

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1807 By: Jolley of the Senate  
3 and  
4 Bengie of the House  
5  
6

7 ( public finance - Information Technology  
8 Consolidation Task Force - State Agency Risk  
9 Assessment Fund - noncodification - codification -  
10 effective date -  
11 emergency )  
12  
13

14 AUTHOR: Add the following Senate Coauthor: Coffee

15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
16 entire bill and insert

17  
18 "( technology - Oklahoma Information Services Act -  
19 Office of Information Services - codification -  
20 recodification - repealer -  
21 effective date )  
22  
23

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

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 50 of Title 74, unless there is  
3 created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Oklahoma  
5 Information Services Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 50.1 of Title 74, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. There is hereby created the Office of Information Services.  
10 The Office of Information Services shall be operated and  
11 administered by a Chief Information Director who shall be appointed  
12 by the Governor. The salary of the Chief Information Director shall  
13 be comparable with the prevailing salaries for similar private  
14 sector positions. The first Chief Information Director shall be  
15 appointed no later than January 1, 2009.

16 B. Any person appointed to the position of Chief Information  
17 Director shall meet the following eligibility requirements:

18 1. A baccalaureate degree in Computer Information Systems,  
19 Information Systems Management, Information Systems or other similar  
20 degree;

21 2. A minimum of seven (7) years of professional experience with  
22 responsibilities for management and support of information systems  
23 and information technology, or direct management of a major  
24 information technology operation;

- 1 3. Familiarity with local and wide-area network design,  
2 implementation, and operation;
- 3 4. Experience with data and voice convergence service  
4 offerings;
- 5 5. Experience in developing technology budgets;
- 6 6. Experience in developing requests for proposals and  
7 administering the bid process;
- 8 7. Experience managing professional staff, teams, and  
9 consultants;
- 10 8. Extensive knowledge of telecommunications operations;
- 11 9. Ability to manage daily development and operations  
12 functions;
- 13 10. An effective communicator who is able to build consensus;
- 14 11. Ability to analyze and resolve complex issues, both logical  
15 and interpersonal;
- 16 12. Effective verbal and written communications skills and  
17 effective presentation skills, geared toward coordination and  
18 education;
- 19 13. Ability to negotiate and defuse conflict; and
- 20 14. A self-motivator, independent, cooperative, flexible and  
21 creative.
- 22 C. The Chief Information Director shall be authorized to employ  
23 personnel, fix the duties and compensation of the personnel, not  
24 otherwise prescribed by law, and otherwise direct the work of the

1 personnel in performing the function and accomplishing the purposes  
2 of the Office of Information Services.

3 D. The Office of Information Services shall be responsible for  
4 the following duties:

5 1. Formulate and implement the information technology strategy  
6 for the state;

7 2. Oversee the development and operation of a scalable  
8 operations infrastructure that supports data and voice  
9 communications reliability, integrity, and security;

10 3. Oversee the applications development process;

11 4. Oversee the professional development of information  
12 technology staff in the state;

13 5. Evaluate all technology investment choices for the state;

14 6. Create a plan to ensure alignment of current systems, tools,  
15 and processes with the strategic information technology plan for the  
16 state;

17 7. Oversee the maintenance and improvement of the current  
18 information technology infrastructure in the state in support of  
19 enhanced reliability, user service levels, and security;

20 8. Develop and manage appropriate policies and procedures to  
21 ensure the success of information technology initiatives;

22 9. Lead the prioritization and management of any software  
23 development for the state and state agencies;

24

- 1        10. Build the required technical staff to support the execution  
2 of the strategic information technology plan for the state;
- 3        11. Design, implement, and evaluate the systems that support  
4 end users in the productive use of computer hardware and software;
- 5        12. Establish and maintain technology infrastructure standards;
- 6        13. Delegate, coordinate, and review all work to ensure quality  
7 and efficient operation of the Office of Information Services;
- 8        14. Conduct regular meetings to disseminate pertinent  
9 information to state agencies and to discuss procedures and  
10 policies;
- 11       15. Participate in the development and implementation of  
12 training programs within state agencies regarding the information  
13 technology systems, products and procedures;
- 14       16. Provide counseling, performance evaluation, training,  
15 motivation, discipline, and assign duties for information technology  
16 employees in state agencies;
- 17       17. Oversee the purchasing of information technology products  
18 and services for the state;
- 19       18. Develop an overall infrastructure architecture strategy and  
20 associated roadmaps for desktop, network, server, storage, and  
21 associated management systems for state agencies;
- 22       19. Effectively manage the design, implementation and support  
23 of complex, highly available infrastructure to ensure optimal  
24

1 performance, on-time delivery of features, and new products, and  
2 scalable growth; and

3 20. Create the budget for the Office of Information Services to  
4 be submitted to the Legislature each year.

5 E. All state agencies of this state and all officers and  
6 employees of those agencies are hereby directed to cooperate with  
7 and lend assistance to the Chief Information Director and the Office  
8 of Information Services.

9 F. Within six (6) months of appointment, but no later than July  
10 1, 2009, the Chief Information Director shall issue a report of  
11 recommendations on the transfer, coordination, and modernization of  
12 all the information technology systems of all the state agencies in  
13 the state, including recommendations on the reallocation of  
14 resources and personnel. The Director shall also include  
15 recommendations on alignment and operation of the communications and  
16 data transfer network known as OneNet.

17 SECTION 3. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 50.2 of Title 74, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. The Information Services Division of the Office of State  
21 Finance is hereby transferred from the Office of State Finance to  
22 the Office of Information Services. The transfer shall include all  
23 real property, buildings, furniture, equipment, supplies, records,  
24 personnel, assets, current and future liabilities, fund balances,

1 encumbrances, obligations, indebtedness, powers, duties, and  
2 responsibilities associated with the Information Services Division  
3 of the Office of State Finance.

4 B. It is the intent of the Legislature that all employees of  
5 the Office of State Finance who are assigned to the Information  
6 Services Division on the effective date of this act shall be  
7 transferred to the Office of Information Services with retention of  
8 pay and benefits, as much as possible, including longevity,  
9 insurance benefits, seniority, rights, and other privileges or  
10 benefits, which may be provided through contractual arrangements  
11 with the Office of State Finance.

12 SECTION 4. AMENDATORY 62 O.S. 2001, Section 41.3, is  
13 amended to read as follows:

14 Section 41.3 There is hereby created in the Executive  
15 Department, the Office of State Finance which shall consist of a  
16 Division of the Budget, a Division of Central Accounting and  
17 Reporting, ~~an Information Services Division,~~ and an Oklahoma  
18 Financial Information System Management Division under the  
19 administrative control of the Director of State Finance and directly  
20 responsible to ~~him~~ the Director.

21 The terms "State Budget Director" or "Budget Director" appearing  
22 in the Oklahoma Statutes shall mean "Director of State Finance".

23 The terms "State Budget Office", "Division of the Budget",  
24 "Division of Central Accounting and Reporting", "~~Information~~

1 ~~Services Division~~", or "Oklahoma Financial Information System  
2 Management Division" appearing in the Oklahoma Statutes shall mean  
3 the Office of State Finance or the divisions thereof.

4 SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5a, as  
5 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
6 2007, Section 41.5a), is amended to read as follows:

7 Section 41.5a A. The Office of Information Services ~~Division~~  
8 shall:

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

11 2. Develop a statewide information technology plan with annual  
12 modifications to include, but not be limited to, individual agency  
13 plans and information systems plans for the statewide electronic  
14 information technology function;

15 3. Establish and enforce minimum mandatory standards for:

- 16 a. information systems planning,
- 17 b. systems development methodology,
- 18 c. documentation,
- 19 d. hardware requirements and compatibility,
- 20 e. operating systems compatibility,
- 21 f. software and hardware acquisition,
- 22 g. information security and internal controls,
- 23 h. data base compatibility, and
- 24 i. contingency planning and disaster recovery.

1       The standards shall, upon adoption, be the minimum requirements  
2 applicable to all agencies. These standards shall be compatible  
3 with the standards established for the Oklahoma Government  
4 Telecommunications Network created in Section ~~41.5m~~ 50.13 of ~~this~~  
5 ~~title~~ Title 74 of the Oklahoma Statutes. Individual agency  
6 standards may be more specific than statewide requirements but shall  
7 in no case be less than the minimum mandatory standards. Where  
8 standards required of an individual agency of the state by agencies  
9 of the federal government are more strict than the state minimum  
10 standards, such federal requirements shall be applicable;

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

13       5. Operate an information technology service center to provide  
14 operations and hardware support for agencies requiring such services  
15 and for statewide systems;

16       6. Maintain a directory of the following which have a value of  
17 Five Hundred Dollars (\$500.00) or more: application systems,  
18 systems software, hardware, internal and external information  
19 technology, communication or telecommunication equipment owned,  
20 leased, or rented for use in communication services for state  
21 government, including communication services provided as part of any  
22 other total system to be used by the state or any of its agencies,  
23 and studies and training courses in use by all agencies of the  
24 state; and facilitate the utilization of the resources by any agency

1 having requirements which are found to be available within any  
2 agency of the state;

3 7. Assist agencies in the acquisition and utilization of  
4 information technology systems and hardware to effectuate the  
5 maximum benefit for the provision of services and accomplishment of  
6 the duties and responsibilities of agencies of the state;

7 8. Coordinate for the executive branch of state government  
8 agency information technology activities, encourage joint projects  
9 and common systems, and linking of agency systems through the review  
10 of agency plans, development of a statewide plan and its integration  
11 with the budget process to ensure that developments or acquisitions  
12 are consistent with statewide objectives and that proposed systems  
13 are justified and cost effective;

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

17 10. Establish operations review procedures for information  
18 technology installations operated by agencies of the state for  
19 independent assessment of productivity, efficiency, cost  
20 effectiveness, and security;

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

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

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

- 17           a. if possible, extend the time period for becoming  
18               compliant,
- 19           b. work with the agency to mitigate the noncompliance,
- 20           c. notify the agency director, the Governor, the Speaker  
21               of the House of Representatives, and the President Pro  
22               Tempore of the Senate that the agency will be removed  
23               from the infrastructure of the state until the agency  
24               becomes compliant,

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

10           B.   No agency of the executive branch of the state shall use  
11 state funds for or enter into any agreement for the acquisition of  
12 computer hardware, software or any contract for information  
13 technology services and equipment exceeding Twenty-five Thousand  
14 Dollars (\$25,000.00) in value without written authorization of the  
15 Chief Information Director of State Finance. The provisions of this  
16 subsection shall not be applicable to any member of The Oklahoma  
17 State System of Higher Education, any public elementary or secondary  
18 schools of the state, or any technology center school district as  
19 defined in Section 14-108 of Title 70 of the Oklahoma Statutes.

20           C.   The Office of ~~State Finance~~ Information Services and all  
21 agencies of the executive branch of the state shall not be required  
22 to disclose, directly or indirectly, any information of a state  
23 agency which is declared to be confidential or privileged by state  
24 or federal statute or the disclosure of which is restricted by

1 agreement with the United States or one of its agencies, nor  
2 disclose information technology system details that may permit the  
3 access to confidential information or any information affecting  
4 personal security, personal identity, or physical security of state  
5 assets.

6 SECTION 6. AMENDATORY 62 O.S. 2001, Section 41.5a-1, as  
7 amended by Section 2, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
8 Section 41.5a-1), is amended to read as follows:

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

20 SECTION 7. AMENDATORY Section 3, Chapter 148, O.S.L.  
21 2007 (62 O.S. Supp. 2007, Section 41.5a-3), is amended to read as  
22 follows:

23 Section 41.5a-3 The Office of Information Services ~~Division~~  
24 ~~the Office of State Finance~~ is authorized to:

1        1. Define the requirements for a facility that can be used by  
2 any state agency to:

- 3            a. install backup information technology equipment, or
- 4            b. install information technology equipment acquired as
- 5                the result of the primary processing facilities being
- 6                unavailable for an extended period of time;

7        2. Enter into a multiyear agreement for a private facility that  
8 meets the defined requirements; and

9        3. Advise state agencies when the facility is available for  
10 their use.

11        SECTION 8.        AMENDATORY        62 O.S. 2001, Section 41.5e, as  
12 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
13 2007, Section 41.5e), is amended to read as follows:

14        Section 41.5e A. No later than July 1 of each year, all  
15 agencies of the executive branch of this state presently using or  
16 contemplating the use of telecommunications and electronic  
17 information technology applications, including, but not limited to,  
18 the use of mainframe computers, minicomputers or microcomputers,  
19 word processing equipment, office automation systems, Internet,  
20 eGovernment, or contracts for information technology services and  
21 equipment, shall annually submit to the Office of Information  
22 Services Division a one-year operations plan, which shall include as  
23 a minimum:

- 24            1. An overview of major projects and objectives;

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

3           3. An assurance of compliance with state standards on  
4 accessibility of information technology for individuals with  
5 disabilities developed in accordance with Section ~~41.5~~ 50.18 of  
6 ~~this title~~ Title 74 of the Oklahoma Statutes; and

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

10          B. No agency of the executive branch of this state shall enter  
11 into any agreement for the acquisition, development, or enhancement  
12 of application systems software or for the acquisition of electronic  
13 information technology equipment or peripheral devices, including  
14 Internet and eGovernment, whether or not connected to such  
15 equipment, unless the cost of such acquisition, development, or  
16 enhancement has been included in the plan for the agency. The  
17 Office of Information Services ~~Division~~ upon review of an  
18 information technology and telecommunication plan for the agency,  
19 shall submit in writing to the Governor, the Speaker of the House of  
20 Representatives, and the President Pro Tempore of the Senate its  
21 findings and recommendations on all proposed new and expanded  
22 programs and expenditures for personnel and the purchase or  
23 acquisition of equipment, hardware, software, accessories, or  
24 services thereto, including but not limited to leases, rentals or

1 lease-purchase, indicating that the associated cost meet or comply  
2 with Section ~~41.5a~~ 50.3 of ~~this title~~ Title 74 of the Oklahoma  
3 Statutes.

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

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

12 Section 41.5f A. The Office of ~~State Finance~~ Information  
13 Services shall:

14 1. Develop and/or acquire application software, including such  
15 modifications as may be required, to implement modern automated  
16 systems in the Department of Central Services, the Office of  
17 Personnel Management, and the Office of State Finance. Such systems  
18 include applications for accounting, budgeting, payroll/personnel,  
19 and purchasing;

20 2. Coordinate the initial implementation of the application  
21 systems with the three central service agencies of the state and  
22 coordinate the phased implementation of the application systems with  
23 all branches of state government;

24

1           3. Develop procedures manuals and the related training  
2 necessary to implement the application systems;

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

5           5. Ensure the integrity of information in the Integrated  
6 Central Systems through data security measures, internal controls,  
7 and appropriate data base management.

8           B. The Chief Information Director ~~of State Finance~~ shall make  
9 all policy decisions required to implement the Integrated Central  
10 Systems in accordance with this section after consultation with  
11 other affected agencies.

12           C. The Chief Information Director ~~of State Finance~~ may enter  
13 into contracts for services, equipment, software, or supplies needed  
14 to carry out the provisions of this section.

15           SECTION 10.           AMENDATORY           62 O.S. 2001, Section 41.5g, as  
16 amended by Section 2, Chapter 148, O.S.L. 2007 (62 O.S. Supp. 2007,  
17 Section 41.5g), is amended to read as follows:

18           Section 41.5g The Chief Information Director ~~of State Finance~~  
19 shall, by appropriate notification, advise agencies of the state  
20 when applications of the Integrated Central Systems are available  
21 for their use. Thereafter, each agency of the state shall submit  
22 transactions to the Office of ~~State Finance~~ Information Services,  
23 the Office of Personnel Management, and the Department of Central  
24 Services in the manner and format required to effectuate the

1 utilization of the Integrated Central Systems for all transactions  
2 for which an application is available.

3 Provided that nothing in this section shall be construed as to  
4 administratively place agencies currently exempt from any provisions  
5 of the Budget Act of 1947, The Oklahoma Central Purchasing Act, or  
6 the Oklahoma Personnel Act under the purview of such provisions.

7 SECTION 11. AMENDATORY 62 O.S. 2001, Section 41.5h, as  
8 amended by Section 4, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
9 Section 41.5h), is amended to read as follows:

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

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

24

1 1. A pro rata formula is to be established in writing after  
2 giving consideration to the type of service furnished, the number  
3 and kinds of instruments used, the cost of operation and special  
4 installations required in each such agency in relation to the total  
5 cost of local service. The formula, once determined, is not to be  
6 redetermined more often than once every six (6) months nor to be  
7 changed after any such redetermination before the expiration of six  
8 (6) months; and

9 2. The ~~Division~~ Office is to be reimbursed by the state or any  
10 of its agencies for actual cost incurred for equipment installation  
11 or modification or for toll charges for use of telephone, telegraph,  
12 teletype, data communications, Internet, eGovernment, as referenced  
13 in Sections ~~41.5p~~ 50.14 and ~~41.5q~~ 50.15 of ~~this title~~ Title 74 of  
14 the Oklahoma Statutes, or other form or forms of communication or  
15 intercommunication incurred by the state or by any agency.

16 C. No telephone, teletype, switchboard, line, cable system,  
17 data communication system, Internet, eGovernment, or systems of  
18 communication or intercommunication are to be installed in any  
19 building or buildings owned, rented, leased or otherwise held by  
20 this state or its agencies at locations described in subsection A of  
21 this section without written order of the Chief Information Director  
22 ~~of State Finance~~. Provided, however, that acquisition and  
23 installation of such equipment in the Legislature shall be subject  
24

1 to the final approval of the Speaker of the House of Representatives  
2 or the President Pro Tempore of the Senate as appropriate.

3 SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.5i, as  
4 last amended by Section 5, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
5 2007, Section 41.5i), is amended to read as follows:

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

9 1. Coordinate statewide planning for communication and  
10 telecommunications needs of state government, including, but not  
11 limited to, voice, data, radio, video, Internet, eGovernment, as  
12 referenced in Sections ~~41.5p~~ 50.14 and ~~41.5q~~ 50.15 of ~~this title~~  
13 Title 74 of the Oklahoma Statutes, and facsimile transmissions  
14 through analysis of the telecommunications and information  
15 technology plan of each agency;

16 2. Establish minimum mandatory standards and protocols for:  
17 a. communication networks and equipment,  
18 b. wide area and local area systems,  
19 c. integration of equipment, systems and joint usage,  
20 d. Internet and eGovernment,  
21 e. operating systems or methods to be used to meet  
22 communications requirements efficiently, effectively,  
23 and securely,

24

- 1           f.    rendering of aid between state government and its  
2                   political subdivisions with respect to organizing of  
3                   communications systems, and  
4           g.    an economical and cost-effective utilization of  
5                   communication services.

6           The standards and protocols shall be compatible with the  
7 standards and protocols established for the Oklahoma Government  
8 Telecommunications Network created in Section ~~41.5m~~ 50.13 of ~~this~~  
9 ~~title~~ Title 74 of the Oklahoma Statutes;

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

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

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

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

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

4 8. Provide support for telecommunication networks of state  
5 agencies through analysis of the telecommunications needs and  
6 requirements of each agency and promotion of the use of the Oklahoma  
7 Government Telecommunications Network created in Section ~~41.5m~~ 50.13  
8 of ~~this title~~ Title 74 of the Oklahoma Statutes.

9 SECTION 13. AMENDATORY 62 O.S. 2001, Section 41.5j, as  
10 amended by Section 6, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
11 Section 41.5j), is amended to read as follows:

12 Section 41.5j A. No agency of the executive branch of the  
13 state shall use state funds for or enter into any agreement for the  
14 acquisition, development or enhancement of a communication or  
15 telecommunication system including voice, data, radio, video,  
16 Internet, eGovernment, as referenced in Sections ~~41.5p~~ 50.14 and  
17 ~~41.5q~~ 50.15 of ~~this title~~ Title 74 of the Oklahoma Statutes,  
18 printers, scanners, copiers, and facsimile systems, without written  
19 authorization of the Chief Information Director ~~of State Finance~~.  
20 The Chief Information Director ~~of State Finance~~ shall verify that  
21 any acquisition, development or enhancement is compatible with the  
22 operation of the Oklahoma Government Telecommunications Network  
23 created in Section ~~41.5m~~ 50.13 of ~~this title~~ Title 74 of the  
24 Oklahoma Statutes.

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

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

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

22 SECTION 14. AMENDATORY 62 O.S. 2001, Section 41.51, as  
23 amended by Section 8, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
24 Section 41.51), is amended to read as follows:

1 Section 41.5l There is hereby created in the State Treasury a  
2 revolving fund for the Office of ~~State Finance~~ Information Services  
3 to be designated the "Telecommunications Revolving Fund". The fund  
4 shall be a continuing fund, not subject to fiscal year limitations,  
5 and shall consist of appropriations made by the Legislature and  
6 reimbursements for providing telecommunications services as defined  
7 in Sections ~~41.5h, 41.5i, 41.5j~~ 50.9, 50.10, 50.11 and ~~41.5p~~ 50.14  
8 of ~~this title~~ Title 74 of the Oklahoma Statutes. All monies  
9 accruing to such fund are hereby appropriated and may be budgeted  
10 and expended by the Office of ~~State Finance~~ Information Services for  
11 the purpose of providing telecommunications, Internet, and  
12 eGovernment services, as referenced in Sections ~~41.5p~~ 50.14 and  
13 ~~41.5q~~ 50.15 of ~~this title~~ Title 74 of the Oklahoma Statutes, the  
14 construction and maintenance of information technology facilities  
15 and services, and other related services. Expenditures from said  
16 fund shall be made upon warrants issued by the State Treasurer  
17 against claims filed as prescribed by law with the Director of State  
18 Finance for approval and payment.

19 SECTION 15. AMENDATORY 62 O.S. 2001, Section 41.5m, as  
20 amended by Section 9, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
21 Section 41.5m), is amended to read as follows:

22 Section 41.5m A. There is hereby created a wide area  
23 telecommunications network to be known and referred to as the  
24 "Oklahoma Government Telecommunications Network (OGTN)". The OGTN

1 shall consist of the telecommunications systems and networks of  
2 educational entities and agencies of state government.

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

5 1. The Oklahoma State Regents for Higher Education may continue  
6 to operate, maintain and enhance the State Regents Educational  
7 Telecommunications Network. The Oklahoma State Regents for Higher  
8 Education shall submit all plans for the enhancement of the State  
9 Regents Educational Telecommunications Network to the Office of  
10 ~~State Finance~~ Information Services for review and approval within  
11 the context of the statewide telecommunications network provided for  
12 in subsection C of this section and shall participate with the  
13 Office of ~~State Finance~~ Information Services in joint efforts to  
14 provide services for the OGTN; and

15 2. The Department of Public Safety may continue to operate,  
16 maintain and enhance the statewide law enforcement data  
17 communications network provided for in Section 2-124 of Title 47 of  
18 the Oklahoma Statutes. The Department of Public Safety shall submit  
19 all plans for the enhancement of the statewide law enforcement data  
20 communications network to the Office of ~~State Finance~~ Information  
21 Services for review and approval and shall participate with the  
22 Office of ~~State Finance~~ Information Services in joint efforts to  
23 provide services for the OGTN.

24

1 C. The Office of ~~State Finance~~ Information Services shall be  
2 responsible for developing, operating and maintaining the OGTN. The  
3 purposes of the OGTN shall include the following:

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

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

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

14 D. In developing, operating and maintaining the OGTN, the  
15 Office of ~~State Finance~~ Information Services shall:

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

20 a. the Oklahoma State Regents for Higher Education shall  
21 submit a report annually to the Chief Information  
22 Director ~~of State Finance~~ identifying the  
23 telecommunications plans of each member of The  
24 Oklahoma State System of Higher Education. For

1 purposes of developing such report, each member shall  
2 cooperate with and submit to the State Regents a plan  
3 of its telecommunications needs, including, but not  
4 limited to, Internet, eGovernment, as referenced in  
5 Sections ~~41.5p~~ 50.14 and ~~41.5q~~ 50.15 of ~~this title~~  
6 Title 74 of the Oklahoma Statutes, any interactive  
7 video plans, the purchase of informational data bases,  
8 software for manipulation of bibliographic records,  
9 and the use of telecommunications equipment or  
10 services,

- 11 b. the State Superintendent of Public Instruction shall  
12 submit a report annually to the Chief Information  
13 Director ~~of State Finance~~ identifying the  
14 telecommunications plans of the public common school  
15 system of the state. For purposes of developing such  
16 report, the respective public elementary and secondary  
17 schools shall cooperate with and submit to the State  
18 Superintendent a plan of their telecommunications  
19 needs, including, but not limited to, Internet,  
20 eGovernment, any interactive video plans, the purchase  
21 of informational data bases, software for manipulation  
22 of bibliographic records, and the use of  
23 telecommunications equipment or services,  
24

1 c. the State Director of the Oklahoma Department of  
2 Career and Technology Education shall submit a report  
3 annually to the Chief Information Director ~~of State~~  
4 ~~Finance~~ identifying the telecommunications plans of  
5 technology center school districts. For purposes of  
6 developing such report, each technology center school  
7 district as defined in Section 14-108 of Title 70 of  
8 the Oklahoma Statutes shall cooperate with and submit  
9 to the State Director of the Oklahoma Department of  
10 Career and Technology Education a plan of its  
11 telecommunications needs, including, but not limited  
12 to, Internet, eGovernment, any interactive video  
13 plans, the purchase of informational data bases,  
14 software for manipulation of bibliographic records,  
15 and the use of telecommunications equipment or  
16 services,

17 d. the chief administrative officer of each state agency  
18 of the executive branch shall submit a plan annually  
19 to the Chief Information Director ~~of State Finance~~  
20 identifying the telecommunications needs of the state  
21 agency, including, but not limited to, Internet,  
22 eGovernment, any interactive video plans, the purchase  
23 of informational data bases, software for manipulation  
24

1 of bibliographic records, and the use of  
2 telecommunications equipment or services, and  
3 e. the Director of the Oklahoma Department of Libraries  
4 shall submit a report annually to the Chief  
5 Information Director ~~of State Finance~~ identifying the  
6 telecommunications plans of public libraries and  
7 public library systems. For purposes of developing  
8 such report, the chief administrative officer of any  
9 public library or public library system not otherwise  
10 required to submit a plan of its telecommunications  
11 needs pursuant to the provisions of this paragraph  
12 shall cooperate with and submit annually to the  
13 Director of the Oklahoma Department of Libraries a  
14 plan of its telecommunications needs, including, but  
15 not limited to, Internet, eGovernment, any interactive  
16 video plans, the purchase of informational data bases,  
17 software for manipulation of bibliographic records and  
18 the use of telecommunications equipment or services.  
19 To assure inclusion in the report of the plans of the  
20 telecommunications needs of any library that is a part  
21 of any member of The Oklahoma State System of Higher  
22 Education, a public elementary or secondary school, or  
23 technology center school district, all such plans  
24 relating to libraries received by the Oklahoma State

1 Regents for Higher Education, the State Superintendent  
2 of Higher Education, and the State Director of the  
3 Oklahoma Department of Career and Technology Education  
4 shall be submitted to the Director of the Oklahoma  
5 Department of Libraries by the respective recipients  
6 thereof as soon as practicable after receipt. The  
7 Director of the Oklahoma Department of Libraries shall  
8 certify to the Office of ~~State Finance~~ Information  
9 Services that such plans are consistent with the plan  
10 developed by the Oklahoma Library Technology Network  
11 or explain any inconsistencies therewith;

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

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

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

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

22 SECTION 16. AMENDATORY 62 O.S. 2001, Section 41.5p, as  
23 amended by Section 10, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
24 Section 41.5p), is amended to read as follows:

1 Section 41.5p A. In order to be at the forefront of electronic  
2 commerce and provide constituents, agencies and out-of-state users  
3 with state-of-the-art electronic commerce and Internet tools, the  
4 State of Oklahoma recognizes the need for a state portal system  
5 connecting state agency websites and information systems. The state  
6 portal system shall be managed by the Office of Information  
7 Services.

8 B. For purposes of this section and Section ~~41.5s~~ 50.17 of ~~this~~  
9 ~~title~~ Title 74 of the Oklahoma Statutes, a "portal system" shall  
10 mean a system that hosts and connects to a collection of on-line  
11 government and public services and serves as the single point of  
12 access to state government services, information, and transaction  
13 processing with a common enterprise wide user interface allowing  
14 navigation among the services.

15 SECTION 17. AMENDATORY 62 O.S. 2001, Section 41.5q, as  
16 amended by Section 11, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
17 Section 41.5q), is amended to read as follows:

18 Section 41.5q A. Subject to review and adoption as outlined in  
19 Section ~~41.5s~~ 50.17 of ~~this title~~ Title 74 of the Oklahoma Statutes,  
20 a state agency, board, commission, or authority is hereby authorized  
21 to charge a convenience fee for any electronic or on-line  
22 transaction. A convenience fee shall apply to electronic or on-line  
23 transactions only and shall not apply when accessing information  
24 provided through state government websites. If a state entity sets

1 a convenience fee for electronic or on-line transactions, the fee  
2 shall be reviewed by the State Governmental Internet Applications  
3 Review Board as provided for in Section ~~41.5s~~ 50.17 of ~~this title~~  
4 Title 74 of the Oklahoma Statutes. Each state entity shall keep a  
5 record of how the convenience fee has been determined and shall file  
6 the record with the Office of Information Services. A state agency,  
7 board, commission, or authority may periodically adjust a  
8 convenience fee as needed upon review and adoption as provided for  
9 in ~~41.5s~~ 50.17 of ~~this title~~ Title 74 of the Oklahoma Statutes.

10 B. For purposes of this section, "convenience fee" shall mean  
11 any charge that is necessary to process an electronic or on-line  
12 transaction with a state agency, board, commission or authority.  
13 The fee may be in excess of any fee charged for the service or  
14 product being provided by such state entity. This may include  
15 reasonable charges for the cost of the electronic or on-line service  
16 including recovery of costs incurred in the development and  
17 implementation of the service or system, cost of sustaining and  
18 upgrading the electronic or on-line service, and future expansion of  
19 the electronic or on-line services.

20 SECTION 18. AMENDATORY 62 O.S. 2001, Section 41.5r, is  
21 amended to read as follows:

22 A. Any state agency, board, commission, or authority which  
23 establishes an electronic portal system shall use an open-systems  
24 concept for the portal system which has been approved by the Office

1 ~~of Information Service Division of the Office of State Finance~~  
2 ~~Services.~~

3 B. For purposes of this section, an "open-systems concept"  
4 shall mean a system that implements sufficient open specifications  
5 for interfaces, services, and supporting formats to enable properly  
6 engineered components to be utilized across a wide range of systems  
7 with minimal changes, to interoperate with other components on local  
8 and remote systems, and to interact with users in a style that  
9 facilitates portability. An open-systems concept is characterized  
10 by the following:

11 1. Well-defined, widely used, and nonproprietary interfaces or  
12 protocols;

13 2. Use of standards which are developed and adopted by industry  
14 recognized standards-making bodies;

15 3. A definition of all aspects of system interfaces to  
16 facilitate new or additional system capabilities for a wide range of  
17 applications; and

18 4. An explicit provision for expansion or upgrading through the  
19 incorporation of additional or higher performance elements with  
20 minimal impact on the system.

21 SECTION 19. AMENDATORY 62 O.S. 2001, Section 41.5s, as  
22 amended by Section 12, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007,  
23 Section 41.5s), is amended to read as follows:

24

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

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

10 1. The Chief Information Director ~~of the Office of State~~  
11 ~~Finance~~ or a designee;

12 2. Four representatives from different state agencies, boards,  
13 commissions, or authorities to be appointed by the Governor;

14 3. One member who is not a member of the Legislature or a state  
15 government employee to be appointed by the Speaker of the House of  
16 Representatives; and

17 4. One member who is not a member of the Legislature or a state  
18 government employee to be appointed by the President Pro Tempore of  
19 the Senate.

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

22 D. Members of the Board shall not receive compensation for  
23 serving on the Board, but shall be reimbursed for travel expenses  
24 incurred in the performance of their duties by their respective

1 agencies or appointing authority in accordance with the State Travel  
2 Reimbursement Act.

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

4 1. Reviewing a schedule of convenience fees, as is defined in  
5 Section ~~41.5q~~ 50.15 of ~~this title~~ Title 74 of the Oklahoma Statutes,  
6 and all convenience fees and changes in fees charged by state  
7 agencies, boards, commissions, or authorities for electronic or on-  
8 line transactions, and making recommendations pertaining to  
9 convenience fees to the Office of ~~State Finance~~ Information Services  
10 prior to its adoption by rule of such fees, changes to fees, or fee  
11 schedule; and

12 2. Monitoring all portal systems and applications for portal  
13 systems created by state agencies, boards, commissions, or  
14 authorities, reviewing portal systems applications approved or  
15 denied by the Office of ~~Information Service Division of the Office~~  
16 ~~of State Finance Services~~, and making recommendations to the  
17 Legislature and Governor to encourage greater use of the open-  
18 systems concept as is defined in Section ~~41.5r~~ 50.16 of ~~this title~~  
19 Title 74 of the Oklahoma Statutes.

20 SECTION 20. AMENDATORY Section 2, Chapter 128, O.S.L.  
21 2004, as amended by Section 3, Chapter 391, O.S.L. 2005 (62 O.S.  
22 Supp. 2007, Section 41.5t), is amended to read as follows:

23 Section 41.5t A. The Office of ~~Information Services Division~~  
24 ~~of the Office of State Finance~~ shall work in conjunction with the

1 Department of Central Services to assure state compliance regarding  
2 accessibility of information technology for individuals with  
3 disabilities based on the provisions of Section 508 of the Workforce  
4 Investment Act of 1998.

5 B. When developing, procuring, maintaining or using information  
6 technology, or when administering contracts or grants that include  
7 the procurement, development, upgrading, or replacement of  
8 information technology each state agency shall ensure, unless an  
9 undue burden would be imposed on the agency, that the information  
10 technology allows employees, program participants, and members of  
11 the general public access to use of information and data that is  
12 comparable to the access by individuals without disabilities.

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

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

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

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

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

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

14 6. Establish complaint procedures, consistent with Section 508  
15 of the Workforce Development Act of 1998, to be used by an  
16 individual who alleges that a state agency fails to comply with the  
17 provisions of this section;

18 7. Work with and seek advice from the Electronic and  
19 Information Technology Accessibility Advisory Council, created in  
20 Section ~~41.5t.2~~ 50.20 of ~~this title~~ Title 74 of the Oklahoma  
21 Statutes in developing accessibility standards and complaint  
22 procedures as required in this section; and

23 8. Require state agencies to submit evidence of assurance of  
24 compliance with state standards on accessibility of information

1 technology for individuals with disabilities developed in accordance  
2 with this section. For executive branch state agencies that are  
3 required to submit an annual long-range plan pursuant to Section  
4 ~~41.5e~~ 50.6 of ~~this title~~ Title 74 of the Oklahoma Statutes evidence  
5 of compliance shall be included in that report.

6 D. The Chief Information Director ~~of State Finance~~ and the  
7 Director of the Department of Central Services shall promulgate  
8 rules, as necessary, to implement the provisions of this section.

9 SECTION 21. AMENDATORY Section 4, Chapter 128, O.S.L.  
10 2004, as last amended by Section 3, Chapter 98, O.S.L. 2007 (62 O.S.  
11 Supp. 2007, Section 41.5t.2), is amended to read as follows:

12 Section 41.5t.2 A. There is hereby created, to continue until  
13 July 1, 2008, the Electronic and Information Technology  
14 Accessibility Advisory Council. The Advisory Council shall study  
15 and make recommendations concerning the accessibility for the  
16 disabled to publicly produced and provided electronic and  
17 information technology and to provide advice and assistance to the  
18 Office of Information Services ~~Division of the Office of State~~  
19 ~~Finance~~ on the development of accessibility standards and complaint  
20 procedures as provided for in Section ~~41.5t~~ 50.18 of ~~this title~~  
21 Title 74 of the Oklahoma Statutes.

22 B. The Advisory Council shall be composed of the following  
23 members:  
24

- 1        1. One member of the House of Representatives, appointed by the  
2 Speaker of the House of Representatives;
- 3        2. One member of the Senate, appointed by the President Pro  
4 Tempore of the Senate;
- 5        3. The chair of the Science and Technology Committee of the  
6 House of Representatives;
- 7        4. The chair of the Aerospace and Technology Committee of the  
8 State Senate;
- 9        5. The Chief Information Director ~~of the Office of State~~  
10 ~~Finance~~, or a designee;
- 11        6. The Director of the Department of Central Services, or a  
12 designee;
- 13        7. The Director of the Oklahoma Department of Rehabilitation  
14 Services, or a designee;
- 15        8. The Superintendent of Public Instruction, or a designee;
- 16        9. The State Director of the Oklahoma State Department of  
17 Career and Technology Education, or a designee;
- 18        10. The Director of the Library for the Blind and Physically  
19 Handicapped with the Oklahoma Department of Rehabilitation, or a  
20 designee;
- 21        11. The Director of the Office of Disability Concerns, or a  
22 designee;
- 23        12. A representative of OneNet, the state telecommunications  
24 network within the Oklahoma State Regents for Higher Education;

1       13. The Project Manager for Oklahoma Able Tech, the state  
2 assistive technology project located at Oklahoma State University;

3       14. A representative of state agency web managers appointed by  
4 the Governor from a list submitted by a state agency web manager  
5 group;

6       15. A representative of an association representing education  
7 technology administrators appointed by the Speaker of the House of  
8 Representatives;

9       16. A representative of an association of distance learning  
10 education professionals appointed by the President Pro Tempore of  
11 the Senate;

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

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

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

23       C. Members who were serving on the Electronic and Information  
24 Technology Accessibility Task Force as of July 1, 2004, shall

1 automatically be appointed to serve on the Electronic and  
2 Information Technology Accessibility Advisory Council after July 1,  
3 2004.

4 D. The Advisory Council shall:

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

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

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

13 4. Provide advice and assistance to the Office of Information  
14 ~~Services Division of the Office of State Finance~~ and the Department  
15 of Central Services on the development of accessibility standards  
16 and complaint procedures as provided for in Section ~~41.5~~ 50.18 of  
17 ~~this title~~ Title 74 of the Oklahoma Statutes.

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

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

24

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

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

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

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

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

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

23

24

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

4 1. Legislative members of the Advisory Council shall be  
5 reimbursed for necessary travel expenses incurred in the performance  
6 of their duties in accordance with the provisions of Section 456 of  
7 Title 74 of the Oklahoma Statutes; and

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

12 SECTION 22. AMENDATORY Section 4, Chapter 391, O.S.L.  
13 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.  
14 Supp. 2007, Section 41.5u), is amended to read as follows:

15 Section 41.5u A. No state agency, as defined by Section 250.3  
16 of Title 75 of the Oklahoma Statutes, ~~nor~~ the Purchasing Division of  
17 the Department of Central Services nor the Office of Information  
18 Services, unless otherwise provided by federal law, shall enter into  
19 a contract for the acquisition of customized computer software  
20 developed or modified exclusively for the agency or the state,  
21 unless the vendor agrees to place into escrow with an independent  
22 third party the source code for the software and/or modifications.

23 B. The vendor must agree to place the source code for the  
24 software and any upgrades supplied to an agency in escrow with a

1 third party acceptable to the agency and to enter into a customary  
2 source code escrow agreement which includes a provision that  
3 entitles the agency to receive everything held in escrow upon the  
4 occurrence of any of the following:

5 1. A bona fide material default of the obligations of the  
6 vendor under the agreement with the agency;

7 2. An assignment by the vendor for the benefit of its  
8 creditors;

9 3. A failure by the vendor to pay, or an admission by the  
10 vendor of its inability to pay, its debts as they mature;

11 4. The filing of a petition in bankruptcy by or against the  
12 vendor when such petition is not dismissed within sixty (60) days of  
13 the filing date;

14 5. The appointment of a receiver, liquidator or trustee  
15 appointed for any substantial part of the vendor's property;

16 6. The inability or unwillingness of the vendor to provide the  
17 maintenance and support services in accordance with the agreement  
18 with the agency; or

19 7. The ceasing of a vendor of maintenance and support of the  
20 software.

21 The fees of any third-party escrow agent subject to this section  
22 shall be borne by the vendor.

23 C. The State Purchasing Director or a procurement officer of a  
24 state agency not subject to The Oklahoma Central Purchasing Act

1 shall not process any state agency request for the customization,  
2 modernization, or development of computer software unless the  
3 proposed vendor provides documentation that complies with  
4 subsections A and B of this section.

5 D. The State Purchasing Director shall provide advice and  
6 assistance, as may be required, in order for state agencies to  
7 comply with the provisions of this section.

8 E. As used in this section:

9 1. "State agency" shall include all state agencies, whether  
10 subject to The Oklahoma Central Purchasing Act or not, except the  
11 Oklahoma Lottery Commission; and

12 2. "Source code" means the programming instruction for a  
13 computer program in its original form, created by a programmer with  
14 a text editor or a visual programming tool and saved in a file.

15 SECTION 23. AMENDATORY Section 15, Chapter 266, O.S.L.  
16 2006 (62 O.S. Supp. 2007, Section 41.5v), is amended to read as  
17 follows:

18 Section 41.5v A. The Office of ~~State Finance~~ Information  
19 Services shall create a standard security risk assessment for state  
20 agency information technology systems that complies with the  
21 International Organization for Standardization (ISO) and the  
22 International Electrotechnical Commission (IEC) Information  
23 Technology - Code of Practice for Security Management (ISO/IEC  
24 17799).

1 B. Each state agency that has an information technology system  
2 shall annually conduct an information security risk assessment to  
3 identify vulnerabilities associated with the information system. A  
4 final report of the information security risk assessment shall be  
5 submitted by each state agency to the Office of ~~State Finance~~  
6 Information Services by the first day of December of each year. The  
7 final information security risk assessment report shall identify,  
8 prioritize, and document information security vulnerabilities for  
9 each of the state agencies assessed. Failure to comply with the  
10 requirements of this subsection may result in funding being withheld  
11 from the agency. State agencies shall use either the standard  
12 security risk assessment created by the Office of ~~State Finance~~  
13 Information Services or a third-party risk assessment meeting the  
14 ISO/IEC 17799 standards and using the National Institute of  
15 Standards and Technology Special Publication 800-30 (NIST SP800-30)  
16 process and approved by the Office of ~~State Finance~~ Information  
17 Services. The Office of ~~State Finance~~ Information Services approve  
18 not less than two firms which state agencies may choose from to  
19 conduct the information security risk assessment.

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

1 SECTION 24. AMENDATORY Section 1, Chapter 205, O.S.L.  
2 2007 (62 O.S. Supp. 2007, Section 41.5x), is amended to read as  
3 follows:

4 Section 41.5x The Office of ~~State Finance~~ Information Services  
5 is authorized to enter into a multi-year agreement to acquire land,  
6 develop, design, construct and furnish facilities necessary for the  
7 administration of the state's information technology and  
8 telecommunications infrastructure and security. Such action shall  
9 not be subject to The Oklahoma Central Purchasing Act. The area of  
10 the facility authorized by this section dedicated for computer-ready  
11 space shall not exceed ten percent (10%) of the total square footage  
12 of the entire facility, but under no circumstances shall exceed nine  
13 thousand (9,000) square feet. The Office of ~~State Finance~~  
14 Information Services is authorized to use existing and future funds  
15 from fees, appropriations and federal funds, as necessary, to  
16 finance such facilities.

17 SECTION 25. RECODIFICATION 62 O.S. 2001, Section 41.5a,  
18 as last amended by Section 5 of this act, shall be recodified as  
19 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is  
20 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,  
21 as last amended by Section 6 of this act, shall be recodified as  
22 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is  
23 created a duplication in numbering. Section 3, Chapter 148, O.S.L.  
24 2007 (62 O.S. Supp. 2007, Section 41.5a-3), as amended by Section 7

1 of this act, shall be recodified as Section 50.5 of Title 74 of the  
2 Oklahoma Statutes, unless there is created a duplication in  
3 numbering. 62 O.S. 2001, Section 41.5e, as last amended by Section  
4 8 of this act, shall be recodified as Section 50.6 of Title 74 of  
5 the Oklahoma Statutes, unless there is created a duplication in  
6 numbering. 62 O.S. 2001, Section 41.5f, as last amended by Section  
7 9 of this act, shall be recodified as Section 50.7 of Title 74 of  
8 the Oklahoma Statutes, unless there is created a duplication in  
9 numbering. 62 O.S. 2001, Section 41.5g, as last amended by Section  
10 10 of this act, shall be recodified as Section 50.8 of Title 74 of  
11 the Oklahoma Statutes, unless there is created a duplication in  
12 numbering. 62 O.S. 2001, Section 41.5h, as last amended by Section  
13 11 of this act, shall be recodified as Section 50.9 of Title 74 of  
14 the Oklahoma Statutes, unless there is created a duplication in  
15 numbering. 62 O.S. 2001, Section 41.5i, as last amended by Section  
16 12 of this act, shall be recodified as Section 50.10 of Title 74 of  
17 the Oklahoma Statutes, unless there is created a duplication in  
18 numbering. 62 O.S. 2001, Section 41.5j, as last amended by Section  
19 13 of this act, shall be recodified as Section 50.11 of Title 74 of  
20 the Oklahoma Statutes, unless there is created a duplication in  
21 numbering. 62 O.S. 2001, Section 41.5l, as last amended by Section  
22 14 of this act, shall be recodified as Section 50.12 of Title 74 of  
23 the Oklahoma Statutes, unless there is created a duplication in  
24 numbering. 62 O.S. 2001, Section 41.5m, as last amended by Section

1 15 of this act, shall be recodified as Section 50.13 of Title 74 of  
2 the Oklahoma Statutes, unless there is created a duplication in  
3 numbering. 62 O.S. 2001, Section 41.5p, as last amended by Section  
4 16 of this act, shall be recodified as Section 50.14 of Title 74 of  
5 the Oklahoma Statutes, unless there is created a duplication in  
6 numbering. 62 O.S. 2001, Section 41.5q, as last amended by Section  
7 17 of this act, shall be recodified as Section 50.15 of Title 74 of  
8 the Oklahoma Statutes, unless there is created a duplication in  
9 numbering. 62 O.S. 2001, Section 41.5r, as amended by Section 18 of  
10 this act, shall be recodified as Section 50.16 of Title 74 of the  
11 Oklahoma Statutes, unless there is created a duplication in  
12 numbering. 62 O.S. 2001, Section 41.5s, as last amended by Section  
13 19 of this act, shall be recodified as Section 50.17 of Title 74 of  
14 the Oklahoma Statutes, unless there is created a duplication in  
15 numbering. Section 2, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2007,  
16 Section 41.5t), as last amended by Section 20 of this act, shall be  
17 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering. Section 3,  
19 Chapter 128, O.S.L. 2004, as amended by Section 13, Chapter 266,  
20 O.S.L. 2006 (62 O.S. Supp. 2007, Section 41.5t.1), shall be  
21 recodified as Section 50.19 of Title 74 of the Oklahoma Statutes,  
22 unless there is created a duplication in numbering. Section 4,  
23 Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2007, Section 41.5t.2), as  
24 last amended by Section 21 of this act, shall be recodified as

1 Section 50.20 of Title 74 of the Oklahoma Statutes, unless there is  
2 created a duplication in numbering. Section 4, Chapter 391, O.S.L.  
3 2005 (62 O.S. Supp. 2007, Section 41.5u), as last amended by Section  
4 22 of this act, shall be recodified as Section 50.21 of Title 74 of  
5 the Oklahoma Statutes, unless there is created a duplication in  
6 numbering. Section 15, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
7 2007, Section 41.5v), as amended by Section 23 of this act, shall be  
8 recodified as Section 50.22 of Title 74 of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering. Section 1,  
10 Chapter 205, O.S.L. 2007 (62 O.S. Supp. 2007, Section 41.5x), as  
11 amended by Section 24 of this act, shall be recodified as Section  
12 50.23 of Title 74 of the Oklahoma Statutes, unless there is created  
13 a duplication in numbering.

14 SECTION 26. REPEALER Section 5, Chapter 391, O.S.L. 2005  
15 (62 O.S. Supp. 2007, Section 41.5a-2), is hereby repealed.

16 SECTION 27. This act shall become effective July 1, 2008."  
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1 Passed the House of Representatives the 24th day of April, 2008.

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4 Presiding Officer of the House of  
Representatives

5  
6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2008.

7  
8  
9 Presiding Officer of the Senate