

3 Senate Bill No. 980
4 As Amended

5 SENATE BILL NO. 980 - By: Coffee of the Senate and Murphey of the
6 House.

7 [state government - Oklahoma Information Services Act -
8 effective date -
9 emergency]

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

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

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

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

19 A. There is hereby created the Office of Information Services.
20 The Office of Information Services shall be operated and
21 administered by a Chief Information Director who shall be appointed
22 by the Governor. The salary of the Chief Information Director shall
23 be comparable with the prevailing salaries for similar private
24 sector positions. The first Chief Information Director shall be
25 appointed no later than January 1, 2010.

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

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

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

10 3. Familiarity with local and wide-area network design,
11 implementation, and operation;

12 4. Experience with data and voice convergence service
13 offerings;

14 5. Experience in developing technology budgets;

15 6. Experience in developing requests for proposals and
16 administering the bid process;

17 7. Experience managing professional staff, teams, and
18 consultants;

19 8. Extensive knowledge of telecommunications operations;

20 9. Ability to manage daily development and operations
21 functions;

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

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

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

6 13. Ability to negotiate and defuse conflict; and

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

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

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

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

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

21 3. Oversee the applications development process;

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

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

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

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

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

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

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

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

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

22 F. Within six (6) months of appointment, but no later than July
23 1, 2010, the Chief Information Director shall issue a report of

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

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

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

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

1 benefits, which may be provided through contractual arrangements
2 with the Office of State Finance.

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

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

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

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

19 SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5a, as
20 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
21 2008, Section 41.5a), is amended to read as follows:

22 Section 41.5a A. ~~The Information Services Division~~ Office of
23 Information Services shall:

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

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

7 3. Establish and enforce minimum mandatory standards for:

8 a. information systems planning,

9 b. systems development methodology,

10 c. documentation,

11 d. hardware requirements and compatibility,

12 e. operating systems compatibility,

13 f. software and hardware acquisition,

14 g. information security and internal controls,

15 h. data base compatibility, and

16 i. contingency planning and disaster recovery.

17 The standards shall, upon adoption, be the minimum requirements
18 applicable to all agencies. These standards shall be compatible
19 with the standards established for the Oklahoma Government
20 Telecommunications Network created in Section ~~41.5m of this title~~
21 Section 50.13 of Title 74 of the Oklahoma Statutes. Individual
22 agency standards may be more specific than statewide requirements
23 but shall in no case be less than the minimum mandatory standards.

1 Where standards required of an individual agency of the state by
2 agencies of the federal government are more strict than the state
3 minimum standards, such federal requirements shall be applicable;

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

6 5. Operate an information technology service center to provide
7 operations and hardware support for agencies requiring such services
8 and for statewide systems;

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

20 7. Assist agencies in the acquisition and utilization of
21 information technology systems and hardware to effectuate the
22 maximum benefit for the provision of services and accomplishment of
23 the duties and responsibilities of agencies of the state;

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

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

11 10. Establish operations review procedures for information
12 technology installations operated by agencies of the state for
13 independent assessment of productivity, efficiency, cost
14 effectiveness, and security;

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

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

19 13. In conjunction with the Oklahoma Office of Homeland
20 Security, enforce the minimum information security and internal
21 control standards established by the ~~Information Services Division~~
22 Office of Information Services. An enforcement team consisting of
23 the Chief Information Director of the ~~Information Services Division~~

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

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

1 take control of the information technology function of
2 the agency until the agency is compliant, and
3 e. recommend to the Governor and the Legislature that the
4 administration and management of the information
5 technology function of the agency be transferred to
6 another state agency.

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

18 C. The ~~Office of State Finance~~ Office of Information Services
19 and all agencies of the executive branch of the state shall not be
20 required to disclose, directly or indirectly, any information of a
21 state agency which is declared to be confidential or privileged by
22 state or federal statute or the disclosure of which is restricted by
23 agreement with the United States or one of its agencies, nor

1 disclose information technology system details that may permit the
2 access to confidential information or any information affecting
3 personal security, personal identity, or physical security of state
4 assets.

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

8 Section 41.5a-1 ~~The Information Services Division~~ Office of
9 Information Services shall, at the end of each month, render a
10 statement of charges to all state agencies to which it has furnished
11 processing services for the direct costs of the Data Service Center
12 of the ~~Division~~ Office. In total, the charges shall not exceed the
13 direct costs of the Data Service Center of the ~~Division~~ Office.
14 Systems analysts and programming services costs shall be recovered
15 directly from the agency for which the service was rendered, as
16 agreed to by that agency, and shall not be prorated to agencies not
17 receiving such services. All amounts so collected shall be
18 deposited in the State Treasury to the credit of the General Revenue
19 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 ~~Information Services Division of the Office~~
2 ~~of State Finance~~ Office of Information Services 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 62 O.S. 2001, Section 41.5e, as
14 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
15 2008, Section 41.5e), is amended to read as follows:

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

1 ~~Division~~ Office of Information Services a one-year operations plan,
2 which shall include as a minimum:

3 1. An overview of major projects and objectives;
4 2. Cost per defined category of hardware, software, services
5 and personnel;

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

10 4. Such other information as the ~~Information Services Division~~
11 Office of Information Services may require for analysis and
12 consolidation into a statewide telecommunications and electronic
13 information technology plan.

14 B. No agency of the executive branch of this state shall enter
15 into any agreement for the acquisition, development, or enhancement
16 of application systems software or for the acquisition of electronic
17 information technology equipment or peripheral devices, including
18 Internet and eGovernment, whether or not connected to such
19 equipment, unless the cost of such acquisition, development, or
20 enhancement has been included in the plan for the agency. The
21 ~~Information Services Division~~ Office of Information Services upon
22 review of an information technology and telecommunication plan for
23 the agency, shall submit in writing to the Governor, the Speaker of

1 the House of Representatives, and the President Pro Tempore of the
2 Senate its findings and recommendations on all proposed new and
3 expanded programs and expenditures for personnel and the purchase or
4 acquisition of equipment, hardware, software, accessories, or
5 services thereto, including but not limited to leases, rentals or
6 lease-purchase, indicating that the associated cost meet or comply
7 with ~~Section 41.5a of this title~~ Section 50.3 of Title 74 of the
8 Oklahoma Statutes.

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

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

17 Section 41.5f A. ~~The Office of State Finance~~ Office of
18 Information Services shall:

19 1. Develop and/or acquire application software, including such
20 modifications as may be required, to implement modern automated
21 systems in the Department of Central Services, the Office of
22 Personnel Management, and the Office of State Finance. Such systems

1 include applications for accounting, budgeting, payroll/personnel,
2 and purchasing;

3 2. Coordinate the initial implementation of the application
4 systems with the three central service agencies of the state and
5 coordinate the phased implementation of the application systems with
6 all branches of state government;

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

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

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

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

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

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

1 Section 41.5g The ~~Director of State Finance~~ Chief Information
2 Director shall, by appropriate notification, advise agencies of the
3 state when applications of the Integrated Central Systems are
4 available for their use. Thereafter, each agency of the state shall
5 submit transactions to the ~~Office of State Finance~~ Office of
6 Information Services, the Office of Personnel Management, and the
7 Department of Central Services in the manner and format required to
8 effectuate the utilization of the Integrated Central Systems for all
9 transactions for which an application is available.

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

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

17 Section 41.5h A. The ~~Information Services Division of the~~
18 ~~Office of State Finance~~ Office of Information Services is directed,
19 authorized and empowered to establish criteria for and manage the
20 installation, maintenance and administration of a central
21 communication or intercommunication system for and upon behalf of
22 this state. The installation shall fulfill communication or
23 intercommunications requirements of this state and its agencies

1 located in the Capitol and those buildings situated on the Capitol
2 grounds, known as the "Capitol Complex" in Oklahoma City, Oklahoma,
3 and the state-owned building known as the "Tulsa Capitol Building"
4 in Tulsa, Oklahoma.

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

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

17 2. The ~~Division~~ Office is to be reimbursed by the state or any
18 of its agencies for actual cost incurred for equipment installation
19 or modification or for toll charges for use of telephone, telegraph,
20 teletype, data communications, Internet, eGovernment, as referenced
21 in ~~Sections 41.5p and 41.5q of this title~~ Sections 50.14 and 50.15
22 of Title 74 of the Oklahoma Statutes, or other form or forms of

1 communication or intercommunication incurred by the state or by any
2 agency.

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

13 SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.5i, as
14 last amended by Section 5, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
15 2008, Section 41.5i), is amended to read as follows:

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

19 1. Coordinate statewide planning for communication and
20 telecommunications needs of state government, including, but not
21 limited to, voice, data, radio, video, Internet, eGovernment, as
22 referenced in ~~Sections 41.5p and 41.5q of this title~~ Sections 50.14
23 and 50.15 of Title 74 of the Oklahoma Statutes, and facsimile

1 transmissions through analysis of the telecommunications and
2 information technology plan of each agency;

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

16 The standards and protocols shall be compatible with the
17 standards and protocols established for the Oklahoma Government
18 Telecommunications Network created in ~~Section 41.5m of this title~~
19 Section 50.13 of Title 74 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

22 C. State agencies may enter into interagency contracts to share
23 communications and telecommunications resources for mutually

1 beneficial purposes. The contract shall clearly state how its
2 purpose contributes to the development or enhancement or cost
3 reduction of a state network which includes voice, data, radio,
4 video, Internet, eGovernment, or facsimile systems. The contract
5 shall be approved by the ~~Information Services Division~~ Office of
6 Information Services before any payments are made.

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

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

15 Section 41.51 There is hereby created in the State Treasury a
16 revolving fund for the ~~Office of State Finance~~ Office of Information
17 Services to be designated the "Telecommunications Revolving Fund".
18 The fund shall be a continuing fund, not subject to fiscal year
19 limitations, and shall consist of appropriations made by the
20 Legislature and reimbursements for providing telecommunications
21 services as defined in ~~Sections 41.5h, 41.5i, 41.5j and 41.5p of~~
22 ~~this title~~ Sections 50.9, 50.10, 50.11 and 50.14 of Title 74 of the
23 Oklahoma Statutes. All monies accruing to such fund are hereby

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

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

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

19 B. Notwithstanding the provisions of subsection A of this
20 section:

21 1. The Oklahoma State Regents for Higher Education may continue
22 to operate, maintain and enhance the State Regents Educational
23 Telecommunications Network. The Oklahoma State Regents for Higher

1 Education shall submit all plans for the enhancement of the State
2 Regents Educational Telecommunications Network to the ~~Office of~~
3 ~~State Finance~~ Office of Information Services for review and approval
4 within the context of the statewide telecommunications network
5 provided for in subsection C of this section and shall participate
6 with the ~~Office of State Finance~~ Office of Information Services in
7 joint efforts to provide services for the OGTN; and

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

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

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

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

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

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

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

13 a. the Oklahoma State Regents for Higher Education shall
14 submit a report annually to the ~~Director of State~~
15 ~~Finance~~ Chief Information Director identifying the
16 telecommunications plans of each member of The
17 Oklahoma State System of Higher Education. For
18 purposes of developing such report, each member shall
19 cooperate with and submit to the State Regents a plan
20 of its telecommunications needs, including, but not
21 limited to, Internet, eGovernment, as referenced in
22 ~~Sections 41.5p and 41.5q of this title~~ Sections 50.14
23 and 50.15 of Title 74 of the Oklahoma Statutes, any

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

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

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

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

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

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

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

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

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

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

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

21 Section 41.5p A. In order to be at the forefront of electronic
22 commerce and provide constituents, agencies and out-of-state users
23 with state-of-the-art electronic commerce and Internet tools, the

1 State of Oklahoma recognizes the need for a state portal system
2 connecting state agency websites and information systems. The state
3 portal system shall be managed by the Office of Information
4 Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 D. Members of the Board shall not receive compensation for
23 serving on the Board, but shall be reimbursed for travel expenses

1 incurred in the performance of their duties by their respective
2 agencies or appointing authority in accordance with the State Travel
3 Reimbursement Act.

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

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

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

21 SECTION 20. AMENDATORY Section 2, Chapter 128, O.S.L.
22 2004, as amended by Section 3, Chapter 391, O.S.L. 2005 (62 O.S.
23 Supp. 2008, Section 41.5t), is amended to read as follows:

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

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

15 C. To assure accessibility, the ~~Information Services Division~~
16 Office of Information Services and the Department of Central
17 Services shall:

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

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

5 3. Review and evaluate accessibility of information technology
6 commonly purchased by state agencies, and provide accessibility
7 reports on such products to those responsible for purchasing
8 decisions;

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

14 5. Consult with the Oklahoma Department of Rehabilitation
15 Services and individuals with disabilities in accessibility reviews
16 of information technology and in the delivery of training and
17 technical assistance;

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

22 7. Work with and seek advice from the Electronic and
23 Information Technology Accessibility Advisory Council, created in

1 ~~Section 41.5t.2 of this title~~ Section 50.20 of Title 74 of the
2 Oklahoma Statutes in developing accessibility standards and
3 complaint procedures as required in this section; and

4 8. Require state agencies to submit evidence of assurance of
5 compliance with state standards on accessibility of information
6 technology for individuals with disabilities developed in accordance
7 with this section. For executive branch state agencies that are
8 required to submit an annual long-range plan pursuant to ~~Section~~
9 ~~41.5e of this title~~ Section 50.6 of Title 74 of the Oklahoma
10 Statutes evidence of compliance shall be included in that report.

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

14 SECTION 21. AMENDATORY Section 4, Chapter 128, O.S.L.
15 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008 (62
16 O.S. Supp. 2008, Section 41.5t.2), is amended to read as follows:

17 Section 41.5t.2. A. There is hereby created, to continue until
18 July 1, 2010, the Electronic and Information Technology
19 Accessibility Advisory Council. The Advisory Council shall study
20 and make recommendations concerning the accessibility for the
21 disabled to publicly produced and provided electronic and
22 information technology and to provide advice and assistance to the
23 ~~Information Services Division of the Office of State Finance~~ Office

1 of Information Services on the development of accessibility
2 standards and complaint procedures as provided for in ~~Section 41.5t~~
3 ~~of this title~~ Section 50.18 of Title 74 of the Oklahoma Statutes.

4 B. The Advisory Council shall be composed of the following
5 members:

6 1. One member of the House of Representatives, appointed by the
7 Speaker of the House of Representatives;

8 2. One member of the Senate, appointed by the President Pro
9 Tempore of the Senate;

10 3. The chair of the Science and Technology Committee of the
11 House of Representatives;

12 4. The chair of the Aerospace and Technology Committee of the
13 State Senate;

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

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

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

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

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

1 10. The Director of the Library for the Blind and Physically
2 Handicapped with the Oklahoma Department of Rehabilitation, or a
3 designee;

4 11. The Director of the Office of Disability Concerns, or a
5 designee;

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

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

10 14. A representative of state agency web managers appointed by
11 the Governor from a list submitted by a state agency web manager
12 group;

13 15. A representative of an association representing education
14 technology administrators appointed by the Speaker of the House of
15 Representatives;

16 16. A representative of an association of distance learning
17 education professionals appointed by the President Pro Tempore of
18 the Senate;

19 17. Two representatives of corporations or vendors of
20 information or electronic technology hardware or software who are
21 knowledgeable or have experience in the field of assistive
22 technology appointed by the Governor;

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

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

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

13 D. The Advisory Council shall:

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

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

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

22 4. Provide advice and assistance to the ~~Information Services~~
23 ~~Division of the Office of State Finance~~ Office of Information

1 Services and the Department of Central Services on the development
2 of accessibility standards and complaint procedures as provided for
3 in ~~Section 41.5t of this title~~ Section 50.18 of Title 74 of the
4 Oklahoma Statutes.

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

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

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

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

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

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

22 K. The Advisory Council may use the expertise and services of
23 the staffs of the Oklahoma House of Representatives and State Senate

1 and may, as necessary, seek the advice and services of experts in
2 the field as well as other necessary professional and clerical
3 staff.

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

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

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

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

20 SECTION 22. AMENDATORY Section 4, Chapter 391, O.S.L.
21 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.
22 Supp. 2008, Section 41.5u), is amended to read as follows:

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

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

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

17 2. An assignment by the vendor for the benefit of its
18 creditors;

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

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

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

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

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

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

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

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

19 E. As used in this section:

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

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

4 SECTION 23. AMENDATORY Section 15, Chapter 266, O.S.L.
5 2006 (62 O.S. Supp. 2008, Section 41.5v), is amended to read as
6 follows:

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

14 B. Each state agency that has an information technology system
15 shall annually conduct an information security risk assessment to
16 identify vulnerabilities associated with the information system. A
17 final report of the information security risk assessment shall be
18 submitted by each state agency to the ~~Office of State Finance~~ Office
19 of Information Services by the first day of December of each year.
20 The final information security risk assessment report shall
21 identify, prioritize, and document information security
22 vulnerabilities for each of the state agencies assessed. Failure to
23 comply with the requirements of this subsection may result in

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

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

16 SECTION 24. AMENDATORY Section 1, Chapter 205, O.S.L.
17 2007 (62 O.S. Supp. 2008, Section 41.5x), is amended to read as
18 follows:

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

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

9 SECTION 25. RECODIFICATION 62 O.S. 2001, Section 41.5a,
10 as last amended by Section 5 of this act, shall be recodified as
11 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is
12 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,
13 as last amended by Section 6 of this act, shall be recodified as
14 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is
15 created a duplication in numbering. Section 3, Chapter 148, O.S.L.
16 2007 (62 O.S. Supp. 2008, Section 41.5a-3), as amended by Section 7
17 of this act, shall be recodified as Section 50.5 of Title 74 of the
18 Oklahoma Statutes, unless there is created a duplication in
19 numbering. 62 O.S. 2001, Section 41.5e, as last amended by Section
20 8 of this act, shall be recodified as Section 50.6 of Title 74 of
21 the Oklahoma Statutes, unless there is created a duplication in
22 numbering. 62 O.S. 2001, Section 41.5f, as last amended by Section
23 9 of this act, shall be recodified as Section 50.7 of Title 74 of

1 the Oklahoma Statutes, unless there is created a duplication in
2 numbering. 62 O.S. 2001, Section 41.5g, as last amended by Section
3 10 of this act, shall be recodified as Section 50.8 of Title 74 of
4 the Oklahoma Statutes, unless there is created a duplication in
5 numbering. 62 O.S. 2001, Section 41.5h, as last amended by Section
6 11 of this act, shall be recodified as Section 50.9 of Title 74 of
7 the Oklahoma Statutes, unless there is created a duplication in
8 numbering. 62 O.S. 2001, Section 41.5i, as last amended by Section
9 12 of this act, shall be recodified as Section 50.10 of Title 74 of
10 the Oklahoma Statutes, unless there is created a duplication in
11 numbering. 62 O.S. 2001, Section 41.5j, as last amended by Section
12 13 of this act, shall be recodified as Section 50.11 of Title 74 of
13 the Oklahoma Statutes, unless there is created a duplication in
14 numbering. 62 O.S. 2001, Section 41.5l, as last amended by Section
15 14 of this act, shall be recodified as Section 50.12 of Title 74 of
16 the Oklahoma Statutes, unless there is created a duplication in
17 numbering. 62 O.S. 2001, Section 41.5m, as last amended by Section
18 15 of this act, shall be recodified as Section 50.13 of Title 74 of
19 the Oklahoma Statutes, unless there is created a duplication in
20 numbering. 62 O.S. 2001, Section 41.5p, as last amended by Section
21 16 of this act, shall be recodified as Section 50.14 of Title 74 of
22 the Oklahoma Statutes, unless there is created a duplication in
23 numbering. 62 O.S. 2001, Section 41.5q, as last amended by Section

1 17 of this act, shall be recodified as Section 50.15 of Title 74 of
2 the Oklahoma Statutes, unless there is created a duplication in
3 numbering. 62 O.S. 2001, Section 41.5r, as amended by Section 18 of
4 this act, shall be recodified as Section 50.16 of Title 74 of the
5 Oklahoma Statutes, unless there is created a duplication in
6 numbering. 62 O.S. 2001, Section 41.5s, as last amended by Section
7 19 of this act, shall be recodified as Section 50.17 of Title 74 of
8 the Oklahoma Statutes, unless there is created a duplication in
9 numbering. Section 2, Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008,
10 Section 41.5t), as last amended by Section 20 of this act, shall be
11 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,
12 unless there is created a duplication in numbering. Section 3,
13 Chapter 128, O.S.L. 2004, as amended by Section 13, Chapter 266,
14 O.S.L. 2006 (62 O.S. Supp. 2008, Section 41.5t.1), shall be
15 recodified as Section 50.19 of Title 74 of the Oklahoma Statutes,
16 unless there is created a duplication in numbering. Section 4,
17 Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008, Section 41.5t.2), as
18 last amended by Section 21 of this act, shall be recodified as
19 Section 50.20 of Title 74 of the Oklahoma Statutes, unless there is
20 created a duplication in numbering. Section 4, Chapter 391, O.S.L.
21 2005 (62 O.S. Supp. 2008, Section 41.5u), as last amended by Section
22 22 of this act, shall be recodified as Section 50.21 of Title 74 of
23 the Oklahoma Statutes, unless there is created a duplication in

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

9 SECTION 26. REPEALER Section 5, Chapter 391, O.S.L. 2005
10 (62 O.S. Supp. 2008, Section 41.5a-2), is hereby repealed.

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
17 PASS, As Amended and Coauthored.