

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 980

By: Coffee and Jolley of the
Senate

3
4 and

5 Murphey of the House
6
7

8 (state government - Oklahoma Information Services
9 Act - Codification - Recodification - Repealer -
10 effective date -

11 emergency)
12
13

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

15
16 "(state government - Oklahoma Information Services
17 Act - codification - noncodification -
18 recodification - repealer -

19 effective dates)
20
21

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
23
24

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 Officer who shall be appointed
12 by the Governor. The salary of the Chief Information Officer shall
13 be comparable with the prevailing salaries for similar private
14 sector positions. The first Chief Information Officer shall be
15 appointed no later than January 1, 2010.

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

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

21 2. A minimum of ten (10) years of professional experience with
22 responsibilities for management and support of information systems
23 and information technology, including seven (7) years of direct
24 management of a major 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 request for proposals and
7 administering the bid process;
- 8 7. Experience managing professional staff, teams, and
9 consultants;
- 10 8. Knowledge of telecommunications operations;
- 11 9. Ability to develop and set strategic direction for
12 information technology and telecommunications and to manage daily
13 development and operations functions;
- 14 10. An effective communicator who is able to build consensus;
- 15 11. Ability to analyze and resolve complex issues, both logical
16 and interpersonal;
- 17 12. Effective verbal and written communications skills and
18 effective presentation skills, geared toward coordination and
19 education;
- 20 13. Ability to negotiate and defuse conflict; and
- 21 14. A self-motivator, independent, cooperative, flexible and
22 creative.
- 23 C. For the fiscal year ending June 30, 2010, the salary and any
24 other expenses for the Chief Information Officer shall be budgeted

1 through the Office of the State Treasurer and the Office of the
2 State Treasurer shall provide office space, equipment and support to
3 the Chief Information Officer. Beginning with the fiscal year
4 ending June 30, 2011, the salary and any other expenses for the
5 Chief Information Officer shall be budgeted through the Office of
6 Information Services.

7 D. 1. Within nine (9) months of appointment, the Chief
8 Information Officer shall complete an assessment of the
9 implementation of the transfer, coordination, and modernization of
10 all information technology and telecommunication systems of all
11 state agencies in the state as provided for in the Oklahoma
12 Information Services Act.

13 2. Within twelve (12) months of appointment, the Chief
14 Information Officer shall issue a report setting out a plan of
15 action which will include the following:

- 16 a. the implementation of an information technology and
17 telecommunications centralized infrastructure
18 environment and centralized applications that are
19 utilized across multiple agencies,
- 20 b. define the services that shall be centralized under
21 the control of the Office of Information Services,
- 22 c. define the roadmap to implement the proposed
23 centralized model. The roadmap shall include
24 recommendations on the transfer, coordination, and

1 modernization of all information technology and
2 telecommunication systems of all the state agencies in
3 the state,

4 d. recommendations on the reallocation of information
5 technology and telecommunication resources and
6 personnel,

7 e. recommendations on the alignment and operation of the
8 communications and data transfer network known as
9 OneNet,

10 f. a cost benefit analysis to support the recommendations
11 on the reallocation of information technology and
12 telecommunication resources and personnel, and

13 g. a calculation of the net savings realized through the
14 reallocation and consolidation of information
15 technology and telecommunication resources and
16 personnel after compensating for the upfront cost of
17 the creation of the Office of Information Services and
18 the ongoing costs of the office.

19 3. The plan of action report shall be presented to the
20 Governor, Speaker of the House of Representatives, and the President
21 Pro Tempore of the State Senate.

22 4. The Chief Information Officer may contract with a private
23 consultant or consultants to assist in the assessment and
24

1 development of the plan of action report as required in this
2 subsection.

3 E. Beginning July 1, 2010, the Chief Information Officer shall
4 be authorized to employ personnel, fix the duties and compensation
5 of the personnel, not otherwise prescribed by law, and otherwise
6 direct the work of the personnel in performing the function and
7 accomplishing the purposes of the Office of Information Services.

8 F. Beginning July 1, 2010, the Office of Information Services
9 shall be responsible for the following duties:

10 1. Formulate and implement the information technology strategy
11 for the state;

12 2. Define, design, and implement an information technology and
13 telecommunications centralized infrastructure and centralized
14 application environment for the state;

15 3. Direct the development and operation of a scalable
16 telecommunications infrastructure that supports data and voice
17 communications reliability, integrity, and security;

18 4. Supervise the applications development process for those
19 applications that are centralized;

20 5. Provide direction for the professional development of
21 information technology staff of state agencies and oversee the
22 professional development of the staff of the Office of Information
23 Services;

24 6. Evaluate all technology investment choices for the state;

1 7. Create a plan to ensure alignment of current systems, tools,
2 and processes with the strategic information technology plan for the
3 state;

4 8. Set direction and provide oversight for the support and
5 continuous upgrading of the current information technology and
6 telecommunication infrastructure in the state in support of enhanced
7 reliability, user service levels, and security;

8 9. Direct the development, implementation, and management of
9 appropriate standards, policies and procedures to ensure the success
10 of state information technology and telecommunication initiatives;

11 10. Recruit and centralize the required technical staff in the
12 Office of Information Services to support the services provided by
13 the Office and the execution of the strategic information technology
14 plan for the state;

15 11. Establish, maintain, and enforce information technology and
16 telecommunication standards;

17 12. Delegate, coordinate, and review all work to ensure quality
18 and efficient operation of the Office of Information Services;

19 13. Create and implement a communication plan that disseminates
20 pertinent information to state agencies on standards, policies,
21 procedures, service levels, project status, and other important
22 information to customers of the Office of Information Services and
23 provide for agency feedback and performance evaluation by customers
24 of the Office;

1 14. Develop and implement training programs for state agencies
2 using the centralized services of the Office of Information Services
3 and recommend training programs to state agencies on information
4 technology and telecommunication systems, products and procedures;

5 15. Provide counseling, performance evaluation, training,
6 motivation, discipline, and assign duties for employees of the
7 Office of Information Services;

8 16. Oversee the purchasing of information technology products
9 and services for the state;

10 17. Develop and enforce an overall infrastructure architecture
11 strategy and associated roadmaps for desktop, network, server,
12 storage, and centralized management systems for state agencies;

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

17 19. Define and implement a governance model for requesting
18 services and monitoring service level metrics for all centralized
19 services; and

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

22 G. Upon receiving approval of the State Governmental Technology
23 Applications Review Board, the Chief Information Officer shall
24 implement the plan of action as set forth in subsection D of this

1 section. The State Governmental Technology Applications Review
2 Board shall provide ongoing oversight of the implementation of the
3 plan of action. Any proposed amendments to the plan of action
4 shall be approved by the Board prior to adoption. The net savings
5 realized through the reallocation and consolidation of information
6 technology and telecommunication resources and personnel after
7 compensating for the up-front costs and ongoing costs of the Office
8 of Information Services which are identified and reported in the
9 plan of action shall be realized no later than July 1, 2011.

10 H. The Chief Information Officer shall be responsible for the
11 procurement of all information technology and telecommunication
12 software, hardware, equipment, peripheral devices, maintenance,
13 consulting services, high technology systems, and other related
14 information technology, data processing, telecommunication and
15 related peripherals and services for the state. The Chief
16 Information Officer shall establish, implement, and enforce policies
17 and procedures for the procurement of information technology and
18 telecommunication software, hardware, equipment, peripheral devices,
19 maintenance, consulting services, high technology systems, and other
20 related information, data processing, telecommunication and related
21 peripherals and services by purchase, lease-purchase, lease with
22 option to purchase, lease and rental.

23 I. The Office of Information Services and the Chief Information
24 Officer shall be subject to The Oklahoma Central Purchasing Act and

1 the requirements of the Public Competitive Bidding Act of 1974, the
2 Oklahoma Lighting Energy Conservation Act and the Public Building
3 Construction and Planning Act when procuring data processing,
4 information technology, telecommunication, and related peripherals
5 and services and when constructing information technology and
6 telecommunication facilities, telecommunication networks and
7 supporting infrastructure. The Chief Information Officer shall be
8 authorized to delegate all or some of the procurement of information
9 technology and telecommunication products and services and
10 construction of facilities and telecommunication networks to another
11 state entity if the Chief Information Officer determines it to be
12 cost-effective and in the best interest of the state. The Chief
13 Information Officer shall have authority to designate information
14 technology and telecommunication contracts as statewide contracts
15 and mandatory statewide contracts pursuant to Section 85.5 of Title
16 74 of the Oklahoma Statutes.

17 J. The Chief Information Officer shall establish and implement
18 charges and a system to assess the charges to state agencies for
19 their use of centralized information technology and
20 telecommunication services subject to the approval of the State
21 Governmental Technology Applications Review Board.

22 K. The Chief Information Officer shall establish, implement,
23 and enforce policies and procedure for the development and
24 procurement of an interoperable radio communications system for

1 state agencies. The Chief Information Officer shall work with local
2 governmental entities in developing the interoperable radio
3 communications system.

4 L. The Chief Information Officer shall develop and implement a
5 plan to utilize open source technology and products for the
6 information technology and telecommunication systems in the state.

7 M. All state agencies, boards, commissions, and authorities of
8 this state and all officers and employees of those entities are
9 hereby directed to work and cooperate with and lend assistance to
10 the Chief Information Officer and the Office of Information Services
11 and to provide any and all information requested by the Chief
12 Information Officer.

13 N. The Chief Information Officer shall prepare an annual report
14 detailing the ongoing net saving attributable to the reallocation
15 and consolidation of information technology and telecommunication
16 resources and personnel and shall submit the report to the Governor,
17 the Speaker of the House of Representatives, and the President Pro
18 Tempore of the Senate.

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

22 A. On July 1, 2010, the Information Services Division of the
23 Office of State Finance is hereby transferred from the Office of
24 State Finance to the Office of Information Services. The transfer

1 shall include all real property, buildings, furniture, equipment,
2 supplies, records, personnel, assets, current and future
3 liabilities, fund balances, encumbrances, obligations, indebtedness,
4 powers, duties, and responsibilities associated with the Information
5 Services Division of the Office of State Finance.

6 B. It is the intent of the Legislature that all employees of
7 the Office of State Finance who are assigned to the Information
8 Services Division on July 1, 2010, shall be transferred to the
9 Office of Information Services with retention of pay and benefits,
10 as much as possible, including longevity, insurance benefits,
11 seniority, rights, and other privileges or benefits, which may be
12 provided through contractual arrangements with the Office of State
13 Finance.

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

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

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

1 The terms "State Budget Office", "Division of the Budget", or
2 "Division of Central Accounting and Reporting", ~~"Information~~
3 ~~Services Division", or "Oklahoma Financial Information System~~
4 ~~Management Division"~~ appearing in the Oklahoma Statutes shall mean
5 the Office of State Finance or the divisions thereof.

6 SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5a, as
7 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
8 2008, Section 41.5a), is amended to read as follows:

9 Section 41.5a A. The Office of Information Services ~~Division~~
10 shall:

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

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

17 3. Establish and enforce minimum mandatory standards for:

18 a. information systems planning,

19 b. systems development methodology,

20 c. documentation,

21 d. hardware requirements and compatibility,

22 e. operating systems compatibility,

23 f. acquisition of software and, hardware ~~acquisition and~~
24 technology-related services,

- 1 g. information security and internal controls,
- 2 h. data base compatibility, ~~and~~
- 3 i. contingency planning and disaster recovery, and
- 4 j. imaging and scanning systems.

5 The standards shall, upon adoption, be the minimum requirements
6 applicable to all agencies. These standards shall be compatible
7 with the standards established for the Oklahoma Government
8 Telecommunications Network created in Section ~~41.5m~~ 50.14 of ~~this~~
9 ~~title~~ Title 74 of the Oklahoma Statutes. Individual agency
10 standards may be more specific than statewide requirements but shall
11 in no case be less than the minimum mandatory standards. Where
12 standards required of an individual agency of the state by agencies
13 of the federal government are more strict than the state minimum
14 standards, such federal requirements shall be applicable;

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

17 5. Operate an information technology service center to provide
18 operations and hardware support for agencies requiring such services
19 and for statewide systems;

20 6. Maintain a directory of the following which have a value of
21 Five Hundred Dollars (\$500.00) or more: application systems,
22 systems software, hardware, internal and external information
23 technology, communication or telecommunication equipment owned,
24 leased, or rented for use in communication services for state

1 government, including communication services provided as part of any
2 other total system to be used by the state or any of its agencies,
3 and studies and training courses in use by all agencies of the
4 state; and facilitate the utilization of the resources by any agency
5 having requirements which are found to be available within any
6 agency of the state;

7 7. Assist agencies in the acquisition and utilization of
8 information technology systems and hardware to effectuate the
9 maximum benefit for the provision of services and accomplishment of
10 the duties and responsibilities of agencies of the state;

11 8. Coordinate for the executive branch of state government
12 agency information technology activities, encourage joint projects
13 and common systems, ~~and~~ linking of agency systems through the review
14 of agency plans, review and approval of all statewide contracts for
15 software, hardware and information technology consulting services
16 and development of a statewide plan and its integration with the
17 budget process to ensure that developments or acquisitions are
18 consistent with statewide objectives and that proposed systems are
19 justified and cost effective;

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

23 10. Establish operations review procedures for information
24 technology installations operated by agencies of the state for

1 independent assessment of productivity, efficiency, cost
2 effectiveness, and security;

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

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

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

24

- 1 a. ~~if possible, extend the time period for becoming~~
2 ~~compliant,~~
- 3 b. ~~work with the agency, the Chief Information Officer~~
4 ~~shall take immediate action to mitigate the~~
5 ~~noncompliance,~~
- 6 e. ~~notify the agency director, the Governor, the Speaker~~
7 ~~of the House of Representatives, and the President Pro~~
8 ~~Tempore of the Senate that the agency will be removed~~
9 ~~from including the removal of the agency from the~~
10 ~~infrastructure of the state until the agency becomes~~
11 ~~compliant,~~
- 12 d. ~~notify the agency director, the Governor, the Speaker~~
13 ~~of the House of Representatives, and the President Pro~~
14 ~~Tempore of the Senate that the enforcement team will~~
15 ~~take taking control of the information technology~~
16 ~~function of the agency until the agency is compliant,~~
17 ~~and~~
- 18 e. ~~recommend to the Governor and the Legislature that~~
19 ~~transferring the administration and management of the~~
20 ~~information technology function of the agency be~~
21 ~~transferred to the Office of Information Services or~~
22 ~~another state agency.~~

23 B. No agency of the executive branch of the state shall use
24 state funds for or enter into any agreement for the acquisition of

1 any category of computer hardware, software or any contract for
2 information technology services and equipment exceeding ~~Twenty five~~
3 ~~Thousand Dollars (\$25,000.00)~~ Ten Thousand Dollars (\$10,000.00) in
4 value without written authorization of the ~~Director of State Finance~~
5 Chief Information Officer. The provisions of this subsection shall
6 not be applicable to any member of The Oklahoma State System of
7 Higher Education, any public elementary or secondary schools of the
8 state, or any technology center school district as defined in
9 Section 14-108 of Title 70 of the Oklahoma Statutes.

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

20 SECTION 6. AMENDATORY 62 O.S. 2001, Section 41.5a-1, as
21 amended by Section 2, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
22 Section 41.5a-1), is amended to read as follows:

23 Section 41.5a-1 The Office of Information Services ~~Division~~
24 shall, at the end of each month, render a statement of charges to

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

10 SECTION 7. AMENDATORY Section 3, Chapter 148, O.S.L.
11 2007 (62 O.S. Supp. 2008, Section 41.5a-3), is amended to read as
12 follows:

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

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

1 SECTION 8. AMENDATORY Section 1, Chapter 340, O.S.L.
2 2008 (62 O.S. Supp. 2008, Section 41.5a-4), is amended to read as
3 follows:

4 Section 41.5a-4 A. The Office of Information Services Division
5 ~~of the Office of State Finance~~ is authorized to:

6 1. Develop and publish a state policy and procedures for the
7 destruction or disposal of all electronic storage media to ensure
8 that all confidential information stored on such electronic media
9 devices is destroyed or disposed of in a secure and safe manner;

10 2. Define the requirements for the secure destruction or
11 disposal of electronic storage media; and

12 3. Assist the Department of Central Services in implementing
13 the policy and procedures for the destruction or disposal of state
14 electronic storage media.

15 B. The Office of ~~State Finance~~ Information Services shall
16 notify all agencies, boards, commissions and authorities of the
17 policy and procedures for the secure and safe destruction or
18 disposal of electronic storage media.

19 C. The Department of Central Services shall remove all
20 electronic storage media from all surplus information technology and
21 telecommunication equipment before it is sold, donated, stored or
22 destroyed. A state agency may remove electronic storage media from
23 their surplus information technology and telecommunication equipment
24 prior to sending the surplus to the Department of Central Services,

1 so long as the agency has the technical expertise for removal and
2 that the electronic storage media is sent for destruction or
3 disposal pursuant to this subsection.

4 D. The Department of Central Services shall use existing and
5 future funds from the sale of state surplus equipment and
6 appropriations, as necessary, to pay for the destruction of
7 electronic storage media.

8 SECTION 9. AMENDATORY 62 O.S. 2001, Section 41.5e, as
9 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
10 2008, Section 41.5e), is amended to read as follows:

11 Section 41.5e A. No later than July 1 of each year, all
12 agencies of the executive branch of this state presently using or
13 contemplating the use of telecommunications and electronic
14 information technology applications, including, but not limited to,
15 the use of mainframe computers, minicomputers or microcomputers,
16 word processing equipment, office automation systems, Internet,
17 eGovernment, broadband, Wi-Fi or wireless networking, radio,
18 including the interoperable radio communications system for state
19 agencies, Global Positioning Systems (GPS), or contracts for
20 information technology services and equipment, shall annually submit
21 to the Office of Information Services ~~Division~~ a one-year operations
22 plan, which shall include as a minimum:

23 1. An overview of major projects and objectives;

24

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~~ 50.19 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, broadband, Wi-Fi or wireless networking,
15 radio, including the interoperable radio communications system for
16 state agencies, Global Positioning Systems (GPS), whether or not
17 connected to such equipment, unless the cost of such acquisition,
18 development, or enhancement has been included in the plan for the
19 agency. The Office of Information Services ~~Division~~ upon review of
20 an information technology and telecommunication plan for the agency,
21 shall submit in writing to the Governor, the Speaker of the House of
22 Representatives, and the President Pro Tempore of the Senate its
23 findings and recommendations on all proposed new and expanded
24 programs and expenditures for personnel and the purchase or

1 acquisition of equipment, hardware, software, accessories, or
2 services thereto, including but not limited to leases, rentals or
3 lease-purchase, indicating that the associated cost meet or comply
4 with Section ~~41.5a~~ 50.3 of ~~this title~~ Title 74 of the Oklahoma
5 Statutes.

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

11 SECTION 10. AMENDATORY 62 O.S. 2001, Section 41.5f, as
12 amended by Section 1, Chapter 148, O.S.L. 2007 (62 O.S. Supp. 2008,
13 Section 41.5f), is amended to read as follows:

14 Section 41.5f A. The Office of ~~State Finance~~ Information
15 Services shall:

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

22 2. Coordinate the initial implementation of the application
23 systems with the three central service agencies of the state and
24

1 coordinate the phased implementation of the application systems with
2 all branches of state government;

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

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

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

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

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

17 SECTION 11. AMENDATORY 62 O.S. 2001, Section 41.5g, as
18 amended by Section 2, Chapter 148, O.S.L. 2007 (62 O.S. Supp. 2008,
19 Section 41.5g), is amended to read as follows:

20 Section 41.5g ~~The Director of State Finance~~ Chief Information
21 Officer shall, by appropriate notification, advise agencies of the
22 state when applications of the Integrated Central Systems are
23 available for their use. Thereafter, each agency of the state shall
24 submit transactions to the Office of ~~State Finance~~ Information

1 Services, the Office of Personnel Management, and the Department of
2 Central Services in the manner and format required to effectuate the
3 utilization of the Integrated Central Systems for all transactions
4 for which an application is available.

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

9 SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.5h, as
10 amended by Section 4, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
11 Section 41.5h), is amended to read as follows:

12 Section 41.5h A. The Office of Information Services ~~Division~~
13 ~~of the Office of State Finance~~ is directed, authorized and empowered
14 to enter into contracts for, to establish criteria for and manage
15 the installation, maintenance and administration of a central
16 communication or intercommunication system for and upon behalf of
17 this state. The installation shall fulfill communication or
18 intercommunications requirements of this state and its agencies
19 located in the Capitol and those buildings situated on the Capitol
20 grounds, known as the "Capitol Complex" in Oklahoma City, Oklahoma,
21 ~~and~~ the state-owned building known as the "Tulsa Capitol Building"
22 in Tulsa, Oklahoma, buildings which house state agencies located
23 within four (4) miles of the Capitol Complex, and any location used

24

1 for the administration of the information technology and
2 telecommunication infrastructure and security for the state.

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

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

15 2. The Division Office is to be reimbursed by the state or any
16 of its agencies for actual cost incurred for equipment installation
17 or modification or for toll charges for use of telephone, telegraph,
18 teletype, data communications, Internet, eGovernment, as referenced
19 in Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of
20 the Oklahoma Statutes, or other form or forms of communication or
21 intercommunication incurred by the state or by any agency.

22 C. No telephone, teletype, switchboard, line, cable system,
23 data communication system, Internet, eGovernment, or systems of
24 communication or intercommunication are to be installed in any

1 building or buildings owned, rented, leased or otherwise held by
2 this state or its agencies at locations described in subsection A of
3 this section without written order of the ~~Director of State Finance~~
4 Chief Information Officer or a designee. Provided, however, that
5 acquisition and installation of such equipment in the Legislature
6 shall be subject to the final approval of the Speaker of the House
7 of Representatives or the President Pro Tempore of the Senate as
8 appropriate.

9 SECTION 13. AMENDATORY 62 O.S. 2001, Section 41.5i, as
10 last amended by Section 5, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
11 2008, Section 41.5i), is amended to read as follows:

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

15 1. Coordinate statewide planning and approve statewide
16 contracts for communication and telecommunications needs of state
17 government, including, but not limited to, voice, data, radio
18 including the interoperable radio communications system for state
19 agencies, video, broadband, Wi-Fi or wireless networking, Global
20 Positioning Systems (GPS), Internet, eGovernment, as referenced in
21 Sections 41.5p 50.15 and 41.5q 50.16 of this title Title 74 of the
22 Oklahoma Statutes, and facsimile transmissions through analysis of
23 the telecommunications and information technology plan of each
24 agency;

- 1 2. Establish minimum mandatory standards and protocols for:
- 2 a. communication networks and equipment,
- 3 b. wide area and local area systems,
- 4 c. integration of equipment, systems and joint usage,
- 5 d. Internet and eGovernment,
- 6 e. operating systems or methods to be used to meet
- 7 communications requirements efficiently, effectively,
- 8 and securely,
- 9 f. rendering of aid between state government and its
- 10 political subdivisions with respect to organizing of
- 11 communications systems, and
- 12 g. an economical and cost-effective utilization of
- 13 communication services.

14 The standards and protocols shall be compatible with the

15 standards and protocols established for the Oklahoma Government

16 Telecommunications Network created in Section ~~41.5m~~ 50.14 of ~~this~~

17 ~~title~~ Title 74 of the Oklahoma Statutes;

18 3. Serve as a focal point for all statewide projects and

19 approve all statewide contracts involving current communications

20 vendors where the focus of such authority can substantially enhance

21 the state communications plan or the savings which can be achieved

22 thereunder;

23 4. Provide, when requested by political subdivisions of the

24 state, for the organizing of communications or telecommunications

1 systems and service between the state and its political subdivisions
2 and enter into agreements to effect the purposes of this section;

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

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

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

13 8. Provide support for telecommunication networks of state
14 agencies through analysis of the telecommunications needs and
15 requirements of each agency and promotion of the use of the Oklahoma
16 Government Telecommunications Network created in Section ~~41.5m~~ 50.14
17 of ~~this title~~ Title 74 of the Oklahoma Statutes.

18 SECTION 14. AMENDATORY 62 O.S. 2001, Section 41.5j, as
19 amended by Section 6, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
20 Section 41.5j), is amended to read as follows:

21 Section 41.5j A. No agency of the executive branch of the
22 state shall use state funds for or enter into any agreement for the
23 acquisition, development or enhancement of a communication or
24 telecommunication system including voice, data, radio, video,

1 Internet, eGovernment, as referenced in Sections ~~41.5p~~ 50.15 and
2 ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,
3 printers, scanners, copiers, and facsimile systems, exceeding Ten
4 Thousand Dollars (\$10,000.00) in value without written authorization
5 of the ~~Director of State Finance~~ Chief Information Officer or a
6 designee. The ~~Director of State Finance~~ Chief Information Officer
7 or a designee shall verify that any acquisition, development or
8 enhancement is compatible with the operation of the Oklahoma
9 Government Telecommunications Network created in Section ~~41.5m~~ 50.14
10 of ~~this title~~ Title 74 of the Oklahoma Statutes.

11 B. No agency of the executive branch of the state shall enter
12 into any agreement for the acquisition, development or enhancement
13 of a communication or telecommunication system or service including
14 voice, data, radio, video, Internet, eGovernment, printers,
15 scanners, copiers, and facsimile systems, unless the cost of such
16 addition, change, improvement or development has been included in
17 the statewide communications plan of the Office of Information
18 Services Division, as said plan may have been amended or revised.

19 C. State agencies may enter into interagency contracts to share
20 communications and telecommunications resources for mutually
21 beneficial purposes. The contract shall clearly state how its
22 purpose contributes to the development or enhancement or cost
23 reduction of a state network which includes voice, data, radio,
24 video, Internet, eGovernment, or facsimile systems. The contract

1 shall be approved by the Office of Information Services Division
2 before any payments are made.

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

8 SECTION 15. AMENDATORY 62 O.S. 2001, Section 41.51, as
9 amended by Section 8, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
10 Section 41.51), is amended to read as follows:

11 Section 41.51 There is hereby created in the State Treasury a
12 revolving fund for the Office of ~~State Finance~~ Information Services
13 to be designated the "Telecommunications Revolving Fund". The fund
14 shall be a continuing fund, not subject to fiscal year limitations,
15 and shall consist of appropriations made by the Legislature and
16 reimbursements for providing telecommunications services as defined
17 in Sections ~~41.5h, 41.5i, 41.5j~~ 50.10, 50.11, 50.12 and ~~41.5p~~ 50.15
18 of ~~this title~~ Title 74 of the Oklahoma Statutes. All monies
19 accruing to such fund are hereby appropriated and may be budgeted
20 and expended by the Office of ~~State Finance~~ Information Services for
21 the purpose of providing telecommunications, Internet, and
22 eGovernment services, as referenced in Sections ~~41.5p~~ 50.15 and
23 ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes, the
24 construction and maintenance of information technology facilities

1 and services, and other related services. Expenditures from said
2 fund shall be made upon warrants issued by the State Treasurer
3 against claims filed as prescribed by law with the Director of State
4 Finance for approval and payment.

5 SECTION 16. AMENDATORY 62 O.S. 2001, Section 41.5m, as
6 amended by Section 9, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
7 Section 41.5m), is amended to read as follows:

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

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

15 1. The Oklahoma State Regents for Higher Education may continue
16 to operate, maintain and enhance the State Regents Educational
17 Telecommunications Network. The Oklahoma State Regents for Higher
18 Education shall submit all plans for the enhancement of the State
19 Regents Educational Telecommunications Network to the Office of
20 ~~State Finance~~ Information Services for review and approval within
21 the context of the statewide telecommunications network provided for
22 in subsection C of this section and shall participate with the
23 Office of ~~State Finance~~ Information Services in joint efforts to
24 provide services for the OGTN; and

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

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

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

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

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

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

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

5 a. the Oklahoma State Regents for Higher Education shall
6 submit a report annually to the ~~Director of State~~
7 ~~Finance~~ Chief Information Officer identifying the
8 telecommunications plans of each member of The
9 Oklahoma State System of Higher Education. For
10 purposes of developing such report, each member shall
11 cooperate with and submit to the State Regents a plan
12 of its telecommunications needs, including, but not
13 limited to, Internet, eGovernment, as referenced in
14 Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~
15 Title 74 of the Oklahoma Statutes, any interactive
16 video plans, the purchase of informational data bases,
17 software for manipulation of bibliographic records,
18 and the use of telecommunications equipment or
19 services,

20 b. the State Superintendent of Public Instruction shall
21 submit a report annually to the ~~Director of State~~
22 ~~Finance~~ Chief Information Officer identifying the
23 telecommunications plans of the public common school
24 system of the state. For purposes of developing such

1 report, the respective public elementary and secondary
2 schools shall cooperate with and submit to the State
3 Superintendent a plan of their telecommunications
4 needs, including, but not limited to, Internet,
5 eGovernment, any interactive video plans, the purchase
6 of informational data bases, software for manipulation
7 of bibliographic records, and the use of
8 telecommunications equipment or services,

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

- 1 d. the chief administrative officer of each state agency
2 of the executive branch shall submit a plan annually
3 to the ~~Director of State Finance~~ Chief Information
4 Officer identifying the telecommunications needs of
5 the state agency, including, but not limited to,
6 Internet, eGovernment, any interactive video plans,
7 the purchase of informational data bases, software for
8 manipulation of bibliographic records, and the use of
9 telecommunications equipment or services, and
- 10 e. the Director of the Oklahoma Department of Libraries
11 shall submit a report annually to the ~~Director of~~
12 ~~State Finance~~ Chief Information Officer identifying
13 the telecommunications plans of public libraries and
14 public library systems. For purposes of developing
15 such report, the chief administrative officer of any
16 public library or public library system not otherwise
17 required to submit a plan of its telecommunications
18 needs pursuant to the provisions of this paragraph
19 shall cooperate with and submit annually to the
20 Director of the Oklahoma Department of Libraries a
21 plan of its telecommunications needs, including, but
22 not limited to, Internet, eGovernment, any interactive
23 video plans, the purchase of informational data bases,
24 software for manipulation of bibliographic records and

1 the use of telecommunications equipment or services.
2 To assure inclusion in the report of the plans of the
3 telecommunications needs of any library that is a part
4 of any member of The Oklahoma State System of Higher
5 Education, a public elementary or secondary school, or
6 technology center school district, all such plans
7 relating to libraries received by the Oklahoma State
8 Regents for Higher Education, the State Superintendent
9 of Higher Education, and the State Director of the
10 Oklahoma Department of Career and Technology Education
11 shall be submitted to the Director of the Oklahoma
12 Department of Libraries by the respective recipients
13 thereof as soon as practicable after receipt. The
14 Director of the Oklahoma Department of Libraries shall
15 certify to the Office of ~~State Finance~~ Information
16 Services that such plans are consistent with the plan
17 developed by the Oklahoma Library Technology Network
18 or explain any inconsistencies therewith;

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

22 3. Develop minimum mandatory standards and protocols for
23 equipment, facilities and services of the OGTN;
24

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

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

6 SECTION 17. AMENDATORY 62 O.S. 2001, Section 41.5p, as
7 amended by Section 10, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
8 Section 41.5p), is amended to read as follows:

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

14 B. The Office of Information Services shall manage the
15 installation, maintenance and administration of the state portal
16 system.

17 C. For purposes of this section and Section ~~41.5p~~ 50.18 of ~~this~~
18 ~~title~~ Title 74 of the Oklahoma Statutes, a "portal system" shall
19 mean a system that hosts and connects to a collection of on-line
20 government and public services and serves as the single point of
21 access to state government services, information, and transaction
22 processing with a common enterprise wide user interface allowing
23 navigation among the services.

1 SECTION 18. AMENDATORY 62 O.S. 2001, Section 41.5q, as
2 amended by Section 11, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
3 Section 41.5q), is amended to read as follows:

4 Section 41.5q A. Subject to review and adoption as outlined in
5 Section ~~41.5q~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma Statutes,
6 a state agency, board, commission, or authority is hereby authorized
7 to charge a convenience fee for any electronic or ~~en-line~~ online
8 transaction. A convenience fee shall apply to electronic or ~~en-line~~
9 online transactions only and shall not apply when accessing
10 information provided through state government websites. If a state
11 entity sets a convenience fee for electronic or ~~en-line~~ online
12 transactions, the fee shall be reviewed by the State Governmental
13 ~~Internet~~ Technology Applications Review Board as provided for in
14 Section ~~41.5q~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma Statutes.
15 Each state entity shall keep a record of how the convenience fee has
16 been determined and shall file the record with the Office of
17 Information Services. A state agency, board, commission, or
18 authority may periodically adjust a convenience fee as needed upon
19 review and adoption as provided for in Section ~~41.5q~~ 50.18 of ~~this~~
20 ~~title~~ Title 74 of the Oklahoma Statutes.

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

1 service or product being provided by such state entity. This may
2 include reasonable charges for the cost of the electronic or ~~en-line~~
3 online service including recovery of costs incurred in the
4 development and implementation of the service or system, cost of
5 sustaining and upgrading the electronic or ~~en-line~~ online service,
6 and future expansion of the electronic or ~~en-line~~ online services.

7 SECTION 19. AMENDATORY 62 O.S. 2001, Section 41.5r, is
8 amended to read as follows:

9 Section 41.5r A. Any state agency, board, commission, or
10 authority which establishes an electronic portal system shall use an
11 open-systems concept for the portal system which has been approved
12 by the Office of Information Service Division of the Office of State
13 Finance Services.

14 B. No state agency shall enter into an agreement for
15 development of, enhancement to, or maintenance of an electronic
16 portal system without the written authorization of the Office of
17 Information Services.

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

24

1 facilitates portability. An open-systems concept is characterized
2 by the following:

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

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

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

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

13 SECTION 20. AMENDATORY 62 O.S. 2001, Section 41.5s, as
14 amended by Section 12, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
15 Section 41.5s), is amended to read as follows:

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

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

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

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

6 3. ~~One member~~ Two members who ~~is not~~ are either a member of the
7 Legislature or a state government employee to be appointed by the
8 Speaker of the House of Representatives; and

9 4. ~~One member~~ Two members who ~~is not~~ are either a member of the
10 Legislature or a state government employee to be appointed by the
11 President Pro Tempore of the Senate.

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

14 D. Members of the Board shall not receive compensation for
15 serving on the Board, ~~but~~. Nonlegislative members shall be
16 reimbursed for travel expenses incurred in the performance of their
17 duties by their respective agencies or appointing authority in
18 accordance with the State Travel Reimbursement Act. Legislative
19 members shall be reimbursed for travel expenses incurred in the
20 performance of their duties in accordance with the provisions of
21 Section 456 of Title 74 of the Oklahoma Statutes.

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

23 1. Reviewing a schedule of convenience fees, as is defined in
24 Section ~~41.5g~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,

1 and all convenience fees and changes in fees charged by state
2 agencies, boards, commissions, or authorities for electronic or on-
3 line transactions, and making recommendations pertaining to
4 convenience fees to the Office of ~~State Finance~~ Information Services
5 prior to its adoption by rule of such fees, changes to fees, or fee
6 schedule; and

7 2. Monitoring all portal systems and applications for portal
8 systems created by state agencies, boards, commissions, or
9 authorities, reviewing portal systems applications approved or
10 denied by the Office of ~~Information Service Division of the Office~~
11 ~~of State Finance Services~~, and making recommendations to the
12 Legislature and Governor to encourage greater use of the open-
13 systems concept as is defined in Section ~~41.5~~ 50.17 of ~~this title~~
14 Title 74 of the Oklahoma Statutes;

15 3. Approving the plan of action developed by the Chief
16 Information Officer as provided for in Section 2 of this act,
17 providing ongoing oversight of the implementation of the plan of
18 action by the Chief Information Officer and approving any amendments
19 to the plan of action;

20 4. Approving charges to state agencies established by the Chief
21 Information Officer pursuant to Section 2 of this act for their use
22 of centralized information technology and telecommunication
23 services;

24

1 5. Functioning in an advisory capacity to the Chief Information
2 Officer; and

3 6. Developing performance metrics for quantifying the value of
4 goods or services provided by state agencies and for considering if
5 goods and services provided by a state agency could be modernized
6 through the implementation of new technology to provide better
7 quality goods or services that would result in cost savings or best
8 value.

9 SECTION 21. AMENDATORY Section 2, Chapter 128, O.S.L.
10 2004, as amended by Section 3, Chapter 391, O.S.L. 2005 (62 O.S.
11 Supp. 2008, Section 41.5t), is amended to read as follows:

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

18 B. When developing, procuring, maintaining or using information
19 technology, or when administering contracts or grants that include
20 the procurement, development, upgrading, or replacement of
21 information technology each state agency shall ensure, unless an
22 undue burden would be imposed on the agency, that the information
23 technology allows employees, program participants, and members of
24

1 the general public access to use of information and data that is
2 comparable to the access by individuals without disabilities.

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

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

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

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

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

24

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

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

9 7. Work with and seek advice from the Electronic and
10 Information Technology Accessibility Advisory Council, created in
11 Section ~~41.5t.2~~ 50.21 of ~~this title~~ Title 74 of the Oklahoma
12 Statutes in developing accessibility standards and complaint
13 procedures as required in this section; and

14 8. Require state agencies to submit evidence of assurance of
15 compliance with state standards on accessibility of information
16 technology for individuals with disabilities developed in accordance
17 with this section. For executive branch state agencies that are
18 required to submit an annual ~~long range~~ operating plan pursuant to
19 Section ~~41.5e~~ 50.7 of ~~this title~~ Title 74 of the Oklahoma Statutes
20 evidence of compliance shall be included in that report.

21 D. ~~The Director of State Finance~~ Chief Information Officer and
22 the Director of the Department of Central Services shall promulgate
23 rules, as necessary, to implement the provisions of this section.

24

1 SECTION 22. AMENDATORY Section 4, Chapter 128, O.S.L.
2 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008 (62
3 O.S. Supp. 2008, Section 41.5t.2), is amended to read as follows:

4 Section 41.5t.2 A. There is hereby created, to continue until
5 July 1, 2010, the Electronic and Information Technology
6 Accessibility Advisory Council. The Advisory Council shall study
7 and make recommendations concerning the accessibility for the
8 disabled to publicly produced and provided electronic and
9 information technology and to provide advice and assistance to the
10 Office of Information Services ~~Division of the Office of State~~
11 ~~Finance~~ on the development of accessibility standards and complaint
12 procedures as provided for in Section ~~41.5t~~ 50.19 of ~~this title~~
13 Title 74 of the Oklahoma Statutes.

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

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

18 2. One member of the Senate, appointed by the President Pro
19 Tempore of the Senate;

20 3. The chair of the Science and Technology Committee of the
21 House of Representatives;

22 4. The chair of the Aerospace and Technology Committee of the
23 State Senate;

24

- 1 5. The ~~Director of the Office of State Finance~~ Chief
2 Information Officer, or a designee;
- 3 6. The Director of the Department of Central Services, or a
4 designee;
- 5 7. The Director of the ~~Oklahoma~~ State Department of
6 Rehabilitation Services, or a designee;
- 7 8. The Superintendent of Public Instruction, or a designee;
- 8 9. The ~~State~~ Director of the Oklahoma ~~State~~ Department of
9 Career and Technology Education, or a designee;
- 10 10. The Director of the Library for the Blind and Physically
11 Handicapped with the ~~Oklahoma~~ State Department of Rehabilitation
12 Services, or a designee;
- 13 11. The Director of the Office of Disability Concerns, or a
14 designee;
- 15 12. A representative of OneNet, the state telecommunications
16 network within the Oklahoma State Regents for Higher Education;
- 17 13. The Project Manager for Oklahoma Able Tech, the state
18 assistive technology project located at Oklahoma State University;
- 19 14. A representative of state agency web managers appointed by
20 the Governor from a list submitted by a state agency web manager
21 group;
- 22 15. A representative of an association representing education
23 technology administrators appointed by the Speaker of the House of
24 Representatives;

1 16. A representative of an association of distance learning
2 education professionals appointed by the President Pro Tempore of
3 the Senate;

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

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

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

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

20 D. The Advisory Council shall:

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

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

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

5 4. Provide advice and assistance to the Office of Information
6 ~~Services Division of the Office of State Finance~~ and the Department
7 of Central Services on the development of accessibility standards
8 and complaint procedures as provided for in Section ~~41.5~~ 50.19 of
9 ~~this title~~ Title 74 of the Oklahoma Statutes.

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

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

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

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

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

22 J. Staff of the Oklahoma Able Tech, the state assistive
23 technology project located at Oklahoma State University, shall serve
24 as primary staff for the Advisory Council. Appropriate personnel

1 from the Office of ~~State Finance~~ Information Services and the
2 Department of Central Services shall also assist with the work of
3 the Advisory Council.

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

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

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

17 1. Legislative members of the Advisory Council shall be
18 reimbursed for necessary travel expenses incurred in the performance
19 of their duties in accordance with the provisions of Section 456 of
20 Title 74 of the Oklahoma Statutes; and

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

1 SECTION 23. AMENDATORY Section 4, Chapter 391, O.S.L.
2 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.
3 Supp. 2008, Section 41.5u), is amended to read as follows:

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

12 B. The vendor must agree to place the source code for the
13 software and any upgrades supplied to an agency in escrow with a
14 third party acceptable to the agency and to enter into a customary
15 source code escrow agreement which includes a provision that
16 entitles the agency to receive everything held in escrow upon the
17 occurrence of any of the following:

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

20 2. An assignment by the vendor for the benefit of its
21 creditors;

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

24

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

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

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

9 7. The ceasing of a vendor of maintenance and support of the
10 software.

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

13 C. The State Purchasing Director or a procurement officer of a
14 state agency ~~not subject to the Oklahoma Central Purchasing Act~~
15 shall not process any state agency request for the customization,
16 modernization, or development of computer software unless the
17 proposed vendor provides documentation that complies with
18 subsections A and B of this section.

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

22 E. As used in this section:
23
24

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

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

7 SECTION 24. AMENDATORY Section 15, Chapter 266, O.S.L.
8 2006 (62 O.S. Supp. 2008, Section 41.5v), is amended to read as
9 follows:

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

17 B. Each state agency that has an information technology system
18 shall annually conduct an information security risk assessment to
19 identify vulnerabilities associated with the information system. A
20 final report of the information security risk assessment shall be
21 submitted by each state agency to the Office of ~~State Finance~~
22 Information Services by the first day of December of each year. The
23 final information security risk assessment report shall identify,
24 prioritize, and document information security vulnerabilities for

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

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

17 SECTION 25. AMENDATORY Section 1, Chapter 205, O.S.L.
18 2007 (62 O.S. Supp. 2008, Section 41.5x), is amended to read as
19 follows:

20 Section 41.5x The Office of ~~State Finance~~ Information Services
21 is authorized to enter into a multi-year agreement to acquire land,
22 develop, design, construct and furnish facilities necessary for the
23 administration of the state's information technology and
24 telecommunications infrastructure and security. Such action shall

1 not be subject to The Oklahoma Central Purchasing Act. The area of
2 the facility authorized by this section dedicated for computer-ready
3 space shall not exceed ten percent (10%) of the total square footage
4 of the entire facility, but under no circumstances shall exceed nine
5 thousand (9,000) square feet. The Office of ~~State Finance~~
6 Information Services is authorized to use existing and future funds
7 from fees, appropriations and federal funds, as necessary, to
8 finance such facilities.

9 SECTION 26. NEW LAW A new section of law not to be
10 codified in the Oklahoma Statutes reads as follows:

11 A. During the fiscal year ending June 30, 2010, no agency of
12 the executive branch of the state shall use state funds for or enter
13 into any agreement for the acquisition, development, or enhancement
14 of a communication or telecommunication system including voice,
15 data, radio, video, Internet, eGovernment, printers, scanners,
16 copiers, facsimile systems, computer hardware, software, or any
17 contract for information technology services and equipment exceeding
18 Ten Thousand Dollars (\$10,000.00) in value without written
19 authorization of the Chief Information Officer. The provisions of
20 this subsection shall not be applicable to any member of The
21 Oklahoma State System of Higher Education, any public school
22 district in the state, or any technology center school district.

23 B. During the fiscal year ending June 30, 2010, no agency of
24 the executive branch of the state shall create new full-time-

1 equivalent administrative-level information technology positions or
2 replace or fill an existing vacant full-time-equivalent
3 administrative-level information technology position without written
4 authorization of the Chief Information Officer. The provisions of
5 this section shall not be applicable to any member of The Oklahoma
6 State System of Higher Education, any public school district in the
7 state, or any technology center school district.

8 SECTION 27. AMENDATORY 74 O.S. 2001, Section 85.5, as
9 last amended by Section 3, Chapter 96, O.S.L. 2008 (74 O.S. Supp.
10 2008, Section 85.5), is amended to read as follows:

11 Section 85.5 A. Pursuant to the provisions of Section 85.4 of
12 this title, the State Purchasing Director, under the supervision of
13 the Director of the Department of Central Services, shall have sole
14 and exclusive authority and responsibility for all acquisitions used
15 or consumed by state agencies.

16 B. The State Purchasing Director, after consultation with the
17 requisitioning state agency, shall have authority to determine the
18 particular brand, model, or other specific classification of each
19 acquisition and to draft or invoke pursuant to The Oklahoma Central
20 Purchasing Act specifications establishing the requirements for all
21 necessary contracts or purchase orders.

22 C. The Director of the Department of Central Services shall
23 have authority and responsibility to promulgate rules pursuant to
24 provisions of The Oklahoma Central Purchasing Act governing,

1 providing for, prescribing, or authorizing any act, practice, or
2 requirement for which regulatory power is delegated for:

3 1. The time, manner, authentication, and form of making
4 requisitions for acquisitions;

5 2. Inspection, analysis, and testing of acquisitions or samples
6 suppliers submit prior to contract award;

7 3. The form and manner of submission for bids or proposals a
8 supplier submits and the manner of accepting and opening bids or
9 proposals;

10 4. The conditions under which the Department of Central
11 Services shall require written contracts for acquisitions, the
12 conditions under which acquisitions may be made on an open account
13 basis, and the conditions and manner of negotiating such contracts;

14 5. Obtaining acquisitions produced by state institutions;

15 6. Conditions under which any of the rules herein authorized
16 may be waived;

17 7. The amounts of and deposits on any bond or other surety
18 required to be submitted with a bid or contract for the furnishing
19 of acquisitions and the conditions under which such bond or other
20 surety shall be required;

21 8. Storage and storage facilities necessary to accomplish
22 responsibilities of the Director of the Department of Central
23 Services;

24

1 9. The manner and conditions of delivery, which shall include
2 the designation of the common carrier of property to be used to
3 transport acquisitions whenever a common carrier is used, and the
4 acceptance, or rejection, including check of quantities, of any
5 acquisitions;

6 10. The form of any estimate, order, or other document the
7 Director of the Department of Central Services requires;

8 11. State agency acquisitions not exceeding the acquisition
9 purchase amount requiring competitive bid pursuant to Section 85.7
10 of this title to ensure competitiveness, fairness, compliance with
11 provisions of all sections of The Oklahoma Central Purchasing Act,
12 and compliance with provisions of Section 3001 et seq. of this
13 title, which relate to the State Use Committee. The rules shall
14 include separate provisions based on acquisition purchase price as
15 follows:

16 a. state agencies shall make acquisitions not exceeding
17 Two Thousand Five Hundred Dollars (\$2,500.00),
18 provided the acquisition process is fair and
19 reasonable and is conducted pursuant to rules
20 authorized pursuant to this section, and

21 b. state agencies with certified procurement officers and
22 internal purchasing procedures found compliant by the
23 Director of the Department of Central Services
24 pursuant to this section may make acquisitions in

1 excess of Two Thousand Five Hundred Dollars

2 (\$2,500.00) as provided below:

3 (1) acquisitions with a price exceeding Two Thousand
4 Five Hundred Dollars (\$2,500.00) and not
5 exceeding Ten Thousand Dollars (\$10,000.00),
6 pursuant to rules authorized by this section, and

7 (2) acquisitions with a price exceeding Ten Thousand
8 Dollars (\$10,000.00) and not exceeding the amount
9 requiring a requisition to the State Purchasing
10 Director, pursuant to Section 85.7 of this title,
11 by telephone, facsimile, invitation to bid, or
12 solicitation by means of electronic commerce,
13 receipt of bids and bid award by the state
14 agency;

15 12. Training by the State Purchasing Director of state agency
16 procurement officers;

17 13. Review and audit by the State Purchasing Director of state
18 agency acquisitions;

19 14. The conditions for increasing acquisition limits for state
20 agencies which have had a prior reduction in acquisition limit by
21 the Director of the Department of Central Services;

22 15. Use of a state purchase card to make acquisitions; and
23
24

1 16. Any other matter or practice which relates to the
2 responsibilities of the Director of the Department of Central
3 Services.

4 D. The State Purchasing Director shall provide training for
5 state agency purchasing officials and other purchasing staff. The
6 training shall include principles of state procurement practices,
7 basic contracting, provisions of The Oklahoma Central Purchasing
8 Act, rules promulgated pursuant to The Oklahoma Central Purchasing
9 Act, provisions of Section 3001 et seq. of this title, which relate
10 to the State Use Committee, and any other matters related to state
11 procurement practices. State agency purchasing officials that
12 demonstrate proficiency shall be certified as "certified procurement
13 officers" by the State Purchasing Director and shall be authorized
14 to make acquisitions pursuant to provisions of The Oklahoma Central
15 Purchasing Act and rules authorized by this section. The State
16 Purchasing Director shall assess a fee to state agencies for the
17 training that does not exceed each state agency's pro rata share of
18 the costs the State Purchasing Director incurs to provide the
19 training.

20 E. The State Purchasing Director shall review state agency
21 acquisitions for the purposes of:

- 22 1. Ensuring state agency compliance with provisions of The
23 Oklahoma Central Purchasing Act;

24

1 2. Ensuring state agency compliance with rules promulgated by
2 the Department of Central Services pursuant to The Oklahoma Central
3 Purchasing Act;

4 3. Ensuring state agency compliance with provisions of Section
5 3001 et seq. of this title pertaining to the State Use Committee;

6 4. Reporting any acquisition by any state agency found not to
7 be in compliance with those sections or rules to the Director of the
8 Department of Central Services; and

9 5. Recommending that the Director of the Department of Central
10 Services reduce the acquisition competitive bid limit amount for any
11 state agency found not to be in compliance with The Oklahoma Central
12 Purchasing Act or rules promulgated thereto.

13 F. When recommended by the State Purchasing Director, based on
14 written findings by the State Purchasing Director, the Director of
15 the Department of Central Services may:

16 1. Require retraining of state agency procurement officials and
17 other purchasing staff found not to be in compliance with provisions
18 of The Oklahoma Central Purchasing Act, or rules promulgated
19 pursuant to The Oklahoma Central Purchasing Act;

20 2. Reduce the acquisition competitive bid limit for any state
21 agency found not to be in compliance with provisions of The Oklahoma
22 Central Purchasing Act or rules promulgated pursuant to The Oklahoma
23 Central Purchasing Act;

24

1 3. Transmit written findings by the State Purchasing Director
2 to the State Auditor and Inspector for further investigation,
3 indicating purchasing procedures that do not conform to provisions
4 pursuant to The Oklahoma Central Purchasing Act or rules promulgated
5 pursuant to The Oklahoma Central Purchasing Act;

6 4. Transmit to the Attorney General or the State Auditor and
7 Inspector for further investigation a report made by the State
8 Purchasing Director that the Director of the Department of Central
9 Services reasonably believes indicates that an action that
10 constitutes a criminal violation pursuant to The Oklahoma Central
11 Purchasing Act or other laws has been taken by any state agency,
12 state agency official, bidder, or supplier; or

13 5. Increase the state agency acquisition purchase amount
14 requiring competitive bid, not to exceed the acquisition purchase
15 amount requiring competitive bid, pursuant to Section 85.7 of this
16 title.

17 G. 1. Pursuant to the requirements of The Oklahoma Central
18 Purchasing Act, the State Purchasing Director shall have authority
19 to enter into any statewide, multistate or multigovernmental
20 contract. The state entity designated by law, as specified in
21 Section 1010.3 of Title 56 of the Oklahoma Statutes, shall
22 participate in the purchase of pharmaceuticals available through
23 such multistate or multigovernmental contracts entered into by the
24 State Purchasing Director.

1 2. The State Purchasing Director may utilize contracts awarded
2 by other governmental agencies, including agencies of the United
3 States of America.

4 3. The State Purchasing Director may designate contracts
5 described in this subsection for use by state agencies.

6 4. In order to carry out the powers and duties established in
7 Section 2 of this act, the Chief Information Officer of the Office
8 of Information Services shall have the authority to designate
9 certain information technology and telecommunication contracts for
10 state agencies as statewide contracts and mandatory statewide
11 contracts which will be entered into by the State Purchasing
12 Director.

13 H. The State Purchasing Director may develop and test new
14 contracting policies and procedures that hold potential for making
15 the Purchasing Division more effective and efficient.

16 I. The State Purchasing Director shall endeavor to satisfy state
17 agencies in terms of cost, quality, and timeliness of the delivery
18 of acquisitions by using bidders who have a record of successful
19 past performance, promoting competition, minimizing administrative
20 operating costs, and conducting business with integrity, fairness,
21 and openness.

22 J. The State Purchasing Director shall undertake the following:
23
24

- 1 1. The use of electronic commerce pursuant to the Oklahoma
2 Online Bidding Act for solicitation, notification, and other
3 purchasing processes;
- 4 2. Monitoring rules promulgated pursuant to The Oklahoma
5 Central Purchasing Act to ensure that the rules, satisfy the
6 interests of the state, are clear and succinct, and encourage
7 efficiency in purchasing processes;
- 8 3. A program to identify vendors with poor delivery and
9 performance records;
- 10 4. Development of criteria for the use of sealed bid
11 contracting procedures, negotiated contracting procedures, selection
12 of types of contracts, postaward administration of purchase orders
13 and contracts, contract modifications, termination of contracts, and
14 contract pricing;
- 15 5. Continual improvement in the quality of the performance of
16 the Purchasing Division through training programs, management
17 seminars, development of benchmarks and key management indicators,
18 and development of standard provisions, clauses and forms;
- 19 6. Development of electronic means of making state agencies
20 aware of office furniture, equipment, machinery, tools, and hardware
21 available for purchase from the surplus property programs;
- 22 7. Development of programs to improve customer relations
23 through training, improved communications, and appointment of
24 technical representatives; and

1 8. In cooperation with the Office of State Finance and the
2 State Treasurer, develop an electronic payment mechanism for use in
3 the settlement of accounts payable invoices, with no limit, to make
4 payment for products or services acquired in accordance with The
5 Oklahoma Central Purchasing Act and any rules promulgated pursuant
6 thereto.

7 K. The State Purchasing Director shall, in cooperation with the
8 Oklahoma Department of Agriculture, Food, and Forestry, identify the
9 needs of state agencies and institutions for agricultural products
10 grown and produced in Oklahoma.

11 L. The State Purchasing Director may authorize the use of a
12 state purchase card for acquisitions within the following
13 parameters:

- 14 1. No limit on the amount of the transaction for the following:
- 15 a. purchases from statewide contracts issued by the State
 - 16 Purchasing Director, and
 - 17 b. regulated utilities; and
- 18 2. For any other transaction with a state purchase card, the
19 transaction shall not exceed Two Thousand Five Hundred Dollars
20 (\$2,500.00).

21 M. The State Purchasing Director may utilize and authorize
22 state agencies to utilize reverse auctions to obtain acquisitions.

23 N. Prior to the award of a contract to a supplier, the State
24 Purchasing Director shall verify, pursuant to applicable provisions

1 of law, that the supplier is eligible to do business in the State of
2 Oklahoma by confirming registration with the Secretary of State and
3 franchise tax payment status pursuant to Sections 1203 and 1204 of
4 Title 68 of the Oklahoma Statutes. The provisions of this
5 subsection shall be applicable only if the contract amount is
6 Twenty-five Thousand Dollars (\$25,000.00) or greater.

7 O. As a condition of awarding a contract pursuant to The
8 Oklahoma Central Purchasing Act, the State Purchasing Director shall
9 verify with the Oklahoma Tax Commission that the business entity to
10 which the state contract is to be awarded, whether subject to the
11 procedures required by Section 85.7 of this title or not, has
12 obtained a sales tax permit pursuant to the provisions of Section
13 1364 of Title 68 of the Oklahoma Statutes if such entity is required
14 to do so.

15 P. The State Purchasing Director is hereby authorized to
16 explore and investigate cost savings in energy, resource usage, and
17 maintenance contracts and to identify and negotiate contract
18 solutions including, but not limited to, pilot projects to achieve
19 cost savings for the State of Oklahoma.

20 Q. The Office of State Finance, with input from the State
21 Purchasing Director, shall promulgate payment procedure rules for
22 state agencies to adhere to regarding statewide contracts issued by
23 the State Purchasing Director.

24

1 R. The Office of State Finance along with the Department of
2 Central Services, Central Purchasing Division, shall promulgate
3 payment procedure rules for agencies to adhere to regarding
4 statewide contracts issued by the Division.

5 SECTION 28. RECODIFICATION 62 O.S. 2001, Section 41.5a,
6 as last amended by Section 5 of this act, shall be recodified as
7 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is
8 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,
9 as last amended by Section 6 of this act, shall be recodified as
10 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is
11 created a duplication in numbering. Section 3, Chapter 148, O.S.L.
12 2007 (62 O.S. Supp. 2008, Section 41.5a-3), as amended by Section 7
13 of this act, shall be recodified as Section 50.5 of Title 74 of the
14 Oklahoma Statutes, unless there is created a duplication in
15 numbering. Section 1, Chapter 340, O.S.L. 2008 (62 O.S. Supp. 2008,
16 Section 41.5a-4), as amended by Section 8 of this act, shall be
17 recodified as Section 50.6 of Title 74 of the Oklahoma Statutes,
18 unless there is created a duplication in numbering. 62 O.S. 2001,
19 Section 41.5e, as last amended by Section 9 of this act, shall be
20 recodified as Section 50.7 of Title 74 of the Oklahoma Statutes,
21 unless there is created a duplication in numbering. 62 O.S. 2001,
22 Section 41.5f, as last amended by Section 10 of this act, shall be
23 recodified as Section 50.8 of Title 74 of the Oklahoma Statutes,
24 unless there is created a duplication in numbering. 62 O.S. 2001,

1 Section 41.5g, as last amended by Section 11 of this act, shall be
2 recodified as Section 50.9 of Title 74 of the Oklahoma Statutes,
3 unless there is created a duplication in numbering. 62 O.S. 2001,
4 Section 41.5h, as last amended by Section 12 of this act, shall be
5 recodified as Section 50.10 of Title 74 of the Oklahoma Statutes,
6 unless there is created a duplication in numbering. 62 O.S. 2001,
7 Section 41.5i, as last amended by Section 13 of this act, shall be
8 recodified as Section 50.11 of Title 74 of the Oklahoma Statutes,
9 unless there is created a duplication in numbering. 62 O.S. 2001,
10 Section 41.5j, as last amended by Section 14 of this act, shall be
11 recodified as Section 50.12 of Title 74 of the Oklahoma Statutes,
12 unless there is created a duplication in numbering. 62 O.S. 2001,
13 Section 41.5l, as last amended by Section 15 of this act, shall be
14 recodified as Section 50.13 of Title 74 of the Oklahoma Statutes,
15 unless there is created a duplication in numbering. 62 O.S. 2001,
16 Section 41.5m, as last amended by Section 16 of this act, shall be
17 recodified as Section 50.14 of Title 74 of the Oklahoma Statutes,
18 unless there is created a duplication in numbering. 62 O.S. 2001,
19 Section 41.5p, as last amended by Section 17 of this act, shall be
20 recodified as Section 50.15 of Title 74 of the Oklahoma Statutes,
21 unless there is created a duplication in numbering. 62 O.S. 2001,
22 Section 41.5q, as last amended by Section 18 of this act, shall be
23 recodified as Section 50.16 of Title 74 of the Oklahoma Statutes,
24 unless there is created a duplication in numbering. 62 O.S. 2001,

1 Section 41.5r, as amended by Section 19 of this act, shall be
2 recodified as Section 50.17 of Title 74 of the Oklahoma Statutes,
3 unless there is created a duplication in numbering. 62 O.S. 2001,
4 Section 41.5s, as last amended by Section 20 of this act, shall be
5 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,
6 unless there is created a duplication in numbering. Section 2,
7 Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008, Section 41.5t), as
8 last amended by Section 21 of this act, shall be recodified as
9 Section 50.19 of Title 74 of the Oklahoma Statutes, unless there is
10 created a duplication in numbering. Section 3, Chapter 128, O.S.L.
11 2004, as amended by Section 13, Chapter 266, O.S.L. 2006 (62 O.S.
12 Supp. 2008, Section 41.5t.1), shall be recodified as Section 50.20
13 of Title 74 of the Oklahoma Statutes, unless there is created a
14 duplication in numbering. Section 4, Chapter 128, O.S.L. 2004 (62
15 O.S. Supp. 2008, Section 41.5t.2), as last amended by Section 22 of
16 this act, shall be recodified as Section 50.21 of Title 74 of the
17 Oklahoma Statutes, unless there is created a duplication in
18 numbering. Section 4, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2008,
19 Section 41.5u), as last amended by Section 23 of this act, shall be
20 recodified as Section 50.22 of Title 74 of the Oklahoma Statutes,
21 unless there is created a duplication in numbering. Section 15,
22 Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008, Section 41.5v), as
23 amended by Section 24 of this act, shall be recodified as Section
24 50.23 of Title 74 of the Oklahoma Statutes, unless there is created

