the ~~Division's~~ Data Service Center of the Division. In total, ~~such~~ the charges shall not exceed the direct costs of the ~~Division's~~ Data Service Center of the Division. Systems analysts and programming services costs shall be recovered directly from the agency for which the service was rendered, as agreed to by that agency, and shall not be prorated to agencies not receiving such services. All amounts so collected shall be deposited in the State Treasury to the credit of the General Revenue Fund.

~~B. Any unobligated balance in the Department of Transportation Data Processing Planning Revolving Fund at the close of the fiscal year ending June 30, 1985, shall be transferred by the Director of State Finance to the General Revenue Fund. Any obligated balance in the Department of Transportation Data Processing Planning Revolving Fund shall be transferred to the Office of State Finance as the Data Service Center Temporary Revolving Fund effective July 1, 1985, and monies in said fund shall lapse November 15, 1985.~~

SECTION 3. AMENDATORY 62 O.S. 2001, Section 41.5e, as amended by Section 1, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2005, Section 41.5e), is amended to read as follows:

Section 41.5e A. ~~All~~ No later than July 1 of each year, all agencies of the executive branch of this state presently using or contemplating the use of telecommunications and electronic data processing information technology applications, including, but not limited to, the use of mainframe computers, minicomputers or microcomputers, word processing equipment, ~~or~~ office automation systems, Internet, eGovernment, or contracts for information technology services and equipment, shall annually submit to the

Information Services Division a ~~long range~~ one-year operations plan, ~~summarizing the agency's detailed plan, for not less than the ensuing three (3) fiscal years,~~ which shall include as a minimum:

1. An overview of major projects and objectives;
2. ~~Estimated resource requirements including personnel,~~ Cost per defined category of hardware, and software, services and personnel;
3. ~~Key project dates;~~
4. ~~Project priorities;~~
5. ~~Estimated project costs and benefits;~~
6. ~~Revisions to previous plans;~~
7. ~~Specific segments which will be included in the agency budget request for the next ensuing fiscal year;~~
8. An assurance of compliance with state standards on accessibility of information technology for individuals with disabilities developed in accordance with Section ~~2~~ 41.5t of this act title; and

~~9.~~ 4. Such other information as the Information Services Division may require for analysis and consolidation into a statewide ~~plan for~~ telecommunications and electronic data processing information technology plan.

B. No agency of the executive branch of this state shall enter into any agreement for the acquisition, development, or enhancement of application systems software or for the acquisition of electronic ~~data processing~~ information technology equipment, or peripheral devices, including Internet and eGovernment, whether or not connected to such equipment, unless the cost of such acquisition, development, or enhancement has been included in ~~said agency's~~ the plan for the agency. The Information Services Division upon review of an ~~agency's data processing~~ information technology and telecommunication plan for the agency, shall submit in writing to the Governor, the Speaker of the House of Representatives, and the

President Pro Tempore of the Senate its findings and recommendations on all proposed new and expanded programs and expenditures for personnel and the purchase or acquisition of equipment, hardware ~~and~~, software ~~or~~, accessories, or services thereto, including but not limited to leases, rentals or lease-purchase, indicating that the associated cost meet or comply with Section 41.5a of this title.

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

SECTION 4. AMENDATORY 62 O.S. 2001, Section 41.5h, is amended to read as follows:

Section 41.5h A. The Information Services Division of the Office of State Finance is directed, authorized and empowered to establish criteria for and manage the installation, maintenance and administration of a central communication or intercommunication system for and upon behalf of this state, ~~the~~. The installation shall fulfill communication or intercommunications requirements of this state and its agencies located in the Capitol and those buildings situated on the Capitol grounds, known as the "Capitol Complex" in Oklahoma City, Oklahoma, and the state-owned building known as the "Tulsa Capitol Building" in Tulsa, Oklahoma.

B. The Division shall render a statement of charges at the end of each month to all state agencies to which it has furnished communications services for the direct cost sustained, provided that:

1. A ~~pro-rata~~ pro rata formula is to be established in writing after giving consideration to the type of service furnished, the number and kinds of instruments used, the cost of operation and special installations required in each such agency in relation to the total cost of local service. The formula, once determined, is

not to be redetermined more often than once every six (6) months nor to be changed after any such redetermination before the expiration of six (6) months; and

2. The Division is to be reimbursed by the state or any of its agencies for actual cost incurred for equipment installation or modification or for toll charges for use of telephone, telegraph, teletype, data communications, Internet, eGovernment, as referenced in Sections 41.5p and 41.5q of this title, or other form or forms of communication or intercommunication incurred by the state or by any agency.

C. No telephone, teletype, switchboard, line, cable system, data communication system, Internet, eGovernment, or systems of communication or intercommunication are to be installed in any building or buildings owned, rented, leased or otherwise held by this state or its agencies at locations described in subsection A of this section without written order of the Director of State Finance. Provided, however, that acquisition and installation of such equipment in the ~~House of Representatives~~ Legislature shall be subject to the final approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate as appropriate.

~~D. The employees of the Centrex Unit of the Communications Division of the Office of Public Affairs, and the funds, records, equipment, furniture and fixtures, files and supplies, of whatsoever kind and character now utilized by the Centrex Unit shall be and are ordered transferred to the Information Services Division of the Office of State Finance.~~

~~E. No employee transferred pursuant to subsection D of this section shall be required to accept a lesser grade of salary than presently received plus any salary adjustments provided by the Legislature for state employees, and no entrance examination shall~~

~~be required for continued employment in the same or similar positions with the Office of State Finance.~~

SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5i, as amended by Section 2, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2005, 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, Internet, eGovernment, as referenced in Sections 41.5p and 41.5q of this title, and facsimile transmissions through analysis of ~~each agency's long term communication and~~ the telecommunications plans and information technology plan of each agency;

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. Internet and eGovernment,
- e. operating systems or methods to be used to meet communications requirements efficiently ~~and,~~ effectively, and securely,
- ~~e.~~ f. rendering of aid between state government and its political subdivisions with respect to organizing of communications systems, and
- ~~f.~~ g. an economical and cost-effective utilization of communication services.

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

~~4.~~ 3. 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.~~ 4. 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.~~ 5. Cooperate with any federal, state or local emergency management agency in providing for emergency communications and telecommunication services;

~~7.~~ 6. 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.~~ 7. Accomplish such other purposes as may be necessary or incidental to the administration of its authority or functions pursuant to law; and

~~9.~~ 8. Provide support for telecommunication networks of state agencies through analysis of ~~each agency's~~ the telecommunications needs and requirements of each agency and promotion of the use of the Oklahoma Government Telecommunications Network created in Section 41.5m of this title.

SECTION 6. AMENDATORY 62 O.S. 2001, Section 41.5j, is amended to read as follows:

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

B. ~~Not later than September 1 of each year, all agencies of the state presently using or contemplating the use of voice, data, radio, video and facsimile communication or telecommunication systems shall submit to the Information Services Division of the Office of State Finance a long-range plan summarizing the agency's detailed plan, for not less than the current fiscal year and the ensuing three (3) fiscal years. Agencies may submit to the Information Services Division of the Office of State Finance revisions or amendments to its long-range plan as deemed necessary by the agencies. The plan shall include at a minimum:~~

~~1. An inventory of communication or telecommunication equipment owned, leased or rented for use in all 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;~~

~~2. Current budget plans, expenditures and resources necessary to operate any and all systems included in the above inventory;~~

~~3. 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;~~

~~4. An explanation of revisions to previous plans;~~

~~5. Key project dates; and~~

~~6. Specific segments which will be included in the agency budget request for the ensuing fiscal year.~~

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

~~D.~~ C. State agencies may enter into interagency contracts to share communications and telecommunications resources for mutually beneficial purposes. The contract shall clearly state how its purpose contributes to the development or enhancement or cost reduction of a state network which includes voice, data, radio, video, Internet, eGovernment, or facsimile systems. The contract shall be approved by the Information Services Division before any payments are made.

~~E.~~ D. The provisions of this section shall not apply to the telecommunications network known as OneNet whether said network is governed or operated by the Oklahoma State Regents for Higher

Education or any other state entity assigned responsibility for OneNet.

SECTION 7. AMENDATORY 62 O.S. 2001, Section 41.5k, is amended to read as follows:

Section 41.5k A. There is hereby established the Joint Legislative Committee on ~~Data Processing~~ Information Technology and Telecommunication. Such committee shall be composed of three members of the Senate and three members of the House of Representatives, who shall be appointed every two (2) years by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively. The chairmanship of the committee shall alternate every two (2) years between the Senate and House of Representatives at the beginning of each odd-numbered year.

B. The committee shall meet at least quarterly and at such other times as called by the chairman thereof for the purposes of:

1. Reviewing and making recommendations regarding state plans, standards and rules developed under the administrative control of the Director of State Finance as prescribed in Sections 41.5a through 41.5g of this title;

2. Providing a forum for the Office of State Finance and state agencies, as necessary to accomplish the legislative intent of this legislation;

3. Coordinating and reporting to the Legislature the development and progress of the ~~long-range~~ long-term information technology plans, proposed systems and joint projects required to accomplish the statewide objectives; and

4. Reviewing agency budget requests for new and expanded programs in the areas of ~~data processing~~ information technology and telecommunications and making such recommendations as it deems necessary to the appropriations committees of the Legislature.

SECTION 8. AMENDATORY 62 O.S. 2001, Section 41.5l, is amended to read as follows:

Section 41.5l There is hereby created in the State Treasury a revolving fund for the Office of State Finance to be designated the "~~Centre~~ Telecommunications Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of appropriations made by the Legislature and reimbursements for providing telecommunications services as defined in Sections 41.5h, 41.5i, 41.5j and 41.5p of this title. All monies accruing to such fund are hereby appropriated and may be budgeted and expended by the Office of State Finance for the purpose of providing telecommunications, Internet, and eGovernment services, as referenced in Sections 41.5p and 41.5q of this title, the construction and maintenance of information technology facilities and services, and other related services. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 9. AMENDATORY 62 O.S. 2001, Section 41.5m, is amended to read as follows:

Section 41.5m A. There is hereby created a wide area telecommunications network to be known and referred to as the "Oklahoma Government Telecommunications Network (OGTN)". The OGTN shall consist of the telecommunications systems and networks of educational entities and agencies of state government.

B. Notwithstanding the provisions of subsection A of this section:

1. The Oklahoma State Regents for Higher Education may continue to operate, maintain and enhance the State Regents Educational Telecommunications Network; ~~provided, however, the~~ The Oklahoma State Regents for Higher Education shall submit all plans for the enhancement of the State Regents Educational Telecommunications Network to the Office of State Finance for review and approval within the context of the statewide telecommunications network

provided for in subsection C of this section and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN; and

2. The Department of Public Safety may continue to operate, maintain and enhance the statewide law enforcement data communications network provided for in Section 2-124 of Title 47 of the Oklahoma Statutes; ~~provided, however, the~~. The Department of Public Safety shall submit all plans for the enhancement of the statewide law enforcement data communications network to the Office of State Finance for review and approval and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN.

C. The Office of State Finance shall be responsible for developing, operating and maintaining the OGTN. The purposes of the OGTN shall include the following:

1. Development of a comprehensive, unified statewide telecommunications network to effectively and, efficiently, and securely meet the communication needs of educational entities and agencies of state government;

2. Effective and efficient utilization of existing telecommunications systems operated by educational entities and agencies of state government; and

3. Elimination and prevention of unnecessarily duplicative telecommunications systems operated by educational entities and agencies of state government.

D. In developing, operating and maintaining the OGTN, the Office of State Finance shall:

1. Develop a statewide master plan for meeting the communications needs of educational entities and of agencies of state government. To facilitate the development of a statewide master plan as provided for in this paragraph:

- a. the Oklahoma State Regents for Higher Education shall submit a report annually to the Director of State Finance identifying the telecommunications plans of each member of The Oklahoma State System of Higher Education. For purposes of developing such report, each member shall cooperate with and submit to the State Regents a plan of its telecommunications needs, including, but not limited to, Internet, eGovernment, as referenced in Sections 41.5p and 41.5q of this title, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
- b. the State Superintendent of Public Instruction shall submit a report annually to the Director of State Finance identifying the telecommunications plans of the public common school system of the state. For purposes of developing such report, the respective public elementary and secondary schools shall cooperate with and submit to the State Superintendent a plan of their telecommunications needs, including, but not limited to, Internet, eGovernment, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
- c. the State Director of the Oklahoma Department of Career and Technology Education shall submit a report annually to the Director of State Finance identifying the telecommunications plans of technology center school districts. For purposes of developing such report, each technology center school district as

defined in Section 14-108 of Title 70 of the Oklahoma Statutes shall cooperate with and submit to the State Director of the Oklahoma Department of Career and Technology Education a plan of its telecommunications needs, including, but not limited to, Internet, eGovernment, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,

- d. the chief administrative officer of each state agency of the executive branch shall submit a plan annually to the Director of State Finance identifying the telecommunications needs of the state agency, including, but not limited to, Internet, eGovernment, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services, and
- e. the Director of the Oklahoma Department of Libraries shall submit a report annually to the Director of State Finance identifying the telecommunications plans of public libraries and public library systems. For purposes of developing such report, the chief administrative officer of any public library or public library system not otherwise required to submit a plan of its telecommunications needs pursuant to the provisions of this paragraph shall cooperate with and submit annually to the Director of the Oklahoma Department of Libraries a plan of its telecommunications needs, including, but not limited to, Internet, eGovernment, any interactive video plans, the purchase of informational data bases,

software for manipulation of bibliographic records and the use of telecommunications equipment or services. To assure inclusion in the report of the plans of the telecommunications needs of any library that is a part of any member of The Oklahoma State System of Higher Education, a public elementary or secondary school, or technology center school district, all such plans relating to libraries received by the Oklahoma State Regents for Higher Education, the State Superintendent of Higher Education, and the State Director of the Oklahoma Department of Career and Technology Education shall be submitted to the Director of the Oklahoma Department of Libraries by the respective recipients thereof as soon as practicable after receipt. The Director of the Oklahoma Department of Libraries shall certify to the Office of State Finance that such plans are consistent with the plan developed by the Oklahoma Library Technology Network or explain any inconsistencies therewith;

2. Identify the most cost-effective means of meeting the telecommunications needs of educational entities and of agencies of state government;

3. Develop minimum mandatory standards and protocols for equipment, facilities and services of the OGTN;

4. Evaluate the advantages and disadvantages of utilizing equipment, facilities, and services of both private entities and those owned and operated by the state; and

5. Recommend a fee structure to provide for the operation and maintenance of the OGTN.

SECTION 10. AMENDATORY 62 O.S. 2001, Section 41.5p, is amended to read as follows:

Section 41.5p A. In order to be at the forefront of electronic commerce and provide constituents, agencies and out-of-state users with state-of-the-art electronic commerce and Internet tools, the State of Oklahoma recognizes the need for a state portal system connecting state agency websites and information systems.

B. For purposes of this section and Section 4 41.5s of this ~~act~~ title, a "portal system" shall mean a system that hosts and connects to a collection of on-line government and public services and serves as the single point of access to state government services, information, and transaction processing with a common enterprise wide user interface allowing navigation among the services.

SECTION 11. AMENDATORY 62 O.S. 2001, Section 41.5q, is amended to read as follows:

Section 41.5q A. Subject to review and adoption as outlined in Section 4 41.5s of this ~~act~~ title, a state agency, board, commission, or authority is hereby authorized to charge a convenience fee for any electronic/~~on-line~~ or on-line transaction. A convenience fee shall apply to electronic/~~on-line~~ or on-line transactions only and shall not apply when accessing information provided through state government websites. If a state entity sets a convenience fee for electronic/~~on-line~~ or on-line transactions, the fee shall be reviewed by the State Governmental Internet Applications Review Board as provided for in Section 4 41.5s of this ~~act~~ title. Each state entity shall keep a record of how the convenience fee has been determined. A state agency, board, commission, or authority may periodically adjust a convenience fee as needed upon review and adoption as provided for in Section 4 41.5s of this ~~act~~ title.

B. For purposes of this section, "convenience fee" shall mean any charge that is necessary to process an electronic/~~on-line~~ or on-line transaction with a state agency, board, commission or authority. The fee may be in excess of any fee charged for the

service or product being provided by such state entity. This may include reasonable charges for the cost of the electronic/~~on-line~~ or on-line service including recovery of costs incurred in the development and implementation of the service or system, cost of sustaining and upgrading the electronic/~~on-line~~ or on-line service, and future expansion of the electronic/~~on-line~~ or on-line services.

SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.5s, is amended to read as follows:

Section 41.5s A. There is hereby established the State Governmental Internet Applications Review Board. The Board shall review and make recommendations to the Office of State Finance concerning state governmental Internet-based electronic/~~on-line~~ or on-line transactions or applications being provided by state agencies, boards, commissions, or authorities for use by the public.

B. The State Governmental Internet Applications Review Board shall be composed of the following members:

1. The Director of the Office of State Finance or a designee;
2. Four representatives from different state agencies, boards, commissions, or authorities to be appointed by the Governor;
3. One member who is not a member of the Legislature or a state government employee to be appointed by the Speaker of the House of Representatives; and
4. One member who is not a member of the Legislature or a state government employee to be appointed by the President Pro Tempore of the Senate.

C. Members of the Board shall serve for terms of two (2) years. The Board shall select a chair from among its members.

D. Members of the Board shall not receive compensation for serving on the Board, but shall be reimbursed for travel expenses incurred in the performance of their duties by their respective agencies or appointing authority in accordance with the State Travel Reimbursement Act.

E. The Board shall have the duty and responsibility of:

1. ~~Reviewing all forms created by state agencies, boards, commissions, or authorities which are to be used by the public for state governmental Internet-based electronic/on-line transactions or applications;~~

2. Reviewing a schedule of convenience fees, as is defined in Section ~~2~~ 41.5g of this ~~act~~ title, and all convenience fees and changes in fees charged by state agencies, boards, commissions, or authorities for electronic/~~on-line~~ or on-line transactions, and making recommendations pertaining to convenience fees to the Office of State Finance prior to its adoption by rule of such fees, changes to fees, or fee schedule; and

~~3.~~ 2. Monitoring all portal systems and applications for portal systems created by state agencies, boards, commissions, or authorities, reviewing portal systems applications approved or denied by the Information Service Division of the Office of State Finance, and making recommendations to the Legislature and Governor to encourage greater use of the open-systems concept as is defined in Section ~~3~~ 41.5r of this ~~act~~ title.

SECTION 13. AMENDATORY Section 3, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2005, Section 41.5t.1), is amended to read as follows:

Section 41.5t.1 As used in ~~Section 2~~ Sections 41.5t through ~~5~~ 41.5t.2 of this ~~act~~ title:

1. "Accessibility" means compliance with nationally accepted accessibility and usability standards, such as those established in Section 508 of the Workforce Investment Act of 1998;

2. "Individual with disabilities" means any individual who is considered to have a disability or handicap for the purposes of any federal or Oklahoma law;

3. "Information technology" means any electronic information equipment or interconnected system that is used in the acquisition,

storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including audio, graphic, and text;

4. "State agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding political subdivisions of the state. State agency shall include the Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education and Technology Center school districts; and

5. "Undue burden" means significant difficulty or expense, including, but not limited to, difficulty or expense associated with technical feasibility.

SECTION 14. AMENDATORY Section 4, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2005, Section 41.5t.2), is amended to read as follows:

Section 41.5t.2 A. There is hereby created, to continue until July 1, ~~2006~~ 2007, the Electronic and Information Technology Accessibility Advisory Council. The Advisory Council shall study and make recommendations concerning the accessibility for the disabled to publicly produced and provided electronic and information technology and to provide advice and assistance to the Information Services Division of the Office of State Finance on the development of accessibility standards and complaint procedures as provided for in Section ~~2~~ 41.5t of this ~~act~~ title.

B. The Advisory Council shall be composed of the following members:

1. One member of the House of Representatives, appointed by the Speaker of the House of Representatives;

2. One member of the Senate, appointed by the President Pro Tempore of the Senate;
3. The chair of the Science and Technology Committee of the House of Representatives;
4. The chair of the Aerospace and Technology Committee of the State Senate;
5. The Director of the Office of State Finance, or a designee;
6. The Director of the Department of Central Services, or a designee;
7. The Director of the Oklahoma Department of Rehabilitation Services, or a designee;
8. The Superintendent of Public Instruction, or a designee;
9. The State Director of the Oklahoma State Department of Career and Technology Education, or a designee;
10. The Director of the Library for the Blind and Physically Handicapped with the Oklahoma Department of Rehabilitation, or a designee;
11. The Director of the Office of Handicapped Concerns, or a designee;
12. A representative of OneNet, the state telecommunications network within the Oklahoma State Regents for Higher Education;
13. The Project Manager for Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University;
14. A representative of state agency web managers appointed by the Governor from a list submitted by a state agency web manager group;
15. A representative of an association representing education technology administrators appointed by the Speaker of the House of Representatives;
16. A representative of an association of distance learning education professionals appointed by the President Pro Tempore of the Senate;

17. Two representatives of corporations or vendors of information or electronic technology hardware or software who are knowledgeable or have experience in the field of assistive technology appointed by the Governor;

18. A representative of a corporation or vendor specializing in assistive technology appointed by the Governor; and

19. Four representatives who are individuals with a disability, one who is blind or visually impaired, one who is deaf or hard of hearing, one with a mobility disability, and one with a cognitive disability and all of whom are users of information or electronic technology appointed by the Governor.

C. Members who were serving on the Electronic and Information Technology Accessibility Task Force as of July 1, 2004, shall automatically be appointed to serve on the Electronic and Information Technology Accessibility Advisory Council after July 1, 2004.

D. The Advisory Council shall:

1. Make recommendation on action, including legislative action, needed to ensure that all electronic and information technology produced, procured, or developed by state agencies are accessible to the disabled;

2. Identify disability accessibility standards that are emerging or fully adopted by national standard organizations;

3. Review and make recommendations on disability accessibility initiatives and legislation undertaken in other states; and

4. Provide advice and assistance to the Information Services Division of the Office of State Finance and the Department of Central Services on the development of accessibility standards and complaint procedures as provided for in Section ~~2~~ 41.5t of this ~~act~~ title.

E. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair from among the members of the Advisory Council.

F. A majority of the members of the Advisory Council shall constitute a quorum. A majority of the members present at a meeting may act for the Advisory Council.

G. Meetings of the Advisory Council shall be called by either cochair.

H. Proceedings of all meetings of the Advisory Council shall comply with the provisions of the Oklahoma Open Meeting Act.

I. The Advisory Council may divide into subcommittees in furtherance of its purpose.

J. Staff of the Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University, shall serve as primary staff for the Advisory Council. Appropriate personnel from the Office of State Finance and the Department of Central Services shall also assist with the work of the Advisory Council.

K. The Advisory Council may use the expertise and services of the staffs of the Oklahoma House of Representatives and State Senate and may, as necessary, seek the advice and services of experts in the field as well as other necessary professional and clerical staff.

L. All departments, officers, agencies, and employees of this state shall cooperate with the Advisory Council in fulfilling its duties and responsibilities including, but not limited to, providing any information, records, or reports requested by the Advisory Council.

M. Members of the Advisory Council shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the Advisory Council shall be reimbursed for necessary travel expenses incurred in the performance

of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Advisory Council shall be reimbursed by their appointing authorities or respective agencies for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5v of Title 62, unless there is created a duplication in numbering, reads as follows:

A. The Office of State Finance shall create a standard security risk assessment for state agency information technology systems that complies with the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) Information Technology - Code of Practice for Security Management (ISO/IEC 17799).

B. Each state agency that has an information technology system shall annually conduct an information security risk assessment to identify vulnerabilities associated with the information system. A final report of the information security risk assessment shall be submitted by each state agency to the Office of State Finance by the first day of December of each year. The final information security risk assessment report shall identify, prioritize, and document information security vulnerabilities for each of the state agencies assessed. Failure to comply with the requirements of this subsection may result in funding being withheld from the agency. State agencies shall use either the standard security risk assessment created by the Office of State Finance or a third-party risk assessment meeting the ISO/IEC 17799 standards and using the National Institute of Standards and Technology Special Publication 800-30 (NIST SP800-30) process and approved by the Office of State Finance. The Office of State Finance shall approve not less than

two firms which state agencies may choose from to conduct the information security risk assessment.

C. The Office of State Finance shall report the results of the state agency assessments required pursuant to this section to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate by the first day of January of each year.

SECTION 16. REPEALER 62 O.S. 2001, Section 41.50, is hereby repealed.

SECTION 17. This act shall become effective July 1, 2006.

SECTION 18. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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