

**EHB 1704**

**THE STATE SENATE**  
**Monday, April 6, 2009**

**ENGROSSED**

**House Bill No. 1704**

**As Amended**

ENGROSSED HOUSE BILL NO. 1704 - By: Derby, Murphey, Pittman and Nelson of the House and Coffee of the Senate.

[ technology - Oklahoma Information Services Act - amending 21 sections in Title 62 - Information Services Division of the Office of State Finance - amending 74 O.S., Section 85.5 - amending 17 O.S., Section 139.109 - repealing 62 O.S., Section 41.5a-2 - codification - noncodification - recodification ]

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

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

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

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

A. There is hereby created the Office of Information Services. The Office of Information Services shall be operated and administered by a Chief Information Officer who shall be appointed by the Governor. The salary of the Chief Information Officer shall

1 be comparable with the prevailing salaries for similar private  
2 sector positions. The first Chief Information Officer shall be  
3 appointed no later than January 1, 2010.

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

6 1. A baccalaureate degree in Computer Information Systems,  
7 Information Systems or Technology Management, Business  
8 Administration, Finance, or other similar degree;

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

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

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

17 5. Experience in developing technology budgets;

18 6. Experience in developing request for proposals and  
19 administering the bid process;

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

22 8. Knowledge of telecommunications operations;

1           9. Ability to develop and set strategic direction for  
2 information technology and telecommunications and to manage daily  
3 development and operations functions;

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

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

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

10          13. Ability to negotiate and defuse conflict; and

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

13          C. For the fiscal year ending June 30, 2010, the salary and any  
14 other expenses for the Chief Information Officer shall be budgeted  
15 through the Office of the State Treasurer and the Office of the  
16 State Treasurer shall provide office space, equipment and support to  
17 the Chief Information Officer.

18          D. 1. Within nine (9) months of appointment, the Chief  
19 Information Officer shall complete an assessment of the  
20 implementation of the transfer, coordination, and modernization of  
21 all information technology and telecommunication systems of all  
22 state agencies in the state as provided for in the Oklahoma  
23 Information Services Act.

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

- 4           a. the implementation of an information technology and  
5           telecommunications centralized infrastructure  
6           environment and centralized applications that are  
7           utilized across multiple agencies,
- 8           b. define the services that shall be centralized under  
9           the control of the Office of Information Services,
- 10          c. define the roadmap to implement the proposed  
11          centralized model. The roadmap shall include  
12          recommendations on the transfer, coordination, and  
13          modernization of all information technology and  
14          telecommunication systems of all the state agencies in  
15          the state,
- 16          d. recommendations on the reallocation of information  
17          technology and telecommunication resources and  
18          personnel,
- 19          e. recommendations on the alignment and operation of the  
20          communications and data transfer network known as  
21          OneNet,

- 1           f.    a cost benefit analysis to support the recommendations  
2                    on the reallocation of information technology and  
3                    telecommunication resources and personnel, and  
4           g.    a calculation of the net savings realized through the  
5                    reallocation and consolidation of information  
6                    technology and telecommunication resources and  
7                    personnel after compensating for the upfront cost of  
8                    the creation of the Office of Information Services and  
9                    the ongoing costs of the office.

10           3.    The plan of action report shall be presented to the  
11   Governor, Speaker of the House of Representatives, and the President  
12   Pro Tempore of the State Senate.

13           4.    The Chief Information Officer may contract with a private  
14   consultant or consultants to assist in the assessment and  
15   development of the plan of action report as required in this  
16   subsection.

17           E.    Beginning July 1, 2010, the Chief Information Officer shall  
18   be authorized to employ personnel, fix the duties and compensation  
19   of the personnel, not otherwise prescribed by law, and otherwise  
20   direct the work of the personnel in performing the function and  
21   accomplishing the purposes of the Office of Information Services.

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

- 1        1. Formulate and implement the information technology strategy  
2 for the state;
- 3        2. Define, design, and implement an information technology and  
4 telecommunications centralized infrastructure and centralized  
5 application environment for the state;
- 6        3. Direct the development and operation of a scalable  
7 telecommunications infrastructure that supports data and voice  
8 communications reliability, integrity, and security;
- 9        4. Supervise the applications development process for those  
10 applications that are centralized;
- 11       5. Provide direction for the professional development of  
12 information technology staff of state agencies and oversee the  
13 professional development of the staff of the Office of Information  
14 Services;
- 15       6. Evaluate all technology investment choices for the state;
- 16       7. Create a plan to ensure alignment of current systems, tools,  
17 and processes with the strategic information technology plan for the  
18 state;
- 19       8. Set direction and provide oversight for the support and  
20 continuous upgrading of the current information technology and  
21 telecommunication infrastructure in the state in support of enhanced  
22 reliability, user service levels, and security;

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

4           10. Recruit and centralize the required technical staff in the  
5 Office of Information Services to support the services provided by  
6 the Office and the execution of the strategic information technology  
7 plan for the state;

8           11. Establish, maintain, and enforce information technology and  
9 telecommunication standards;

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

12          13. Create and implement a communication plan that disseminates  
13 pertinent information to state agencies on standards, policies,  
14 procedures, service levels, project status, and other important  
15 information to customers of the Office of Information Services and  
16 provide for agency feedback and performance evaluation by customers  
17 of the Office;

18          14. Develop and implement training programs for state agencies  
19 using the centralized services of the Office of Information Services  
20 and recommend training programs to state agencies on information  
21 technology and telecommunication systems, products and procedures;

1        15. Provide counseling, performance evaluation, training,  
2 motivation, discipline, and assign duties for employees of the  
3 Office of Information Services;

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

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

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

13       19. Define and implement a governance model for requesting  
14 services and monitoring service level metrics for all centralized  
15 services; and

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

18       G. Upon receiving approval of the State Governmental Technology  
19 Applications Review Board created in Section 50.18 of Title 74 of  
20 the Oklahoma Statutes, the Chief Information Officer shall implement  
21 the plan of action as set forth in subsection D of this section.  
22 The State Governmental Technology Applications Review Board shall  
23 provide ongoing oversight of the implementation of the plan of

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

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

21 I. The Office of Information Services and the Chief Information  
22 Officer shall be subject to The Oklahoma Central Purchasing Act and  
23 the requirements of the Public Competitive Bidding Act of 1974, the

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

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

21 K. The Chief Information Officer shall establish, implement,  
22 and enforce policies and procedure for the development and  
23 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

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

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

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

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

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

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

8 SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5a, as  
9 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
10 2008, Section 41.5a), is amended to read as follows:

11 Section 41.5a A. The Office of Information Services ~~Division~~  
12 shall:

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

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

19 3. Establish and enforce minimum mandatory standards for:

- 20 a. information systems planning,  
21 b. systems development methodology,  
22 c. documentation,  
23 d. hardware requirements and compatibility,

- 1 e. operating systems compatibility,
- 2 f. acquisition of software and, hardware acquisition and
- 3 technology-related services,
- 4 g. information security and internal controls,
- 5 h. data base compatibility, ~~and~~
- 6 i. contingency planning and disaster recovery, and
- 7 j. imaging and scanning systems.

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

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

20 5. Operate an information technology service center to provide  
21 operations and hardware support for agencies requiring such services  
22 and for statewide systems;

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

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

16           8. Coordinate for the executive branch of state government  
17 agency information technology activities, encourage joint projects  
18 and common systems, ~~and~~ linking of agency systems through the review  
19 of agency plans, review and approval of all statewide contracts for  
20 software, hardware and information technology consulting services  
21 and development of a statewide plan and its integration with the  
22 budget process to ensure that developments or acquisitions are

1 consistent with statewide objectives and that proposed systems are  
2 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 Office of Information Services  
17 ~~Division~~. An enforcement team consisting of the Chief Information  
18 ~~Director~~ Officer of the Office of Information Services ~~Division~~ or a  
19 designee, a representative of the Oklahoma Office of Homeland  
20 Security, and a representative of the Oklahoma State Bureau of  
21 Investigation shall enforce the minimum information security and  
22 internal control standards. ~~An~~ If the enforcement team determines  
23 that an agency ~~that~~ is not in compliance with the minimum

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

- 8 a. ~~if possible, extend the time period for becoming~~  
9 ~~compliant,~~
- 10 b. ~~work with the agency, the Chief Information Officer~~  
11 ~~shall take immediate action to mitigate the~~  
12 ~~noncompliance,~~
- 13 c. ~~notify the agency director, the Governor, the Speaker~~  
14 ~~of the House of Representatives, and the President Pro~~  
15 ~~Tempore of the Senate that the agency will be removed~~  
16 ~~from including the removal of the agency from the~~  
17 ~~infrastructure of the state until the agency becomes~~  
18 ~~compliant,~~
- 19 d. ~~notify the agency director, the Governor, the Speaker~~  
20 ~~of the House of Representatives, and the President Pro~~  
21 ~~Tempore of the Senate that the enforcement team will~~  
22 ~~take taking control of the information technology~~

1 function of the agency until the agency is compliant,  
2 and  
3 e. ~~recommend to the Governor and the Legislature that~~  
4 transferring the administration and management of the  
5 information technology function of the agency ~~be~~  
6 ~~transferred to~~ the Office of Information Services or  
7 another state agency.

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

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

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

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

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

20 SECTION 7. AMENDATORY Section 3, Chapter 148, O.S.L.  
21 2007 (62 O.S. Supp. 2008, Section 41.5a-3), is amended to read as  
22 follows:

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

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

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

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

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

13 SECTION 8. AMENDATORY Section 1, Chapter 340, O.S.L.  
14 2008 (62 O.S. Supp. 2008, Section 41.5a-4), is amended to read as  
15 follows:

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

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

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

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

4           B. The Office of ~~State Finance~~ Information Services shall  
5 notify all agencies, boards, commissions and authorities of the  
6 policy and procedures for the secure and safe destruction or  
7 disposal of electronic storage media.

8           C. The Department of Central Services shall remove all  
9 electronic storage media from all surplus information technology and  
10 telecommunication equipment before it is sold, donated, stored or  
11 destroyed. A state agency may remove electronic storage media from  
12 their surplus information technology and telecommunication equipment  
13 prior to sending the surplus to the Department of Central Services,  
14 so long as the agency has the technical expertise for removal and  
15 that the electronic storage media is sent for destruction or  
16 disposal pursuant to this subsection.

17           D. The Department of Central Services shall use existing and  
18 future funds from the sale of state surplus equipment and  
19 appropriations, as necessary, to pay for the destruction of  
20 electronic storage media.

21           SECTION 9.           AMENDATORY           62 O.S. 2001, Section 41.5e, as  
22 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
23 2008, Section 41.5e), is amended to read as follows:

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

- 13 1. An overview of major projects and objectives;
- 14 2. Cost per defined category of hardware, software, services  
15 and personnel;
- 16 3. An assurance of compliance with state standards on  
17 accessibility of information technology for individuals with  
18 disabilities developed in accordance with Section ~~41.5e~~ 50.19 of  
19 ~~this title~~ Title 74 of the Oklahoma Statutes; and
- 20 4. Such other information as the Office of Information Services  
21 ~~Division~~ may require for analysis and consolidation into a statewide  
22 telecommunications and electronic information technology plan.

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

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

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

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

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

8 1. Develop and/or acquire hardware and application software,  
9 including such modifications as may be required, to implement modern  
10 automated systems in the Department of Central Services, the Office  
11 of Personnel Management, and the Office of State Finance. Such  
12 systems include applications for accounting, budgeting,  
13 payroll/personnel, and purchasing;

14 2. Coordinate the initial implementation of the application  
15 systems with the three central service agencies of the state and  
16 coordinate the phased implementation of the application systems with  
17 all branches of state government;

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

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

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 Officer  
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 Officer may  
9 enter into contracts for services, equipment, software, or supplies  
10 needed to carry out the provisions of this section.

11           SECTION 11.           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 Officer 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~~ Information  
19 Services, the Office of Personnel Management, and the Department of  
20 Central Services in the manner and format required to effectuate the  
21 utilization of the Integrated Central Systems for all transactions  
22 for which an application is available.

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

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

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

22            B.    The ~~Division~~ Office shall render a statement of charges at  
23    the end of each month to all state agencies to which it has

1 furnished communications services for the direct cost sustained,  
2 provided that:

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

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

18 C. No telephone, teletype, switchboard, line, cable system,  
19 data communication system, Internet, eGovernment, or systems of  
20 communication or intercommunication are to be installed in any  
21 building or buildings owned, rented, leased or otherwise held by  
22 this state or its agencies at locations described in subsection A of  
23 this section without written order of the ~~Director of State Finance~~

1 Chief Information Officer or a designee. Provided, however, that  
2 acquisition and installation of such equipment in the Legislature  
3 shall be subject to the final approval of the Speaker of the House  
4 of Representatives or the President Pro Tempore of the Senate as  
5 appropriate.

6 SECTION 13. AMENDATORY 62 O.S. 2001, Section 41.5i, as  
7 last amended by Section 5, Chapter 266, O.S.L. 2006 (62 O.S. Supp.  
8 2008, Section 41.5i), is amended to read as follows:

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

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

22 2. Establish minimum mandatory standards and protocols for:  
23 a. communication networks and equipment,

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

12           The standards and protocols shall be compatible with the  
13           standards and protocols established for the Oklahoma Government  
14           Telecommunications Network created in Section ~~41.5m~~ 50.14 of ~~this~~  
15           ~~title~~ Title 74 of the Oklahoma Statutes;

16           3.    Serve as a focal point for all statewide projects and  
17           approve all statewide contracts involving current communications  
18           vendors where the focus of such authority can substantially enhance  
19           the state communications plan or the savings which can be achieved  
20           thereunder;

21           4.    Provide, when requested by political subdivisions of the  
22           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

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

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

20 C. State agencies may enter into interagency contracts to share  
21 communications and telecommunications resources for mutually  
22 beneficial purposes. The contract shall clearly state how its  
23 purpose contributes to the development or enhancement or cost

1 reduction of a state network which includes voice, data, radio,  
2 video, Internet, eGovernment, or facsimile systems. The contract  
3 shall be approved by the Office of Information Services Division  
4 before any payments are made.

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

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

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

1 eGovernment services, as referenced in Sections ~~41.5p~~ 50.15 and  
2 ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes, the  
3 construction and maintenance of information technology facilities  
4 and services, and other related services. Expenditures from said  
5 fund shall be made upon warrants issued by the State Treasurer  
6 against claims filed as prescribed by law with the Director of State  
7 Finance for approval and payment.

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

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

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

18 1. The Oklahoma State Regents for Higher Education may continue  
19 to operate, maintain and enhance the State Regents Educational  
20 Telecommunications Network. The Oklahoma State Regents for Higher  
21 Education shall submit all plans for the enhancement of the State  
22 Regents Educational Telecommunications Network to the Office of  
23 ~~State Finance~~ Information Services for review and approval within

1 the context of the statewide telecommunications network provided for  
2 in subsection C of this section and shall participate with the  
3 Office of ~~State Finance~~ Information Services in joint efforts to  
4 provide services for the OGTN; and

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

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

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

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

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

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

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

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

1 and the use of telecommunications equipment or  
2 services,  
3 b. the State Superintendent of Public Instruction shall  
4 submit a report annually to the ~~Director of State~~  
5 ~~Finance~~ Chief Information Officer identifying the  
6 telecommunications plans of the public common school  
7 system of the state. For purposes of developing such  
8 report, the respective public elementary and secondary  
9 schools shall cooperate with and submit to the State  
10 Superintendent a plan of their telecommunications  
11 needs, including, but not limited to, Internet,  
12 eGovernment, any interactive video plans, the purchase  
13 of informational data bases, software for manipulation  
14 of bibliographic records, and the use of  
15 telecommunications equipment or services,  
16 c. the State Director of the Oklahoma Department of  
17 Career and Technology Education shall submit a report  
18 annually to the ~~Director of State Finance~~ Chief  
19 Information Officer identifying the telecommunications  
20 plans of technology center school districts. For  
21 purposes of developing such report, each technology  
22 center school district as defined in Section 14-108 of  
23 Title 70 of the Oklahoma Statutes shall cooperate with

1 and submit to the State Director of the Oklahoma  
2 Department of Career and Technology Education a plan  
3 of its telecommunications needs, including, but not  
4 limited to, Internet, eGovernment, any interactive  
5 video plans, the purchase of informational data bases,  
6 software for manipulation of bibliographic records,  
7 and the use of telecommunications equipment or  
8 services,

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

18 e. the Director of the Oklahoma Department of Libraries  
19 shall submit a report annually to the ~~Director of~~  
20 ~~State Finance~~ Chief Information Officer identifying  
21 the telecommunications plans of public libraries and  
22 public library systems. For purposes of developing  
23 such report, the chief administrative officer of any

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

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

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

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

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

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

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

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

1       B. The Office of Information Services shall manage the  
2 installation, maintenance and administration of the state portal  
3 system.

4       C. For purposes of this section and Section ~~41.5s~~ 50.18 of ~~this~~  
5 ~~title~~ Title 74 of the Oklahoma Statutes, a "portal system" shall  
6 mean a system that hosts and connects to a collection of on-line  
7 government and public services and serves as the single point of  
8 access to state government services, information, and transaction  
9 processing with a common enterprise wide user interface allowing  
10 navigation among the services.

11       SECTION 18.       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~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma Statutes,  
16 a state agency, board, commission, or authority is hereby authorized  
17 to charge a convenience fee for any electronic or on-line  
18 transaction. A convenience fee shall apply to electronic or on-line  
19 transactions only and shall not apply when accessing information  
20 provided through state government websites. If a state entity sets  
21 a convenience fee for electronic or on-line transactions, the fee  
22 shall be reviewed by the State Governmental Internet Applications  
23 Review Board as provided for in Section ~~41.5s~~ 50.18 of ~~this title~~

1 Title 74 of the Oklahoma Statutes. Each state entity shall keep a  
2 record of how the convenience fee has been determined and shall file  
3 the record with the Office of Information Services. A state agency,  
4 board, commission, or authority may periodically adjust a  
5 convenience fee as needed upon review and adoption as provided for  
6 in Section ~~41.5r~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma  
7 Statutes.

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

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

20 Section 41.5r A. Any state agency, board, commission, or  
21 authority which establishes an electronic portal system shall use an  
22 open-systems concept for the portal system which has been approved

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

3 B. No state agency shall enter into an agreement for  
4 development of, enhancement to, or maintenance of an electronic  
5 portal system without the written authorization of the Office of  
6 Information Services.

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

- 15 1. Well-defined, widely used, and nonproprietary interfaces or  
16 protocols;
- 17 2. Use of standards which are developed and adopted by industry  
18 recognized standards-making bodies;
- 19 3. A definition of all aspects of system interfaces to  
20 facilitate new or additional system capabilities for a wide range of  
21 applications; and

1           4. An explicit provision for expansion or upgrading through the  
2 incorporation of additional or higher performance elements with  
3 minimal impact on the system.

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

7           Section 41.5s A. There is hereby established the State  
8 Governmental ~~Internet~~ Technology Applications Review Board. The  
9 Board shall review and make recommendations to the Office of ~~State~~  
10 ~~Finance~~ Information Services concerning state governmental Internet-  
11 based electronic or on-line transactions or applications being  
12 provided by state agencies, boards, commissions, or authorities for  
13 use by the public, provide oversight for implementation of the plan  
14 of action for the Office of Information Services and advise the  
15 Chief Information Officer.

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

- 18           1. The Director of ~~the Office of~~ State Finance or a designee;
- 19           2. ~~Four~~ Two representatives from different state agencies,  
20 boards, commissions, or authorities to be appointed by the Governor;
- 21           3. ~~One member~~ Two members who ~~is not~~ are either a member of the  
22 Legislature or a state government employee to be appointed by the  
23 Speaker of the House of Representatives; and

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

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

6           D. Members of the Board shall not receive compensation for  
7 serving on the Board, ~~but~~. Nonlegislative members shall be  
8 reimbursed for travel expenses incurred in the performance of their  
9 duties by their respective agencies or appointing authority in  
10 accordance with the State Travel Reimbursement Act. Legislative  
11 members shall be reimbursed for travel expenses incurred in the  
12 performance of their duties in accordance with the provisions of  
13 Section 456 of Title 74 of the Oklahoma Statutes.

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

15           1. Reviewing a schedule of convenience fees, as is defined in  
16 Section ~~41.5g~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,  
17 and all convenience fees and changes in fees charged by state  
18 agencies, boards, commissions, or authorities for electronic or on-  
19 line transactions, and making recommendations pertaining to  
20 convenience fees to the Office of ~~State Finance~~ Information Services  
21 prior to its adoption by rule of such fees, changes to fees, or fee  
22 schedule; ~~and~~

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

9           3. Approving the plan of action developed by the Chief  
10 Information Officer as provided for in Section 2 of this act,  
11 providing ongoing oversight of the implementation of the plan of  
12 action by the Chief Information Officer and approving any amendments  
13 to the plan of action;

14           4. Approving charges to state agencies established by the Chief  
15 Information Officer pursuant to Section 2 of this act for their use  
16 of centralized information technology and telecommunication  
17 services;

18           5. Functioning in an advisory capacity to the Chief Information  
19 Officer; and

20           6. Developing performance metrics for quantifying the value of  
21 goods or services provided by state agencies and for considering if  
22 goods and services provided by a state agency could be modernized  
23 through the implementation of new technology to provide better

1 quality goods or services that would result in cost savings or best  
2 value.

3 SECTION 21. AMENDATORY Section 2, Chapter 128, O.S.L.  
4 2004, as amended by Section 3, Chapter 391, O.S.L. 2005 (62 O.S.  
5 Supp. 2008, Section 41.5t), is amended to read as follows:

6 Section 41.5t A. The Office of Information Services ~~Division~~  
7 ~~of the Office of State Finance~~ shall work in conjunction with the  
8 Department of Central Services to assure state compliance regarding  
9 accessibility of information technology for individuals with  
10 disabilities based on the provisions of Section 508 of the Workforce  
11 Investment Act of 1998.

12 B. When developing, procuring, maintaining or using information  
13 technology, or when administering contracts or grants that include  
14 the procurement, development, upgrading, or replacement of  
15 information technology each state agency shall ensure, unless an  
16 undue burden would be imposed on the agency, that the information  
17 technology allows employees, program participants, and members of  
18 the general public access to use of information and data that is  
19 comparable to the access by individuals without disabilities.

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

22 1. Adopt accessibility standards that address all technical  
23 standard categories of Section 508 of the Workforce Investment Act

1 of 1998 to be used by each state agency in the procurement of  
2 information technology, and in the development and implementation of  
3 custom-designed information technology systems, Web sites, and other  
4 emerging information technology systems;

5 2. Establish and implement a review procedure to be used to  
6 evaluate the accessibility of custom-designed information technology  
7 systems proposed by a state agency prior to expenditure of state  
8 funds;

9 3. Review and evaluate accessibility of information technology  
10 commonly purchased by state agencies, and provide accessibility  
11 reports on such products to those responsible for purchasing  
12 decisions;

13 4. Provide in partnership with Oklahoma Able Tech, the state  
14 assistive technology project located at Oklahoma State University,  
15 training and technical assistance for state agencies to assure  
16 procurement of information technology that meets adopted  
17 accessibility standards;

18 5. Consult with the Oklahoma Department of Rehabilitation  
19 Services and individuals with disabilities in accessibility reviews  
20 of information technology and in the delivery of training and  
21 technical assistance;

22 6. Establish complaint procedures, consistent with Section 508  
23 of the Workforce Development Act of 1998, to be used by an

1 individual who alleges that a state agency fails to comply with the  
2 provisions of this section;

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

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

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

18 SECTION 22. AMENDATORY Section 4, Chapter 128, O.S.L.  
19 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008 (62  
20 O.S. Supp. 2008, Section 41.5t.2), is amended to read as follows:

21 Section 41.5t.2 A. There is hereby created, to continue until  
22 July 1, 2010, the Electronic and Information Technology  
23 Accessibility Advisory Council. The Advisory Council shall study

1 and make recommendations concerning the accessibility for the  
2 disabled to publicly produced and provided electronic and  
3 information technology and to provide advice and assistance to the  
4 Office of Information Services Division of the Office of State  
5 ~~Finance~~ on the development of accessibility standards and complaint  
6 procedures as provided for in Section ~~41.5t~~ 50.19 of ~~this title~~  
7 Title 74 of the Oklahoma Statutes.

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

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

12 2. One member of the Senate, appointed by the President Pro  
13 Tempore of the Senate;

14 3. The chair of the Science and Technology Committee of the  
15 House of Representatives;

16 4. The chair of the Aerospace and Technology Committee of the  
17 State Senate;

18 5. The ~~Director of the Office of State Finance~~ Chief  
19 Information Officer, or a designee;

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

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

- 1           8. The Superintendent of Public Instruction, or a designee;
- 2           9. The State Director of the Oklahoma State Department of  
3 Career and Technology Education, or a designee;
- 4           10. The Director of the Library for the Blind and Physically  
5 Handicapped with the Oklahoma Department of Rehabilitation, or a  
6 designee;
- 7           11. The Director of the Office of Disability Concerns, or a  
8 designee;
- 9           12. A representative of OneNet, the state telecommunications  
10 network within the Oklahoma State Regents for Higher Education;
- 11           13. The Project Manager for Oklahoma Able Tech, the state  
12 assistive technology project located at Oklahoma State University;
- 13           14. A representative of state agency web managers appointed by  
14 the Governor from a list submitted by a state agency web manager  
15 group;
- 16           15. A representative of an association representing education  
17 technology administrators appointed by the Speaker of the House of  
18 Representatives;
- 19           16. A representative of an association of distance learning  
20 education professionals appointed by the President Pro Tempore of  
21 the Senate;
- 22           17. Two representatives of corporations or vendors of  
23 information or electronic technology hardware or software who are

1 knowledgeable or have experience in the field of assistive  
2 technology appointed by the Governor;

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

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

10 C. Members who were serving on the Electronic and Information  
11 Technology Accessibility Task Force as of July 1, 2004, shall  
12 automatically be appointed to serve on the Electronic and  
13 Information Technology Accessibility Advisory Council after July 1,  
14 2004.

15 D. The Advisory Council shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 2. Nonlegislative members of the Advisory Council shall be  
19 reimbursed by their appointing authorities or respective agencies  
20 for necessary travel expenses incurred in the performance of their  
21 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;

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:

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

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

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

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

21 Section 41.5x The Office of ~~State Finance~~ Information Services  
22 is authorized to enter into a multi-year agreement to acquire land,  
23 develop, design, construct and furnish facilities necessary for the

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

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

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

1 Oklahoma State System of Higher Education, any public school  
2 district in the state, or any technology center school district.  
3 B. During the fiscal year ending June 30, 2010, no agency of  
4 the executive branch of the state shall create new full-time-  
5 equivalent administrative-level information technology positions or  
6 replace or fill an existing vacant full-time-equivalent  
7 administrative-level information technology position without written  
8 authorization of the Chief Information Officer. The provisions of  
9 this section shall not be applicable to any member of The Oklahoma  
10 State System of Higher Education, any public school district in the  
11 state, or any technology center school district.

12 SECTION 27. AMENDATORY 74 O.S. 2001, Section 85.5, as  
13 last amended by Section 3, Chapter 96, O.S.L. 2008 (74 O.S. Supp.  
14 2008, Section 85.5), is amended to read as follows:

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

20 B. The State Purchasing Director, after consultation with the  
21 requisitioning state agency, shall have authority to determine the  
22 particular brand, model, or other specific classification of each  
23 acquisition and to draft or invoke pursuant to The Oklahoma Central

1 Purchasing Act specifications establishing the requirements for all  
2 necessary contracts or purchase orders.

3 C. The Director of the Department of Central Services shall  
4 have authority and responsibility to promulgate rules pursuant to  
5 provisions of The Oklahoma Central Purchasing Act governing,  
6 providing for, prescribing, or authorizing any act, practice, or  
7 requirement for which regulatory power is delegated for:

8 1. The time, manner, authentication, and form of making  
9 requisitions for acquisitions;

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

12 3. The form and manner of submission for bids or proposals a  
13 supplier submits and the manner of accepting and opening bids or  
14 proposals;

15 4. The conditions under which the Department of Central  
16 Services shall require written contracts for acquisitions, the  
17 conditions under which acquisitions may be made on an open account  
18 basis, and the conditions and manner of negotiating such contracts;

19 5. Obtaining acquisitions produced by state institutions;

20 6. Conditions under which any of the rules herein authorized  
21 may be waived;

22 7. The amounts of and deposits on any bond or other surety  
23 required to be submitted with a bid or contract for the furnishing

1 of acquisitions and the conditions under which such bond or other  
2 surety shall be required;

3 8. Storage and storage facilities necessary to accomplish  
4 responsibilities of the Director of the Department of Central  
5 Services;

6 9. The manner and conditions of delivery, which shall include  
7 the designation of the common carrier of property to be used to  
8 transport acquisitions whenever a common carrier is used, and the  
9 acceptance, or rejection, including check of quantities, of any  
10 acquisitions;

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

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

21 a. state agencies shall make acquisitions not exceeding  
22 Two Thousand Five Hundred Dollars (\$2,500.00),  
23 provided the acquisition process is fair and

1 reasonable and is conducted pursuant to rules  
2 authorized pursuant to this section, and  
3 b. state agencies with certified procurement officers and  
4 internal purchasing procedures found compliant by the  
5 Director of the Department of Central Services  
6 pursuant to this section may make acquisitions in  
7 excess of Two Thousand Five Hundred Dollars  
8 (\$2,500.00) as provided below:  
9 (1) acquisitions with a price exceeding Two Thousand  
10 Five Hundred Dollars (\$2,500.00) and not  
11 exceeding Ten Thousand Dollars (\$10,000.00),  
12 pursuant to rules authorized by this section, and  
13 (2) acquisitions with a price exceeding Ten Thousand  
14 Dollars (\$10,000.00) and not exceeding the amount  
15 requiring a requisition to the State Purchasing  
16 Director, pursuant to Section 85.7 of this title,  
17 by telephone, facsimile, invitation to bid, or  
18 solicitation by means of electronic commerce,  
19 receipt of bids and bid award by the state  
20 agency;  
21 12. Training by the State Purchasing Director of state agency  
22 procurement officers;

1       13. Review and audit by the State Purchasing Director of state  
2 agency acquisitions;

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

6       15. Use of a state purchase card to make acquisitions; and

7       16. Any other matter or practice which relates to the  
8 responsibilities of the Director of the Department of Central  
9 Services.

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

1 the costs the State Purchasing Director incurs to provide the  
2 training.

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

5 1. Ensuring state agency compliance with provisions of The  
6 Oklahoma Central Purchasing Act;

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

10 3. Ensuring state agency compliance with provisions of Section  
11 3001 et seq. of this title pertaining to the State Use Committee;

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

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

19 F. When recommended by the State Purchasing Director, based on  
20 written findings by the State Purchasing Director, the Director of  
21 the Department of Central Services may:

22 1. Require retraining of state agency procurement officials and  
23 other purchasing staff found not to be in compliance with provisions

1 of The Oklahoma Central Purchasing Act, or rules promulgated  
2 pursuant to The Oklahoma Central Purchasing Act;

3 2. Reduce the acquisition competitive bid limit for any state  
4 agency found not to be in compliance with provisions of The Oklahoma  
5 Central Purchasing Act or rules promulgated pursuant to The Oklahoma  
6 Central Purchasing Act;

7 3. Transmit written findings by the State Purchasing Director  
8 to the State Auditor and Inspector for further investigation,  
9 indicating purchasing procedures that do not conform to provisions  
10 pursuant to The Oklahoma Central Purchasing Act or rules promulgated  
11 pursuant to The Oklahoma Central Purchasing Act;

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

19 5. Increase the state agency acquisition purchase amount  
20 requiring competitive bid, not to exceed the acquisition purchase  
21 amount requiring competitive bid, pursuant to Section 85.7 of this  
22 title.

1 G. 1. Pursuant to the requirements of The Oklahoma Central  
2 Purchasing Act, the State Purchasing Director shall have authority  
3 to enter into any statewide, multistate or multigovernmental  
4 contract. The state entity designated by law, as specified in  
5 Section 1010.3 of Title 56 of the Oklahoma Statutes, shall  
6 participate in the purchase of pharmaceuticals available through  
7 such multistate or multigovernmental contracts entered into by the  
8 State Purchasing Director.

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

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

14 4. In order to carry out the powers and duties established in  
15 Section 2 of this act, the Chief Information Officer of the Office  
16 of Information Services shall have the authority to designate  
17 certain information technology and telecommunication contracts for  
18 state agencies as statewide contracts and mandatory statewide  
19 contracts which will be entered into by the State Purchasing  
20 Director.

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

1 I. The State Purchasing Director shall endeavor to satisfy state  
2 agencies in terms of cost, quality, and timeliness of the delivery  
3 of acquisitions by using bidders who have a record of successful  
4 past performance, promoting competition, minimizing administrative  
5 operating costs, and conducting business with integrity, fairness,  
6 and openness.

7 J. The State Purchasing Director shall undertake the following:

8 1. The use of electronic commerce pursuant to the Oklahoma  
9 Online Bidding Act for solicitation, notification, and other  
10 purchasing processes;

11 2. Monitoring rules promulgated pursuant to The Oklahoma  
12 Central Purchasing Act to ensure that the rules, satisfy the  
13 interests of the state, are clear and succinct, and encourage  
14 efficiency in purchasing processes;

15 3. A program to identify vendors with poor delivery and  
16 performance records;

17 4. Development of criteria for the use of sealed bid  
18 contracting procedures, negotiated contracting procedures, selection  
19 of types of contracts, postaward administration of purchase orders  
20 and contracts, contract modifications, termination of contracts, and  
21 contract pricing;

22 5. Continual improvement in the quality of the performance of  
23 the Purchasing Division through training programs, management

1 seminars, development of benchmarks and key management indicators,  
2 and development of standard provisions, clauses and forms;

3 6. Development of electronic means of making state agencies  
4 aware of office furniture, equipment, machinery, tools, and hardware  
5 available for purchase from the surplus property programs;

6 7. Development of programs to improve customer relations  
7 through training, improved communications, and appointment of  
8 technical representatives; and

9 8. In cooperation with the Office of State Finance and the  
10 State Treasurer, develop an electronic payment mechanism for use in  
11 the settlement of accounts payable invoices, with no limit, to make  
12 payment for products or services acquired in accordance with The  
13 Oklahoma Central Purchasing Act and any rules promulgated pursuant  
14 thereto.

15 K. The State Purchasing Director shall, in cooperation with the  
16 Oklahoma Department of Agriculture, Food, and Forestry, identify the  
17 needs of state agencies and institutions for agricultural products  
18 grown and produced in Oklahoma.

19 L. The State Purchasing Director may authorize the use of a  
20 state purchase card for acquisitions within the following  
21 parameters:

22 1. No limit on the amount of the transaction for the following:

1           a.    purchases from statewide contracts issued by the State  
2                    Purchasing Director, and

3           b.    regulated utilities; and

4           2.    For any other transaction with a state purchase card, the  
5 transaction shall not exceed Two Thousand Five Hundred Dollars  
6 (\$2,500.00).

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

9           N.    Prior to the award of a contract to a supplier, the State  
10 Purchasing Director shall verify, pursuant to applicable provisions  
11 of law, that the supplier is eligible to do business in the State of  
12 Oklahoma by confirming registration with the Secretary of State and  
13 franchise tax payment status pursuant to Sections 1203 and 1204 of  
14 Title 68 of the Oklahoma Statutes. The provisions of this  
15 subsection shall be applicable only if the contract amount is  
16 Twenty-five Thousand Dollars (\$25,000.00) or greater.

17           O.    As a condition of awarding a contract pursuant to The  
18 Oklahoma Central Purchasing Act, the State Purchasing Director shall  
19 verify with the Oklahoma Tax Commission that the business entity to  
20 which the state contract is to be awarded, whether subject to the  
21 procedures required by Section 85.7 of this title or not, has  
22 obtained a sales tax permit pursuant to the provisions of Section

1 1364 of Title 68 of the Oklahoma Statutes if such entity is required  
2 to do so.

3 P. The State Purchasing Director is hereby authorized to  
4 explore and investigate cost savings in energy, resource usage, and  
5 maintenance contracts and to identify and negotiate contract  
6 solutions including, but not limited to, pilot projects to achieve  
7 cost savings for the State of Oklahoma.

8 Q. The Office of State Finance, with input from the State  
9 Purchasing Director, shall promulgate payment procedure rules for  
10 state agencies to adhere to regarding statewide contracts issued by  
11 the State Purchasing Director.

12 R. The Office of State Finance along with the Department of  
13 Central Services, Central Purchasing Division, shall promulgate  
14 payment procedure rules for agencies to adhere to regarding  
15 statewide contracts issued by the Division.

16 SECTION 28. AMENDATORY 17 O.S. 2001, Section 139.109, as  
17 amended by Section 1, Chapter 409, O.S.L. 2004 (17 O.S. Supp. 2008,  
18 Section 139.109), is amended to read as follows:

19 Section 139.109 A. There is hereby created within the Oklahoma  
20 Corporation Commission the "Oklahoma E911 Emergency Service Fund".  
21 Beginning September 1, 1997, each local exchange telecommunications  
22 service provider shall annually contribute fifty cents (\$0.50) per  
23 retail local exchange access line to the Oklahoma E911 Emergency

1 Service Fund until the total amount contributed by all providers to  
2 the Fund equals Five Million Dollars (\$5,000,000.00). The  
3 contribution amount for each service provider shall be based upon  
4 the number of retail local exchange access lines of that service  
5 provider in service on July 1 of each applicable year. The Oklahoma  
6 E911 Emergency Service Fund shall be administered by the ~~Oklahoma~~  
7 Corporation Commission and used to defray the cost of purchasing and  
8 installing equipment for enhanced 911 emergency systems across the  
9 state. Preference for funding shall be given first to those systems  
10 established in areas of the state which do not have access to 911  
11 emergency service before July 1, 1997, and second to areas of the  
12 state which do not have access to enhanced 911 emergency services.  
13 Funding from the E911 Emergency Service Fund shall not be used for  
14 ongoing operating costs of any emergency telephone service system.  
15 To qualify for funding, the emergency telephone service system shall  
16 have been or be in the process of being approved as provided for in  
17 the Nine-One-One Emergency Number Act. Local exchange  
18 telecommunications service providers serving fifteen percent (15%)  
19 or more of the access lines in the state may not apply for recovery  
20 of the contributions made to the E911 Emergency Service Fund from  
21 the Oklahoma Universal Service Fund created in Section 139.106 of  
22 this title. All monies in the Oklahoma E911 Emergency Service Fund

1 shall be expended only for the purposes set forth in this  
2 subsection.

3 B. There is hereby created within the Oklahoma Department of  
4 Career and Technology Education the "Oklahoma Telecommunications  
5 Technology Training Fund". Beginning September 1, 1997, each local  
6 exchange telecommunications service provider shall annually  
7 contribute seventy-five cents (\$0.75) per retail local exchange  
8 access line to the Oklahoma Telecommunications Technology Training  
9 Fund until the total amount contributed by all providers to the Fund  
10 equals Seven Million Dollars (\$7,000,000.00). The contribution  
11 amount for each service provider shall be based upon the number of  
12 retail local exchange access lines of that service provider in  
13 service on July 1 of each applicable year. The Oklahoma  
14 Telecommunications Technology Training Fund shall be administered by  
15 the Oklahoma Department of Career and Technology Education working  
16 in conjunction with OneNet, and shall be used to provide statewide  
17 training of teachers and school administrators in the most effective  
18 use of telecommunications and distance learning technology for the  
19 enhancement of education throughout the state. Local exchange  
20 telecommunications service providers serving fifteen percent (15%)  
21 or more of the access lines in the state may not apply for recovery  
22 of the contributions made to the Oklahoma Telecommunications  
23 Technology Training Fund from the Oklahoma Universal Service Fund

1 created in Section 139.106 of this title. All monies in the  
2 Oklahoma Telecommunications Technology Training Fund shall be  
3 expended only for the purposes set forth in this subsection.

4 C. The following services are hereby declared to be Special  
5 Universal Services and such services shall be provided only after  
6 funding for the Oklahoma Universal Service Fund is implemented as  
7 set forth in Section 139.101 et seq. of this title:

8 1. Each not-for-profit hospital in the state shall, upon  
9 written request, receive one incoming, toll-free phone number and up  
10 to a total of five access lines, free of charge, to allow incoming,  
11 toll-free calls from any location within the geographic area served  
12 by the hospital;

13 2. Each not-for-profit hospital, county health department,  
14 city-county health department, and federally qualified health center  
15 in this state shall, upon written request, receive, free of charge,  
16 ~~one telecommunications line~~ lines, circuits or wireless ~~connection~~  
17 connections sufficient for providing such telemedicine, clinical and  
18 health consultation services as the entity is equipped to provide.  
19 The telecommunications carrier shall be entitled to reimbursement  
20 from the Oklahoma Universal Service Fund for providing the ~~line~~  
21 lines, circuits or ~~connection~~ connections. In no case, however,  
22 shall reimbursement from the fund be made for an Internet subscriber

1 fee or charges incurred as a result of services accessed via the  
2 Internet;

3 3. Each public school building wherein classrooms are contained  
4 and each public library in the state shall, upon written request,  
5 receive one incoming, toll-free phone number and up to a total of  
6 five access lines, free of charge, to allow incoming, toll-free  
7 calls from any location within the geographic area served by the  
8 school or the public library;

9 4. Each public school building wherein classrooms are contained  
10 and each public library in the state shall, upon written request,  
11 receive one access line, free of charge, with the ability to connect  
12 to an Internet service provider at 56 kbps, in the most economically  
13 efficient manner for the carrier, or an equivalent dollar credit to  
14 be applied by the public school or public library toward similar  
15 services provided by the same carrier, for the purpose of accessing  
16 the Internet. In no case shall the Oklahoma Universal Service Fund  
17 reimburse an entity for an Internet subscriber fee or charges  
18 incurred as a result of services accessed via the Internet; and

19 5. Each county seat in the state shall, upon written request of  
20 the board of county commissioners, receive one incoming, toll-free  
21 phone number and up to a total of five access lines, free of charge,  
22 to allow incoming, toll-free calls from any location within the  
23 geographic area served by the county seat.

1 D. To the extent Special Universal Services are purchased from  
2 a telecommunications service provider by another carrier, the  
3 Special Universal Services are for the exclusive use of the not-for-  
4 profit hospital, county health department, city-county health  
5 department, federally qualified health center, public school, public  
6 library or county government. Under no circumstances shall the not-  
7 for-profit hospital, county health department, city-county health  
8 department, federally qualified health center, public school, public  
9 library or county government sell, repackage or share Special  
10 Universal Services with any other entity.

11 SECTION 29. RECODIFICATION 62 O.S. 2001, Section 41.5a,  
12 as last amended by Section 5 of this act, shall be recodified as  
13 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,  
15 as last amended by Section 6 of this act, shall be recodified as  
16 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is  
17 created a duplication in numbering. Section 3, Chapter 148, O.S.L.  
18 2007 (62 O.S. Supp. 2008, Section 41.5a-3), as amended by Section 7  
19 of this act, shall be recodified as Section 50.5 of Title 74 of the  
20 Oklahoma Statutes, unless there is created a duplication in  
21 numbering. Section 1, Chapter 340, O.S.L. 2008 (62 O.S. Supp. 2008,  
22 Section 41.5a-4), as amended by Section 8 of this act, shall be  
23 recodified as Section 50.6 of Title 74 of the Oklahoma Statutes,

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

1 recodified as Section 50.14 of Title 74 of the Oklahoma Statutes,  
2 unless there is created a duplication in numbering. 62 O.S. 2001,  
3 Section 41.5p, as last amended by Section 17 of this act, shall be  
4 recodified as Section 50.15 of Title 74 of the Oklahoma Statutes,  
5 unless there is created a duplication in numbering. 62 O.S. 2001,  
6 Section 41.5q, as last amended by Section 18 of this act, shall be  
7 recodified as Section 50.16 of Title 74 of the Oklahoma Statutes,  
8 unless there is created a duplication in numbering. 62 O.S. 2001,  
9 Section 41.5r, as amended by Section 19 of this act, shall be  
10 recodified as Section 50.17 of Title 74 of the Oklahoma Statutes,  
11 unless there is created a duplication in numbering. 62 O.S. 2001,  
12 Section 41.5s, as last amended by Section 20 of this act, shall be  
13 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,  
14 unless there is created a duplication in numbering. Section 2,  
15 Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008, Section 41.5t), as  
16 last amended by Section 21 of this act, shall be recodified as  
17 Section 50.19 of Title 74 of the Oklahoma Statutes, unless there is  
18 created a duplication in numbering. Section 3, Chapter 128, O.S.L.  
19 2004, as amended by Section 13, Chapter 266, O.S.L. 2006 (62 O.S.  
20 Supp. 2008, Section 41.5t.1), shall be recodified as Section 50.20  
21 of Title 74 of the Oklahoma Statutes, unless there is created a  
22 duplication in numbering. Section 4, Chapter 128, O.S.L. 2004 (62  
23 O.S. Supp. 2008, Section 41.5t.2), as last amended by Section 22 of

1 this act, shall be recodified as Section 50.21 of Title 74 of the  
2 Oklahoma Statutes, unless there is created a duplication in  
3 numbering. Section 4, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2008,  
4 Section 41.5u), as last amended by Section 23 of this act, shall be  
5 recodified as Section 50.22 of Title 74 of the Oklahoma Statutes,  
6 unless there is created a duplication in numbering. Section 15,  
7 Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008, Section 41.5v), as  
8 amended by Section 24 of this act, shall be recodified as Section  
9 50.23 of Title 74 of the Oklahoma Statutes, unless there is created  
10 a duplication in numbering. Section 1, Chapter 205, O.S.L. 2007 (62  
11 O.S. Supp. 2008, Section 41.5x), as amended by Section 25 of this  
12 act, shall be recodified as Section 50.24 of Title 74 of the  
13 Oklahoma Statutes, unless there is created a duplication in  
14 numbering.

15 SECTION 30. REPEALER Section 5, Chapter 391, O.S.L. 2005  
16 (62 O.S. Supp. 2008, Section 41.5a-2), is hereby repealed.

17 SECTION 31. Sections 4 through 25, 27, 29 and 30 of this act  
18 shall become effective July 1, 2010.

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO  
20 PASS, As Amended.