

1 ENGROSSED SENATE  
2 BILL NO. 980

By: Coffee and Jolley of the  
Senate

3 and

4 Murphey of the House

5  
6 [ state government - Oklahoma Information Services  
7 Act - Codification - Recodification - Repealer -  
8 effective date -

9 emergency ]

10

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

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

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

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

20 A. There is hereby created the Office of Information Services.  
21 The Office of Information Services shall be operated and  
22 administered by a Chief Information Director who shall be appointed  
23 by the Governor. The salary of the Chief Information Director shall  
24 be comparable with the prevailing salaries for similar private

1 sector positions. The first Chief Information Director shall be  
2 appointed no later than January 1, 2010.

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

5 1. A baccalaureate degree in Computer Information Systems,  
6 Information Systems Management, Information Systems or other similar  
7 degree;

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

12 3. Familiarity with local and wide-area network design,  
13 implementation, and operation;

14 4. Experience with data and voice convergence service  
15 offerings;

16 5. Experience in developing technology budgets;

17 6. Experience in developing requests for proposals and  
18 administering the bid process;

19 7. Experience managing professional staff, teams, and  
20 consultants;

21 8. Extensive knowledge of telecommunications operations;

22 9. Ability to manage daily development and operations  
23 functions;

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

1 11. Ability to analyze and resolve complex issues, both logical  
2 and interpersonal;

3 12. Effective verbal and written communications skills and  
4 effective presentation skills, geared toward coordination and  
5 education;

6 13. Ability to negotiate and defuse conflict; and

7 14. A self-motivator, independent, cooperative, flexible and  
8 creative.

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

14 D. The Office of Information Services shall be responsible for  
15 the following duties:

16 1. Formulate and implement the information technology strategy  
17 for the state;

18 2. Oversee the development and operation of a scalable  
19 operations infrastructure that supports data and voice  
20 communications reliability, integrity, and security;

21 3. Oversee the applications development process;

22 4. Oversee the professional development of information  
23 technology staff in the state;

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

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

24

1 16. Provide counseling, performance evaluation, training,  
2 motivation, discipline, and assign duties for information technology  
3 employees in state agencies;

4 17. Oversee the purchasing of information technology products  
5 and services for the state;

6 18. Develop an overall infrastructure architecture strategy and  
7 associated roadmaps for desktop, network, server, storage, and  
8 associated management systems for state agencies;

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

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

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

19 F. Within six (6) months of appointment, but no later than July  
20 1, 2010, the Chief Information Director shall issue a report of  
21 recommendations on the transfer, coordination, and modernization of  
22 all the information technology systems of all the state agencies in  
23 the state, including recommendations on the reallocation of  
24 resources and personnel. The Director shall also include

1 recommendations on alignment and operation of the communications and  
2 data transfer network known as OneNet.

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

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

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

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

24

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

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

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

15 SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5a, as  
16 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
17 2008, Section 41.5a), is amended to read as follows:

18 Section 41.5a A. ~~The Information Services Division~~ Office of  
19 Information Services shall:

- 20 1. Coordinate information technology planning through analysis  
21 of the long-term information technology plans for each agency;
- 22 2. Develop a statewide information technology plan with annual  
23 modifications to include, but not be limited to, individual agency  
24

1 plans and information systems plans for the statewide electronic  
2 information technology function;

- 3 3. Establish and enforce minimum mandatory standards for:
- 4 a. information systems planning,
  - 5 b. systems development methodology,
  - 6 c. documentation,
  - 7 d. hardware requirements and compatibility,
  - 8 e. operating systems compatibility,
  - 9 f. software and hardware acquisition,
  - 10 g. information security and internal controls,
  - 11 h. data base compatibility, and
  - 12 i. contingency planning and disaster recovery.

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

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

1           5. Operate an information technology service center to provide  
2 operations and hardware support for agencies requiring such services  
3 and for statewide systems;

4           6. Maintain a directory of the following which have a value of  
5 Five Hundred Dollars (\$500.00) or more: application systems,  
6 systems software, hardware, internal and external information  
7 technology, communication or telecommunication equipment owned,  
8 leased, or rented for use in communication services for state  
9 government, including communication services provided as part of any  
10 other total system to be used by the state or any of its agencies,  
11 and studies and training courses in use by all agencies of the  
12 state; and facilitate the utilization of the resources by any agency  
13 having requirements which are found to be available within any  
14 agency of the state;

15           7. Assist agencies in the acquisition and utilization of  
16 information technology systems and hardware to effectuate the  
17 maximum benefit for the provision of services and accomplishment of  
18 the duties and responsibilities of agencies of the state;

19           8. Coordinate for the executive branch of state government  
20 agency information technology activities, encourage joint projects  
21 and common systems, and linking of agency systems through the review  
22 of agency plans, development of a statewide plan and its integration  
23 with the budget process to ensure that developments or acquisitions  
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1 are consistent with statewide objectives and that proposed systems  
2 are justified and cost effective;

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 7. AMENDATORY Section 3, Chapter 148, O.S.L.  
14 2007 (62 O.S. Supp. 2008, Section 41.5a-3), is amended to read as  
15 follows:

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

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

- 20 a. install backup information technology equipment, or  
21 b. install information technology equipment acquired as  
22 the result of the primary processing facilities being  
23 unavailable for an extended period of time;

24

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

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

5        SECTION 8.        AMENDATORY        62 O.S. 2001, Section 41.5e, as  
6 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
7 2008, Section 41.5e), is amended to read as follows:

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

18        1. An overview of major projects and objectives;  
19        2. Cost per defined category of hardware, software, services  
20 and personnel;

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

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

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

23        C. The provisions of this section shall not apply to the  
24 telecommunications network known as OneNet whether said network is

1 governed or operated by the Oklahoma State Regents for Higher  
2 Education or any other state entity assigned responsibility for  
3 OneNet.

4 SECTION 9. AMENDATORY 62 O.S. 2001, Section 41.5f, as  
5 amended by Section 1, Chapter 148, O.S.L. 2007 (62 O.S. Supp. 2008,  
6 Section 41.5f), is amended to read as follows:

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

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

23  
24

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

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

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

11           SECTION 10.           AMENDATORY           62 O.S. 2001, Section 41.5g, as  
12 amended by Section 2, Chapter 148, O.S.L. 2007 (62 O.S. Supp. 2008,  
13 Section 41.5g), is amended to read as follows:

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

23           Provided that nothing in this section shall be construed as to  
24 administratively place agencies currently exempt from any provisions

1 of the Budget Act of 1947, The Oklahoma Central Purchasing Act, or  
2 the Oklahoma Personnel Act under the purview of such provisions.

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

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

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

21 1. A pro rata formula is to be established in writing after  
22 giving consideration to the type of service furnished, the number  
23 and kinds of instruments used, the cost of operation and special  
24 installations required in each such agency in relation to the total

1 cost of local service. The formula, once determined, is not to be  
2 redetermined more often than once every six (6) months nor to be  
3 changed after any such redetermination before the expiration of six  
4 (6) months; and

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

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

1 SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.5i, as  
2 last amended by Section 5, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
3 2008, Section 41.5i), is amended to read as follows:

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

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

14 2. Establish minimum mandatory standards and protocols for:  
15 a. communication networks and equipment,  
16 b. wide area and local area systems,  
17 c. integration of equipment, systems and joint usage,  
18 d. Internet and eGovernment,  
19 e. operating systems or methods to be used to meet  
20 communications requirements efficiently, effectively,  
21 and securely,  
22 f. rendering of aid between state government and its  
23 political subdivisions with respect to organizing of  
24 communications systems, and

1           g.    an economical and cost-effective utilization of  
2                   communication services.

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

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

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

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

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

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

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

6 SECTION 13. AMENDATORY 62 O.S. 2001, Section 41.5j, as  
7 amended by Section 6, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,  
8 Section 41.5j), is amended to read as follows:

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

22 B. No agency of the executive branch of the state shall enter  
23 into any agreement for the acquisition, development or enhancement  
24 of a communication or telecommunication system or service including

1 voice, data, radio, video, Internet, eGovernment, printers,  
2 scanners, copiers, and facsimile systems, unless the cost of such  
3 addition, change, improvement or development has been included in  
4 the statewide communications plan of the Office of Information  
5 Services ~~Division~~, as said plan may have been amended or revised.

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

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

19 SECTION 14. AMENDATORY 62 O.S. 2001, Section 41.51, as  
20 amended by Section 8, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,  
21 Section 41.51), is amended to read as follows:

22 Section 41.51 There is hereby created in the State Treasury a  
23 revolving fund for the ~~Office of State Finance~~ Office of Information  
24 Services to be designated the "Telecommunications Revolving Fund".

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

17 SECTION 15. AMENDATORY 62 O.S. 2001, Section 41.5m, as  
18 amended by Section 9, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,  
19 Section 41.5m), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

17           a. the Oklahoma State Regents for Higher Education shall  
18 submit a report annually to the ~~Director of State~~  
19 ~~Finance~~ Chief Information Director identifying the  
20 telecommunications plans of each member of The  
21 Oklahoma State System of Higher Education. For  
22 purposes of developing such report, each member shall  
23 cooperate with and submit to the State Regents a plan  
24 of its telecommunications needs, including, but not

1 limited to, Internet, eGovernment, as referenced in  
2 ~~Sections 41.5p and 41.5q of this title~~ Sections 50.14  
3 and 50.15 of Title 74 of the Oklahoma Statutes, any  
4 interactive video plans, the purchase of informational  
5 data bases, software for manipulation of bibliographic  
6 records, and the use of telecommunications equipment  
7 or services,

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

21 c. the State Director of the Oklahoma Department of  
22 Career and Technology Education shall submit a report  
23 annually to the ~~Director of State Finance~~ Chief  
24 Information Director identifying the

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

13 d. the chief administrative officer of each state agency  
14 of the executive branch shall submit a plan annually  
15 to the ~~Director of State Finance~~ Chief Information  
16 Director identifying the telecommunications needs of  
17 the state agency, including, but not limited to,  
18 Internet, eGovernment, any interactive video plans,  
19 the purchase of informational data bases, software for  
20 manipulation of bibliographic records, and the use of  
21 telecommunications equipment or services, and

22 e. the Director of the Oklahoma Department of Libraries  
23 shall submit a report annually to the ~~Director of~~  
24 ~~State Finance~~ Chief Information Director identifying

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

1 the respective recipients thereof as soon as  
2 practicable after receipt. The Director of the  
3 Oklahoma Department of Libraries shall certify to the  
4 ~~Office of State Finance~~ Office of Information Services  
5 that such plans are consistent with the plan developed  
6 by the Oklahoma Library Technology Network or explain  
7 any inconsistencies therewith;

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

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

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

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

18 SECTION 16. AMENDATORY 62 O.S. 2001, Section 41.5p, as  
19 amended by Section 10, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,  
20 Section 41.5p), is amended to read as follows:

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

1 connecting state agency websites and information systems. The state  
2 portal system shall be managed by the Office of Information  
3 Services.

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

11 SECTION 17. AMENDATORY 62 O.S. 2001, Section 41.5q, as  
12 amended by Section 11, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,  
13 Section 41.5q), is amended to read as follows:

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

1 Each state entity shall keep a record of how the convenience fee has  
2 been determined and shall file the record with the Office of  
3 Information Services. A state agency, board, commission, or  
4 authority may periodically adjust a convenience fee as needed upon  
5 review and adoption as provided for in ~~41.5s of this title~~ Section  
6 50.17 of Title 74 of the Oklahoma Statutes.

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

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

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

24

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

- 9 1. Well-defined, widely used, and nonproprietary interfaces or  
10 protocols;
- 11 2. Use of standards which are developed and adopted by industry  
12 recognized standards-making bodies;
- 13 3. A definition of all aspects of system interfaces to  
14 facilitate new or additional system capabilities for a wide range of  
15 applications; and
- 16 4. An explicit provision for expansion or upgrading through the  
17 incorporation of additional or higher performance elements with  
18 minimal impact on the system.

19 SECTION 19. AMENDATORY 62 O.S. 2001, Section 41.5s, as  
20 amended by Section 12, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,  
21 Section 41.5s), is amended to read as follows:

22 Section 41.5s A. There is hereby established the State  
23 Governmental Internet Applications Review Board. The Board shall  
24 review and make recommendations to the ~~Office of State Finance~~

1 Office of Information Services concerning state governmental  
2 Internet-based electronic or on-line transactions or applications  
3 being provided by state agencies, boards, commissions, or  
4 authorities for use by the public.

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

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

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

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

14 4. One member who is not a member of the Legislature or a state  
15 government employee to be appointed by the President Pro Tempore of  
16 the Senate.

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

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

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

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

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

17           SECTION 20.           AMENDATORY           Section 2, Chapter 128, O.S.L.  
18 2004, as amended by Section 3, Chapter 391, O.S.L. 2005 (62 O.S.  
19 Supp. 2008, Section 41.5t), is amended to read as follows:

20           Section 41.5t A. The ~~Information Services Division of the~~  
21 ~~Office of State Finance~~ Office of Information Services shall work in  
22 conjunction with the Department of Central Services to assure state  
23 compliance regarding accessibility of information technology for  
24

1 individuals with disabilities based on the provisions of Section 508  
2 of the Workforce Investment Act of 1998.

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

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

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

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

24

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

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

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

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

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

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

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

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

9 SECTION 21. AMENDATORY Section 4, Chapter 128, O.S.L.  
10 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008 (62  
11 O.S. Supp. 2008, Section 41.5t.2), is amended to read as follows:

12 Section 41.5t.2 A. There is hereby created, to continue until  
13 July 1, 2010, the Electronic and Information Technology  
14 Accessibility Advisory Council. The Advisory Council shall study  
15 and make recommendations concerning the accessibility for the  
16 disabled to publicly produced and provided electronic and  
17 information technology and to provide advice and assistance to the  
18 ~~Information Services Division of the Office of State Finance~~ Office  
19 of Information Services on the development of accessibility  
20 standards and complaint procedures as provided for in ~~Section 41.5t~~  
21 ~~of this title~~ Section 50.18 of Title 74 of the Oklahoma Statutes.

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

24

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

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

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

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

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

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

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

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

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

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

4 D. The Advisory Council shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 SECTION 22. AMENDATORY Section 4, Chapter 391, O.S.L.  
10 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.  
11 Supp. 2008, Section 41.5u), is amended to read as follows:

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

20 B. The vendor must agree to place the source code for the  
21 software and any upgrades supplied to an agency in escrow with a  
22 third party acceptable to the agency and to enter into a customary  
23 source code escrow agreement which includes a provision that

24

1 entitles the agency to receive everything held in escrow upon the  
2 occurrence of any of the following:

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

5 2. An assignment by the vendor for the benefit of its  
6 creditors;

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

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

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

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

17 7. The ceasing of a vendor of maintenance and support of the  
18 software.

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

21 C. The State Purchasing Director or a procurement officer of a  
22 state agency not subject to The Oklahoma Central Purchasing Act  
23 shall not process any state agency request for the customization,  
24 modernization, or development of computer software unless the

1 proposed vendor provides documentation that complies with  
2 subsections A and B of this section.

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

6 E. As used in this section:

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

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

13 SECTION 23. AMENDATORY Section 15, Chapter 266, O.S.L.  
14 2006 (62 O.S. Supp. 2008, Section 41.5v), is amended to read as  
15 follows:

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

23 B. Each state agency that has an information technology system  
24 shall annually conduct an information security risk assessment to

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

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

24

1 SECTION 24. AMENDATORY Section 1, Chapter 205, O.S.L.  
2 2007 (62 O.S. Supp. 2008, Section 41.5x), is amended to read as  
3 follows:

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

17 SECTION 25. RECODIFICATION 62 O.S. 2001, Section 41.5a,  
18 as last amended by Section 5 of this act, shall be recodified as  
19 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is  
20 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,  
21 as last amended by Section 6 of this act, shall be recodified as  
22 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is  
23 created a duplication in numbering. Section 3, Chapter 148, O.S.L.  
24 2007 (62 O.S. Supp. 2008, Section 41.5a-3), as amended by Section 7

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

1 15 of this act, shall be recodified as Section 50.13 of Title 74 of  
2 the Oklahoma Statutes, unless there is created a duplication in  
3 numbering. 62 O.S. 2001, Section 41.5p, as last amended by Section  
4 16 of this act, shall be recodified as Section 50.14 of Title 74 of  
5 the Oklahoma Statutes, unless there is created a duplication in  
6 numbering. 62 O.S. 2001, Section 41.5q, as last amended by Section  
7 17 of this act, shall be recodified as Section 50.15 of Title 74 of  
8 the Oklahoma Statutes, unless there is created a duplication in  
9 numbering. 62 O.S. 2001, Section 41.5r, as amended by Section 18 of  
10 this act, shall be recodified as Section 50.16 of Title 74 of the  
11 Oklahoma Statutes, unless there is created a duplication in  
12 numbering. 62 O.S. 2001, Section 41.5s, as last amended by Section  
13 19 of this act, shall be recodified as Section 50.17 of Title 74 of  
14 the Oklahoma Statutes, unless there is created a duplication in  
15 numbering. Section 2, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008,  
16 Section 41.5t), as last amended by Section 20 of this act, shall be  
17 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,  
18 unless there is created a duplication in numbering. Section 3,  
19 Chapter 128, O.S.L. 2004, as amended by Section 13, Chapter 266,  
20 O.S.L. 2006 (62 O.S. Supp. 2008, Section 41.5t.1), shall be  
21 recodified as Section 50.19 of Title 74 of the Oklahoma Statutes,  
22 unless there is created a duplication in numbering. Section 4,  
23 Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008, Section 41.5t.2), as  
24 last amended by Section 21 of this act, shall be recodified as

1 Section 50.20 of Title 74 of the Oklahoma Statutes, unless there is  
2 created a duplication in numbering. Section 4, Chapter 391, O.S.L.  
3 2005 (62 O.S. Supp. 2008, Section 41.5u), as last amended by Section  
4 22 of this act, shall be recodified as Section 50.21 of Title 74 of  
5 the Oklahoma Statutes, unless there is created a duplication in  
6 numbering. Section 15, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
7 2008, Section 41.5v), as amended by Section 23 of this act, shall be  
8 recodified as Section 50.22 of Title 74 of the Oklahoma Statutes,  
9 unless there is created a duplication in numbering. Section 1,  
10 Chapter 205, O.S.L. 2007 (62 O.S. Supp. 2008, Section 41.5x), as  
11 amended by Section 24 of this act, shall be recodified as Section  
12 50.23 of Title 74 of the Oklahoma Statutes, unless there is created  
13 a duplication in numbering.

14 SECTION 26. REPEALER Section 5, Chapter 391, O.S.L. 2005  
15 (62 O.S. Supp. 2008, Section 41.5a-2), is hereby repealed.

16 SECTION 27. This act shall become effective July 1, 2009.

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

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1 Passed the Senate the 3rd day of March, 2009.

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\_\_\_\_\_  
Presiding Officer of the Senate

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5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

6 2009.

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Presiding Officer of the House  
of Representatives

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