

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3145

By: Derby

6
7 COMMITTEE SUBSTITUTE

8 (Technology - Oklahoma Information Services Act -
9 Office of Information Services - recodification -
10 codification - effective date -

emergency)

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

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

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

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

23 A. There is hereby created the Office of Information Services.
24 The Office of Information Services shall be operated and

1 administered by a Chief Information Director who shall be appointed
2 by the Governor. The salary of the Chief Information Director shall
3 be comparable with the prevailing salaries for similar private
4 sector positions. The first Chief Information Director shall be
5 appointed no later than January 1, 2009.

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

8 1. A baccalaureate degree in Computer Information Systems,
9 Information Systems Management, Information Systems or other similar
10 degree;

11 2. A minimum of seven (7) years of professional experience with
12 responsibilities for management and support of information systems
13 and information technology, or direct management of a major
14 information technology operation;

15 3. Familiarity with local and wide-area network design,
16 implementation, and operation;

17 4. Experience with data and voice convergence service
18 offerings;

19 5. Experience in developing technology budgets;

20 6. Experience in developing request for proposals and
21 administering the bid process;

22 7. Experience managing professional staff, teams, and
23 consultants;

24 8. Extensive knowledge of telecommunications operations;

1 9. Ability to manage daily development and operations

2 functions;

3 10. An effective communicator who is able to build consensus;

4 11. Ability to analyze and resolve complex issues, both logical
5 and interpersonal;

6 12. Effective verbal and written communications skills and
7 effective presentation skills, geared toward coordination and
8 education;

9 13. Ability to negotiate and defuse conflict; and

10 14. A self-motivator, independent, cooperative, flexible and
11 creative.

12 C. The Chief Information Director shall be authorized to employ
13 personnel, fix the duties and compensation of the personnel, not
14 otherwise prescribed by law, and otherwise direct the work of the
15 personnel in performing the function and accomplishing the purposes
16 of the Office of Information Services.

17 D. The Office of Information Services shall be responsible for
18 the following duties:

19 1. Formulate and implement the information technology strategy
20 for the state;

21 2. Oversee the development and operation of a scalable
22 operations infrastructure that supports data and voice
23 communications reliability, integrity, and security;

24 3. Oversee the applications development process;

- 1 4. Oversee the professional development of information
2 technology staff in the state;
- 3 5. Evaluate all technology investment choices for the state;
- 4 6. Create a plan to ensure alignment of current systems, tools,
5 and processes with the strategic information technology plan for the
6 state;
- 7 7. Oversee the maintenance and improvement of the current
8 information technology infrastructure in the state in support of
9 enhanced reliability, user service levels, and security;
- 10 8. Develop and manage appropriate policies and procedures to
11 ensure the success of information technology initiatives;
- 12 9. Lead the prioritization and management of any software
13 development for the state and state agencies;
- 14 10. Build the required technical staff to support the execution
15 of the strategic information technology plan for the state;
- 16 11. Design, implement, and evaluate the systems that support
17 end users in the productive use of computer hardware and software;
- 18 12. Establish and maintain technology infrastructure standards;
- 19 13. Delegate, coordinate, and review all work to ensure quality
20 and efficient operation of the Office of Information Services;
- 21 14. Conduct regular meeting to disseminate pertinent
22 information to state agencies and to discuss procedures and
23 policies;
- 24

1 15. Participate in the development and implementation of
2 training programs within state agencies regarding the information
3 technology systems, products and procedures;

4 16. Provide counseling, performance evaluation, training,
5 motivation, discipline, and assign duties for information technology
6 employees in state agencies;

7 17. Oversee the purchasing of information technology products
8 and services for the state;

9 18. Develop an overall infrastructure architecture strategy and
10 associated roadmaps for desktop, network, server, storage, and
11 associated management systems for state agencies;

12 19. Effectively manage the design, implementation and support
13 of complex, highly available infrastructure to ensure optimal
14 performance, on-time delivery of features, and new products, and
15 scalable growth; and

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

18 E. All state agencies of this state and all officers and
19 employees of those agencies are hereby directed to cooperate with
20 and lend assistance to the Chief Information Director and the Office
21 of Information Services.

22 F. Within six (6) months of appointment, but no later than July
23 1, 2009, the Chief Information Director shall issue a report of
24 recommendations on the transfer, coordination, and modernization of

1 all the information technology systems of all the state agencies in
2 the state, including recommendations on the reallocation of
3 resources and personnel. The Director shall also include
4 recommendations on alignment and operation of the communications and
5 data transfer network known as OneNet.

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

9 A. The Information Services Division of the Office of State
10 Finance is hereby transferred from the Office of State Finance to
11 the Office of Information Services. The transfer shall include all
12 real property, buildings, furniture, equipment, supplies, records,
13 personnel, assets, current and future liabilities, fund balances,
14 encumbrances, obligations, indebtedness, powers, duties, and
15 responsibilities associated with the Information Services Division
16 of the Office of State Finance.

17 B. It is the intent of the Legislature that all employees of
18 the Office of State Finance who are assigned to the Information
19 Services Division on the effective date of this act shall be
20 transferred to the Office of Information Services with retention of
21 pay and benefits, as much as possible, including longevity,
22 insurance benefits, seniority, rights, and other privileges or
23 benefits, which may be provided through contractual arrangements
24 with the Office of State Finance.

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

3 Section 41.3 There is hereby created in the Executive
4 Department, the Office of State Finance which shall consist of a
5 Division of the Budget, a Division of Central Accounting and
6 Reporting, ~~an Information Services Division,~~ and an Oklahoma
7 Financial Information System Management Division under the
8 administrative control of the Director of State Finance and directly
9 responsible to ~~him~~ the Director.

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

12 The terms "State Budget Office", "Division of the Budget",
13 "Division of Central Accounting and Reporting", ~~"Information~~
14 ~~Services Division",~~ or "Oklahoma Financial Information System
15 Management Division" appearing in the Oklahoma Statutes shall mean
16 the Office of State Finance or the divisions thereof.

17 SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5a, as
18 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
19 2007, Section 41.5a), is amended to read as follows:

20 Section 41.5a A. The Office of Information Services ~~Division~~
21 shall:

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

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

5 3. Establish and enforce minimum mandatory standards for:

- 6 a. information systems planning,
- 7 b. systems development methodology,
- 8 c. documentation,
- 9 d. hardware requirements and compatibility,
- 10 e. operating systems compatibility,
- 11 f. software and hardware acquisition,
- 12 g. information security and internal controls,
- 13 h. data base compatibility, and
- 14 i. contingency planning and disaster recovery.

15 The standards shall, upon adoption, be the minimum requirements
16 applicable to all agencies. These standards shall be compatible
17 with the standards established for the Oklahoma Government
18 Telecommunications Network created in Section ~~41.5m~~ 50.13 of ~~this~~
19 ~~title~~ Title 74 of the Oklahoma Statutes. Individual agency
20 standards may be more specific than statewide requirements but shall
21 in no case be less than the minimum mandatory standards. Where
22 standards required of an individual agency of the state by agencies
23 of the federal government are more strict than the state minimum
24 standards, such federal requirements shall be applicable;

- 1 4. Develop and maintain applications for agencies not having
2 the capacity to do so;
- 3 5. Operate an information technology service center to provide
4 operations and hardware support for agencies requiring such services
5 and for statewide systems;
- 6 6. Maintain a directory of the following which have a value of
7 Five Hundred Dollars (\$500.00) or more: application systems,
8 systems software, hardware, internal and external information
9 technology, communication or telecommunication equipment owned,
10 leased, or rented for use in communication services for state
11 government, including communication services provided as part of any
12 other total system to be used by the state or any of its agencies,
13 and studies and training courses in use by all agencies of the
14 state; and facilitate the utilization of the resources by any agency
15 having requirements which are found to be available within any
16 agency of the state;
- 17 7. Assist agencies in the acquisition and utilization of
18 information technology systems and hardware to effectuate the
19 maximum benefit for the provision of services and accomplishment of
20 the duties and responsibilities of agencies of the state;
- 21 8. Coordinate for the executive branch of state government
22 agency information technology activities, encourage joint projects
23 and common systems, and linking of agency systems through the review
24 of agency plans, development of a statewide plan and its integration

1 with the budget process to ensure that developments or acquisitions
2 are consistent with statewide objectives and that proposed systems
3 are justified and cost effective;

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

7 10. Establish operations review procedures for information
8 technology installations operated by agencies of the state for
9 independent assessment of productivity, efficiency, cost
10 effectiveness, and security;

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

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

15 13. In conjunction with the Oklahoma Office of Homeland
16 Security, enforce the minimum information security and internal
17 control standards established by the Office of Information Services
18 ~~Division~~. An enforcement team consisting of the Chief Information
19 Director of the Office of Information Services Division or a
20 designee, a representative of the Oklahoma Office of Homeland
21 Security, and a representative of the Oklahoma State Bureau of
22 Investigation shall enforce the minimum information security and
23 internal control standards. An agency that is not in compliance
24 with the minimum information security and internal control standards

1 shall be notified. The agency will be required to submit a plan for
2 becoming compliant within a specified time period, based on the
3 severity of the noncompliance. If the agency does not become
4 compliant with the minimum information security and internal control
5 standards within the specified time period, the enforcement team
6 shall institute progressive actions as follows:

- 7 a. if possible, extend the time period for becoming
8 compliant,
- 9 b. work with the agency to mitigate the noncompliance,
- 10 c. notify the agency director, the Governor, the Speaker
11 of the House of Representatives, and the President Pro
12 Tempore of the Senate that the agency will be removed
13 from the infrastructure of the state until the agency
14 becomes compliant,
- 15 d. notify the agency director, the Governor, the Speaker
16 of the House of Representatives, and the President Pro
17 Tempore of the Senate that the enforcement team will
18 take control of the information technology function of
19 the agency until the agency is compliant, and
- 20 e. recommend to the Governor and the Legislature that the
21 administration and management of the information
22 technology function of the agency be transferred to
23 another state agency.

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

11 C. The Office of ~~State Finance~~ Information Services and all
12 agencies of the executive branch of the state shall not be required
13 to disclose, directly or indirectly, any information of a state
14 agency which is declared to be confidential or privileged by state
15 or federal statute or the disclosure of which is restricted by
16 agreement with the United States or one of its agencies, nor
17 disclose information technology system details that may permit the
18 access to confidential information or any information affecting
19 personal security, personal identity, or physical security of state
20 assets.

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

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

12 SECTION 7. AMENDATORY Section 3, Chapter 148, O.S.L.
13 2007 (62 O.S. Supp. 2007, Section 41.5a-3), is amended to read as
14 follows:

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

- 17 1. Define the requirements for a facility that can be used by
18 any state agency to:
 - 19 a. install backup information technology equipment, or
 - 20 b. install information technology equipment acquired as
21 the result of the primary processing facilities being
22 unavailable for an extended period of time;
- 23 2. Enter into a multiyear agreement for a private facility that
24 meets the defined requirements; and

1 3. Advise state agencies when the facility is available for
2 their use.

3 SECTION 8. AMENDATORY 62 O.S. 2001, Section 41.5e, as
4 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
5 2007, Section 41.5e), is amended to read as follows:

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

- 16 1. An overview of major projects and objectives;
- 17 2. Cost per defined category of hardware, software, services
18 and personnel;
- 19 3. An assurance of compliance with state standards on
20 accessibility of information technology for individuals with
21 disabilities developed in accordance with Section ~~41.5e~~ 50.18 of
22 ~~this title~~ Title 74 of the Oklahoma Statutes; and

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

4 B. No agency of the executive branch of this state shall enter
5 into any agreement for the acquisition, development, or enhancement
6 of application systems software or for the acquisition of electronic
7 information technology equipment or peripheral devices, including
8 Internet and eGovernment, whether or not connected to such
9 equipment, unless the cost of such acquisition, development, or
10 enhancement has been included in the plan for the agency. The
11 Office of Information Services ~~Division~~ upon review of an
12 information technology and telecommunication plan for the agency,
13 shall submit in writing to the Governor, the Speaker of the House of
14 Representatives, and the President Pro Tempore of the Senate its
15 findings and recommendations on all proposed new and expanded
16 programs and expenditures for personnel and the purchase or
17 acquisition of equipment, hardware, software, accessories, or
18 services thereto, including but not limited to leases, rentals or
19 lease-purchase, indicating that the associated cost meet or comply
20 with Section ~~41.5a~~ 50.3 of ~~this title~~ Title 74 of the Oklahoma
21 Statutes.

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

1 Education or any other state entity assigned responsibility for
2 OneNet.

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

6 Section 41.5f A. The Office of ~~State Finance~~ Information
7 Services shall:

- 8 1. Develop and/or acquire application software, including such
9 modifications as may be required, to implement modern automated
10 systems in the Department of Central Services, the Office of
11 Personnel Management, and the Office of State Finance. Such systems
12 include applications for accounting, budgeting, payroll/personnel,
13 and purchasing;
- 14 2. Coordinate the initial implementation of the application
15 systems with the three central service agencies of the state and
16 coordinate the phased implementation of the application systems with
17 all branches of state government;
- 18 3. Develop procedures manuals and the related training
19 necessary to implement the application systems;
- 20 4. Maintain and enhance, as necessary, the application systems
21 of the Integrated Central Systems; and
- 22 5. Ensure the integrity of information in the Integrated
23 Central Systems through data security measures, internal controls,
24 and appropriate data base management.

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

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

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

11 Section 41.5g The Chief Information Director ~~of State Finance~~
12 shall, by appropriate notification, advise agencies of the state
13 when applications of the Integrated Central Systems are available
14 for their use. Thereafter, each agency of the state shall submit
15 transactions to the Office of ~~State Finance~~ Information Services,
16 the Office of Personnel Management, and the Department of Central
17 Services in the manner and format required to effectuate the
18 utilization of the Integrated Central Systems for all transactions
19 for which an application is available.

20 Provided that nothing in this section shall be construed as to
21 administratively place agencies currently exempt from any provisions
22 of the Budget Act of 1947, the Central Purchasing Act, or the
23 Oklahoma Personnel Act under the purview of such provisions.

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

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

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

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

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

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

20 SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.5i, as
21 last amended by Section 5, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
22 2007, Section 41.5i), is amended to read as follows:
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1 Section 41.5i In addition to the powers and duties as defined
2 elsewhere in this title, the Office of Information Services Division
3 ~~of the Office of State Finance~~ shall:

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

11 2. Establish minimum mandatory standards and protocols for:

- 12 a. communication networks and equipment,
- 13 b. wide area and local area systems,
- 14 c. integration of equipment, systems and joint usage,
- 15 d. Internet and eGovernment,
- 16 e. operating systems or methods to be used to meet
17 communications requirements efficiently, effectively,
18 and securely,
- 19 f. rendering of aid between state government and its
20 political subdivisions with respect to organizing of
21 communications systems, and
- 22 g. an economical and cost-effective utilization of
23 communication services.

1 The standards and protocols shall be compatible with the
2 standards and protocols established for the Oklahoma Government
3 Telecommunications Network created in Section ~~41.5m~~ 50.13 of ~~this~~
4 ~~title~~ Title 74 of the Oklahoma Statutes;

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

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

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

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

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

23 8. Provide support for telecommunication networks of state
24 agencies through analysis of the telecommunications needs and

1 requirements of each agency and promotion of the use of the Oklahoma
2 Government Telecommunications Network created in Section ~~41.5m~~ 50.13
3 of ~~this title~~ Title 74 of the Oklahoma Statutes.

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

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

20 B. No agency of the executive branch of the state shall enter
21 into any agreement for the acquisition, development or enhancement
22 of a communication or telecommunication system or service including
23 voice, data, radio, video, Internet, eGovernment, printers,
24 scanners, copiers, and facsimile systems, unless the cost of such

1 addition, change, improvement or development has been included in
2 the statewide communications plan of the Office of Information
3 ~~Services Division~~, as said plan may have been amended or revised.

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

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

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

20 Section 41.51 There is hereby created in the State Treasury a
21 revolving fund for the Office of ~~State Finance~~ Information Services
22 to be designated the "Telecommunications Revolving Fund". The fund
23 shall be a continuing fund, not subject to fiscal year limitations,
24 and shall consist of appropriations made by the Legislature and

1 reimbursements for providing telecommunications services as defined
2 in Sections ~~41.5h, 41.5i, 41.5j~~ 50.9, 50.10, 50.11 and ~~41.5p~~ 50.14
3 of ~~this title~~ Title 74 of the Oklahoma Statutes. All monies
4 accruing to such fund are hereby appropriated and may be budgeted
5 and expended by the Office of ~~State Finance~~ Information Services for
6 the purpose of providing telecommunications, Internet, and
7 eGovernment services, as referenced in Sections ~~41.5p~~ 50.14 and
8 ~~41.5q~~ 50.15 of ~~this title~~ Title 74 of the Oklahoma Statutes, the
9 construction and maintenance of information technology facilities
10 and services, and other related services. Expenditures from said
11 fund shall be made upon warrants issued by the State Treasurer
12 against claims filed as prescribed by law with the Director of State
13 Finance for approval and payment.

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

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

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

24

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

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

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

23 1. Development of a comprehensive, unified statewide
24 telecommunications network to effectively, efficiently, and securely

1 meet the communication needs of educational entities and agencies of
2 state government;

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

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

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

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

15 a. the Oklahoma State Regents for Higher Education shall
16 submit a report annually to the Chief Information
17 Director ~~of State Finance~~ identifying the
18 telecommunications plans of each member of The
19 Oklahoma State System of Higher Education. For
20 purposes of developing such report, each member shall
21 cooperate with and submit to the State Regents a plan
22 of its telecommunications needs, including, but not
23 limited to, Internet, eGovernment, as referenced in
24 Sections ~~41.5p~~ 50.14 and ~~41.5q~~ 50.15 of ~~this title~~

1 Title 74 of the Oklahoma Statutes, any interactive
2 video plans, the purchase of informational data bases,
3 software for manipulation of bibliographic records,
4 and the use of telecommunications equipment or
5 services,

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

19 c. the State Director of the Oklahoma Department of
20 Career and Technology Education shall submit a report
21 annually to the Chief Information ~~Director of State~~
22 ~~Finance~~ identifying the telecommunications plans of
23 technology center school districts. For purposes of
24 developing such report, each technology center school

1 district as defined in Section 14-108 of Title 70 of
2 the Oklahoma Statutes shall cooperate with and submit
3 to the State Director of the Oklahoma Department of
4 Career and Technology Education a plan of its
5 telecommunications needs, including, but not limited
6 to, Internet, eGovernment, any interactive video
7 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 d. the chief administrative officer of each state agency
12 of the executive branch shall submit a plan annually
13 to the Chief Information Director ~~of State Finance~~
14 identifying the telecommunications needs of the state
15 agency, including, but not limited to, Internet,
16 eGovernment, any interactive video plans, the purchase
17 of informational data bases, software for manipulation
18 of bibliographic records, and the use of
19 telecommunications equipment or services, and

20 e. the Director of the Oklahoma Department of Libraries
21 shall submit a report annually to the Chief
22 Information Director ~~of State Finance~~ identifying the
23 telecommunications plans of public libraries and
24 public library systems. For purposes of developing

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

1 certify to the Office of ~~State Finance~~ Information
2 Services that such plans are consistent with the plan
3 developed by the Oklahoma Library Technology Network
4 or explain any inconsistencies therewith;

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

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

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

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

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

18 Section 41.5p A. In order to be at the forefront of electronic
19 commerce and provide constituents, agencies and out-of-state users
20 with state-of-the-art electronic commerce and Internet tools, the
21 State of Oklahoma recognizes the need for a state portal system
22 connecting state agency websites and information systems. The state
23 portal system shall be managed by the Office of Information
24 Services.

1 B. For purposes of this section and Section ~~41.5s~~ 50.17 of ~~this~~
2 ~~title~~ Title 74 of the Oklahoma Statutes, a "portal system" shall
3 mean a system that hosts and connects to a collection of on-line
4 government and public services and serves as the single point of
5 access to state government services, information, and transaction
6 processing with a common enterprise wide user interface allowing
7 navigation among the services.

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

11 Section 41.5q A. Subject to review and adoption as outlined in
12 Section ~~41.5s~~ 50.17 of ~~this title~~ Title 74 of the Oklahoma Statutes,
13 a state agency, board, commission, or authority is hereby authorized
14 to charge a convenience fee for any electronic or on-line
15 transaction. A convenience fee shall apply to electronic or on-line
16 transactions only and shall not apply when accessing information
17 provided through state government websites. If a state entity sets
18 a convenience fee for electronic or on-line transactions, the fee
19 shall be reviewed by the State Governmental Internet Applications
20 Review Board as provided for in Section ~~41.5s~~ 50.17 of ~~this title~~
21 Title 74 of the Oklahoma Statutes. Each state entity shall keep a
22 record of how the convenience fee has been determined and shall file
23 the record with the Office of Information Services. A state agency,
24 board, commission, or authority may periodically adjust a

1 convenience fee as needed upon review and adoption as provided for
2 in ~~41.5s~~ 50.17 of ~~this title~~ Title 74 of the Oklahoma Statutes.

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

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

15 A. Any state agency, board, commission, or authority which
16 establishes an electronic portal system shall use an open-systems
17 concept for the portal system which has been approved by the Office
18 of Information Service Division of the Office of State Finance
19 Services.

20 B. For purposes of this section, an "open-systems concept"
21 shall mean a system that implements sufficient open specifications
22 for interfaces, services, and supporting formats to enable properly
23 engineered components to be utilized across a wide range of systems
24 with minimal changes, to interoperate with other components on local

1 and remote systems, and to interact with users in a style that
2 facilitates portability. An open-systems concept is characterized
3 by the following:

4 1. Well-defined, widely used, and nonproprietary interfaces or
5 protocols;

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

8 3. A definition of all aspects of system interfaces to
9 facilitate new or additional system capabilities for a wide range of
10 applications; and

11 4. An explicit provision for expansion or upgrading through the
12 incorporation of additional or higher performance elements with
13 minimal impact on the system.

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

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

24

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

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

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

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

10 4. One member who is not a member of the Legislature or a state
11 government employee to be appointed by the President Pro Tempore of
12 the Senate.

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

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

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

21 1. Reviewing a schedule of convenience fees, as is defined in
22 Section ~~41.54~~ 50.15 of ~~this title~~ Title 74 of the Oklahoma Statutes,
23 and all convenience fees and changes in fees charged by state
24 agencies, boards, commissions, or authorities for electronic or on-

1 line transactions, and making recommendations pertaining to
2 convenience fees to the Office of ~~State Finance~~ Information Services
3 prior to its adoption by rule of such fees, changes to fees, or fee
4 schedule; and

5 2. Monitoring all portal systems and applications for portal
6 systems created by state agencies, boards, commissions, or
7 authorities, reviewing portal systems applications approved or
8 denied by the Office of ~~Information Service Division of the Office~~
9 ~~of State Finance~~ Services, and making recommendations to the
10 Legislature and Governor to encourage greater use of the open-
11 systems concept as is defined in Section ~~41.5t~~ 50.16 of ~~this title~~
12 Title 74 of the Oklahoma Statutes.

13 SECTION 20. AMENDATORY Section 2, Chapter 128, O.S.L.
14 2004, as amended by Section 3, Chapter 391, O.S.L. 2005 (62 O.S.
15 Supp. 2007, Section 41.5t), is amended to read as follows:

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

22 B. When developing, procuring, maintaining or using information
23 technology, or when administering contracts or grants that include
24 the procurement, development, upgrading, or replacement of

1 information technology each state agency shall ensure, unless an
2 undue burden would be imposed on the agency, that the information
3 technology allows employees, program participants, and members of
4 the general public access to use of information and data that is
5 comparable to the access by individuals without disabilities.

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

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

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

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

22 4. Provide in partnership with Oklahoma Able Tech, the state
23 assistive technology project located at Oklahoma State University,
24 training and technical assistance for state agencies to assure

1 procurement of information technology that meets adopted
2 accessibility standards;

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

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

11 7. Work with and seek advice from the Electronic and
12 Information Technology Accessibility Advisory Council, created in
13 Section ~~41.5e.2~~ 50.20 of ~~this title~~ Title 74 of the Oklahoma
14 Statutes in developing accessibility standards and complaint
15 procedures as required in this section; and

16 8. Require state agencies to submit evidence of assurance of
17 compliance with state standards on accessibility of information
18 technology for individuals with disabilities developed in accordance
19 with this section. For executive branch state agencies that are
20 required to submit an annual long-range plan pursuant to Section
21 ~~41.5e~~ 50.6 of ~~this title~~ Title 74 of the Oklahoma Statutes evidence
22 of compliance shall be included in that report.

23

24

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

4 SECTION 21. AMENDATORY Section 4, Chapter 128, O.S.L.
5 2004, as last amended by Section 3, Chapter 98, O.S.L. 2007 (62 O.S.
6 Supp. 2007, Section 41.5t.2), is amended to read as follows:

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

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

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

21 2. One member of the Senate, appointed by the President Pro
22 Tempore of the Senate;

23 3. The chair of the Science and Technology Committee of the
24 House of Representatives;

1 4. The chair of the Aerospace and Technology Committee of the
2 State Senate;

3 5. The Chief Information Director ~~of the Office of State~~
4 ~~Finance~~, or a designee;

5 6. The Director of the Department of Central Services, or a
6 designee;

7 7. The Director of the Oklahoma Department of Rehabilitation
8 Services, or a designee;

9 8. The Superintendent of Public Instruction, or a designee;

10 9. The State Director of the Oklahoma State Department of
11 Career and Technology Education, or a designee;

12 10. The Director of the Library for the Blind and Physically
13 Handicapped with the Oklahoma Department of Rehabilitation, or a
14 designee;

15 11. The Director of the Office of Disability Concerns, or a
16 designee;

17 12. A representative of OneNet, the state telecommunications
18 network within the Oklahoma State Regents for Higher Education;

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

21 14. A representative of state agency web managers appointed by
22 the Governor from a list submitted by a state agency web manager
23 group;

24

1 15. A representative of an association representing education
2 technology administrators appointed by the Speaker of the House of
3 Representatives;

4 16. A representative of an association of distance learning
5 education professionals appointed by the President Pro Tempore of
6 the Senate;

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

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

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

18 C. Members who were serving on the Electronic and Information
19 Technology Accessibility Task Force as of July 1, 2004, shall
20 automatically be appointed to serve on the Electronic and
21 Information Technology Accessibility Advisory Council after July 1,
22 2004.

23 D. The Advisory Council shall:
24

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

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

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

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

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

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

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

22 H. Proceedings of all meetings of the Advisory Council shall
23 comply with the provisions of the Oklahoma Open Meeting Act.
24

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

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

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

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

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

22 1. Legislative members of the Advisory Council shall be
23 reimbursed for necessary travel expenses incurred in the performance
24

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

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

7 SECTION 22. AMENDATORY Section 4, Chapter 391, O.S.L.
8 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.
9 Supp. 2007, Section 41.5u), is amended to read as follows:

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

18 B. The vendor must agree to place the source code for the
19 software and any upgrades supplied to an agency in escrow with a
20 third party acceptable to the agency and to enter into a customary
21 source code escrow agreement which includes a provision that
22 entitles the agency to receive everything held in escrow upon the
23 occurrence of any of the following:

24

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

3 2. An assignment by the vendor for the benefit of its
4 creditors;

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

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

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

12 6. The inability or unwillingness of the vendor to provide the
13 maintenance and support services in accordance with the agreement
14 with the agency; or

15 7. The ceasing of a vendor of maintenance and support of the
16 software.

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

19 C. The State Purchasing Director or a procurement officer of a
20 state agency not subject to the Oklahoma Central Purchasing Act
21 shall not process any state agency request for the customization,
22 modernization, or development of computer software unless the
23 proposed vendor provides documentation that complies with
24 subsections A and B of this section.

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

4 E. As used in this section:

5 1. "State agency" shall include all state agencies, whether
6 subject to the Central Purchasing Act or not, except the Oklahoma
7 Lottery Commission; and

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

11 SECTION 23. AMENDATORY Section 15, Chapter 266, O.S.L.
12 2006 (62 O.S. Supp. 2007, Section 41.5v), is amended to read as
13 follows:

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

21 B. Each state agency that has an information technology system
22 shall annually conduct an information security risk assessment to
23 identify vulnerabilities associated with the information system. A
24 final report of the information security risk assessment shall be

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

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

21 SECTION 24. AMENDATORY Section 1, Chapter 205, O.S.L.
22 2007 (62 O.S. Supp. 2007, Section 41.5x), is amended to read as
23 follows:
24

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

14 SECTION 25. RECODIFICATION 62 O.S. 2001, Section 41.5a,
15 as last amended by Section 5 of this act, shall be recodified as
16 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is
17 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,
18 as last amended by Section 6 of this act, shall be recodified as
19 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is
20 created a duplication in numbering. Section 3, Chapter 148, O.S.L.
21 2007 (62 O.S. Supp. 2007, Section 41.5a-3), as amended by Section 7
22 of this act, shall be recodified as Section 50.5 of Title 74 of the
23 Oklahoma Statutes, unless there is created a duplication in
24 numbering. 62 O.S. 2001, Section 41.5e, as last amended by Section

1 8 of this act, shall be recodified as Section 50.6 of Title 74 of
2 the Oklahoma Statutes, unless there is created a duplication in
3 numbering. 62 O.S. 2001, Section 41.5f, as last amended by Section
4 9 of this act, shall be recodified as Section 50.7 of Title 74 of
5 the Oklahoma Statutes, unless there is created a duplication in
6 numbering. 62 O.S. 2001, Section 41.5g, as last amended by Section
7 10 of this act, shall be recodified as Section 50.8 of Title 74 of
8 the Oklahoma Statutes, unless there is created a duplication in
9 numbering. 62 O.S. 2001, Section 41.5h, as last amended by Section
10 11 of this act, shall be recodified as Section 50.9 of Title 74 of
11 the Oklahoma Statutes, unless there is created a duplication in
12 numbering. 62 O.S. 2001, Section 41.5i, as last amended by Section
13 12 of this act, shall be recodified as Section 50.10 of Title 74 of
14 the Oklahoma Statutes, unless there is created a duplication in
15 numbering. 62 O.S. 2001, Section 41.5j, as last amended by Section
16 13 of this act, shall be recodified as Section 50.11 of Title 74 of
17 the Oklahoma Statutes, unless there is created a duplication in
18 numbering. 62 O.S. 2001, Section 41.5l, as last amended by Section
19 14 of this act, shall be recodified as Section 50.12 of Title 74 of
20 the Oklahoma Statutes, unless there is created a duplication in
21 numbering. 62 O.S. 2001, Section 41.5m, as last amended by Section
22 15 of this act, shall be recodified as Section 50.13 of Title 74 of
23 the Oklahoma Statutes, unless there is created a duplication in
24 numbering. 62 O.S. 2001, Section 41.5p, as last amended by Section

1 16 of this act, shall be recodified as Section 50.14 of Title 74 of
2 the Oklahoma Statutes, unless there is created a duplication in
3 numbering. 62 O.S. 2001, Section 41.5q, as last amended by Section
4 17 of this act, shall be recodified as Section 50.15 of Title 74 of
5 the Oklahoma Statutes, unless there is created a duplication in
6 numbering. 62 O.S. 2001, Section 41.5r, as amended by Section 18 of
7 this act, shall be recodified as Section 50.16 of Title 74 of the
8 Oklahoma Statutes, unless there is created a duplication in
9 numbering. 62 O.S. Supp. 2007, Section 41.5s, as last amended by
10 Section 19 of this act, shall be recodified as Section 50.17 of
11 Title 74 of the Oklahoma Statutes, unless there is created a
12 duplication in numbering. Section 2, Chapter 128, O.S.L. 2004 (62
13 O.S. Supp. 2007, Section 41.5t), as last amended by Section 20 of
14 this act, shall be recodified as Section 50.18 of Title 74 of the
15 Oklahoma Statutes, unless there is created a duplication in
16 numbering. Section 3, Chapter 128, O.S.L. 2004, as amended by
17 Section 13, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2007, Section
18 41.5t.1), shall be recodified as Section 50.19 of Title 74 of the
19 Oklahoma Statutes, unless there is created a duplication in
20 numbering. Section 4, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2007,
21 Section 41.5t.2), as last amended by Section 21 of this act, shall
22 be recodified as Section 50.20 of Title 74 of the Oklahoma Statutes,
23 unless there is created a duplication in numbering. Section 4,
24 Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2007, Section 41.5u), as

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

11 SECTION 26. REPEALER Section 5, Chapter 391, O.S.L. 2005
12 (62 O.S. Supp. 2007, Section 41.5a-2), is hereby repealed.

13 SECTION 27. This act shall become effective July 1, 2008.

14 SECTION 28. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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