

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1704

By: Derby

COMMITTEE SUBSTITUTE

An Act relating to technology; creating the Oklahoma Information Services Act; creating the Office of Information Services; providing for the appointment of the Chief Information Director; establishing salary of the Director; establishing qualifications of the Director; providing for the budgeting for the Director through the Office of State Treasurer for certain fiscal year; directing the Director to make certain assessment by certain date; requiring a plan of action by a certain date; authorizing the Director to contract with a consultant for certain purposes; authorizing the Director to employ personnel after certain date; providing duties of the Office of Information Services; transferring the Information Services Division of the Office of State Finance to the Office of Information Services on a certain date; providing for transfer of property and personnel; authorizing a contractual arrangement; amending 62 O.S. 2001, Section 41.3, which relates to the Office of State Finance; deleting the Information Services Division; amending 62 O.S. 2001, Sections 41.5a, as last amended by Section 1, Chapter 266, O.S.L. 2006, 41.5a-1, as amended by Section 2, Chapter 266, O.S.L. 2006, Section 3, Chapter 148, O.S.L. 2007, Section 1, Chapter 340, O.S.L. 2008, 41.5e, as last amended by Section 3, Chapter 266, O.S.L. 2006, 41.5f, as amended by Section 1, Chapter 148, O.S.L. 2007, 41.5g, as amended by Section 2, Chapter 148, O.S.L. 2007, 41.5h, as amended by Section 4, Chapter 266, O.S.L. 2006, 41.5i, as last amended by Section 5, Chapter 266, O.S.L. 2006, 41.5j, as amended by Section 6, Chapter 266, O.S.L. 2006, 41.5l, as amended by Section 8, Chapter 266, O.S.L. 2006,

41.5m, as amended by Section 9, Chapter 266, O.S.L. 2006, 41.5p, as amended by Section 10, Chapter 266, O.S.L. 2006, 41.5q, as amended by Section 11, Chapter 266, O.S.L. 2006, 41.5r, 41.5s, as amended by Section 12, Chapter 266, O.S.L. 2006, Section 2, Chapter 128, O.S.L. 2004, as amended by Section 3, Chapter 391, O.S.L. 2005, Section 4, Chapter 128, O.S.L. 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008, Section 4, Chapter 391, O.S.L. 2005, as amended by Section 1, Chapter 310, O.S.L. 2006, Section 15, Chapter 266, O.S.L. 2006 and Section 1, Chapter 205, O.S.L. 2007 (62 O.S. Supp. 2008, Sections 41.5a, 41.5a-1, 41.5a-3, 41.5a-4, 41.5e, 41.5f, 41.5g, 41.5h, 41.5i, 41.5j, 41.5l, 41.5m, 41.5p, 41.5q, 41.5s, 41.5t, 41.5t.2, 41.5u, 41.5v and 41.5x), which relate to the duties and responsibilities of the Information Services Division of the Office of State Finance; changing references to the Information Services Division, the Director of the Office of State Finance, and the Office of State Finance; updating statutory language and citations; adding certain equipment to certain purchasing restriction; repealing Section 5, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2008, Section 41.5a-2), which relates to the Task Force for the Study of Computer Information Officers; providing for codification; providing for recodification; providing effective dates; and declaring an emergency.

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

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

1. A baccalaureate degree;
2. A minimum of ten (10) years of professional experience with responsibilities for management and support of information systems and information technology, or direct management of a major information technology operation;
3. Familiarity with local and wide-area network design, implementation, and operation;
4. Experience with data and voice convergence service offerings;
5. Experience in developing technology budgets;
6. Experience in developing request for proposals and administering the bid process;

- 1 7. Experience managing professional staff, teams, and
- 2 consultants;
- 3 8. Extensive knowledge of telecommunications operations;
- 4 9. Ability to manage daily development and operations
- 5 functions;
- 6 10. An effective communicator who is able to build consensus;
- 7 11. Ability to analyze and resolve complex issues, both logical
- 8 and interpersonal;
- 9 12. Effective verbal and written communications skills and
- 10 effective presentation skills, geared toward coordination and
- 11 education;
- 12 13. Ability to negotiate and defuse conflict; and
- 13 14. A self-motivator, independent, cooperative, flexible and
- 14 creative.

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

20 D. 1. Within nine (9) months of appointment, the Chief
21 Information Director shall complete an assessment of the:

- 22 a. transfer, coordination, and modernization of all the
- 23 information technology systems of all the state
- 24 agencies in the state,

- b. transfer, reallocation, and streamlining of state agency information technology system resources and personnel,
- c. duplication of services, purchasing and procurement of information technology systems of all state agencies in the state,
- d. cost savings associated with transfer, reallocation, and coordination of all state agency information technology systems, and
- e. alignment and operation of the communications and data transfer network known as OneNet.

2. Within twelve (12) months of appointment, the Chief Information Officer shall issue a plan of action for the transfer, coordination, and modernization of the information technology systems for all state agencies in the state. The plan of action shall be presented to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the State Senate.

3. The Chief Information Officer may contract with private consultants to assist in the assessment of the state information technology systems and the development of a plan of action.

E. Beginning July 1, 2010, the Chief Information Director shall be authorized to employ personnel, fix the duties and compensation of the personnel, not otherwise prescribed by law, and otherwise

1 direct the work of the personnel in performing the function and
2 accomplishing the purposes of the Office of Information Services.

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

5 1. Formulate and implement the information technology strategy
6 for the state;

7 2. Oversee the development and operation of a scalable
8 operations infrastructure that supports data and voice
9 communications reliability, integrity, and security;

10 3. Oversee the applications development process;

11 4. Oversee the professional development of information
12 technology staff in the state;

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

14 6. Create a plan to ensure alignment of current systems, tools,
15 and processes with the strategic information technology plan for the
16 state;

17 7. Oversee the maintenance and improvement of the current
18 information technology infrastructure in the state in support of
19 enhanced reliability, user service levels, and security;

20 8. Develop and manage appropriate policies and procedures to
21 ensure the success of information technology initiatives;

22 9. Lead the prioritization and management of any software
23 development for the state and state agencies;

- 1 10. Build the required technical staff to support the execution
- 2 of the strategic information technology plan for the state;
- 3 11. Design, implement, and evaluate the systems that support
- 4 end users in the productive use of computer hardware and software;
- 5 12. Establish and maintain technology infrastructure standards;
- 6 13. Delegate, coordinate, and review all work to ensure quality
- 7 and efficient operation of the Office of Information Services;
- 8 14. Conduct regular meetings to disseminate pertinent
- 9 information to state agencies and to discuss procedures and
- 10 policies;
- 11 15. Participate in the development and implementation of
- 12 training programs within state agencies regarding the information
- 13 technology systems, products and procedures;
- 14 16. Provide counseling, performance evaluation, training,
- 15 motivation, discipline, and assign duties for information technology
- 16 employees in state agencies;
- 17 17. Oversee the purchasing of information technology products
- 18 and services for the state;
- 19 18. Develop an overall infrastructure architecture strategy and
- 20 associated roadmaps for desktop, network, server, storage, and
- 21 associated management systems for state agencies;
- 22 19. Effectively manage the design, implementation and support
- 23 of complex, highly available infrastructure to ensure optimal
- 24

1 performance, on-time delivery of features, and new products, and
2 scalable growth; and

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

5 G. All state agencies of this state and all officers and
6 employees of those agencies are hereby directed to cooperate with
7 and lend assistance to the Chief Information Director and the Office
8 of Information Services.

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

12 A. On July 1, 2010, the Information Services Division of the
13 Office of State Finance is hereby transferred from the Office of
14 State Finance to the Office of Information Services. The transfer
15 shall include all real property, buildings, furniture, equipment,
16 supplies, records, personnel, assets, current and future
17 liabilities, fund balances, encumbrances, obligations, indebtedness,
18 powers, duties, and responsibilities associated with the Information
19 Services Division of the Office of State Finance.

20 B. It is the intent of the Legislature that all employees of
21 the Office of State Finance who are assigned to the Information
22 Services Division on July 1, 2010, shall be transferred to the
23 Office of Information Services with retention of pay and benefits,
24 as much as possible, including longevity, insurance benefits,

1 seniority, rights, and other privileges or benefits, which may be
2 provided through contractual arrangements with the Office of State
3 Finance.

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

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

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

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

20 SECTION 5. AMENDATORY 62 O.S. 2001, Section 41.5a, as
21 last amended by Section 1, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
22 2008, Section 41.5a), is amended to read as follows:

23 Section 41.5a A. The Office of Information Services ~~Division~~
24 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 ~~41.5~~ 50.14 of ~~this~~
21 ~~title~~ Title 74 of the Oklahoma Statutes. Individual agency

22 standards may be more specific than statewide requirements but shall
23 in no case be less than the minimum mandatory standards. Where
24 standards required of an individual agency of the state by agencies

1 of the federal government are more strict than the state minimum
2 standards, such federal requirements shall be applicable;

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

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

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

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

23 8. Coordinate for the executive branch of state government
24 agency information technology activities, encourage joint projects

1 and common systems, and linking of agency systems through the review
2 of agency plans, development of a statewide plan and its integration
3 with the budget process to ensure that developments or acquisitions
4 are consistent with statewide objectives and that proposed systems
5 are justified and cost effective;

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

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

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

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

17 13. In conjunction with the Oklahoma Office of Homeland
18 Security, enforce the minimum information security and internal
19 control standards established by the Office of Information Services
20 ~~Division~~. An enforcement team consisting of the Chief Information
21 Director of the Office of Information Services Division or a
22 designee, a representative of the Oklahoma Office of Homeland
23 Security, and a representative of the Oklahoma State Bureau of
24 Investigation shall enforce the minimum information security and

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

- 9 a. if possible, extend the time period for becoming
10 compliant,
- 11 b. work with the agency to mitigate the noncompliance,
- 12 c. notify the agency director, the Governor, the Speaker
13 of the House of Representatives, and the President Pro
14 Tempore of the Senate that the agency will be removed
15 from the infrastructure of the state until the agency
16 becomes compliant,
- 17 d. notify the agency director, the Governor, the Speaker
18 of the House of Representatives, and the President Pro
19 Tempore of the Senate that the enforcement team will
20 take control of the information technology function of
21 the agency until the agency is compliant, and
- 22 e. recommend to the Governor and the Legislature that the
23 administration and management of the information
24

1 technology function of the agency be transferred to
2 another state agency.

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

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

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

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

15 SECTION 7. AMENDATORY Section 3, Chapter 148, O.S.L.
16 2007 (62 O.S. Supp. 2008, Section 41.5a-3), is amended to read as
17 follows:

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

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

22 a. install backup information technology equipment, or
23
24

b. install information technology equipment acquired as the result of the primary processing facilities being unavailable for an extended period of time;

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

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

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

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

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

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

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

B. The Office of ~~State Finance~~ Information Services shall notify all agencies, boards, commissions and authorities of the

1 policy and procedures for the secure and safe destruction or
2 disposal of electronic storage media.

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

12 D. The Department of Central Services shall use existing and
13 future funds from the sale of state surplus equipment and
14 appropriations, as necessary, to pay for the destruction of
15 electronic storage media.

16 SECTION 9. AMENDATORY 62 O.S. 2001, Section 41.5e, as
17 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
18 2008, Section 41.5e), is amended to read as follows:

19 Section 41.5e A. No later than July 1 of each year, all
20 agencies of the executive branch of this state presently using or
21 contemplating the use of telecommunications and electronic
22 information technology applications, including, but not limited to,
23 the use of mainframe computers, minicomputers or microcomputers,
24 word processing equipment, office automation systems, Internet,

1 eGovernment, or contracts for information technology services and
2 equipment, shall annually submit to the Office of Information
3 ~~Services Division~~ a one-year operations plan, which shall include as
4 a minimum:

5 1. An overview of major projects and objectives;

6 2. Cost per defined category of hardware, software, services
7 and personnel;

8 3. An assurance of compliance with state standards on
9 accessibility of information technology for individuals with
10 disabilities developed in accordance with Section ~~41.5~~ 50.19 of
11 ~~this title~~ Title 74 of the Oklahoma Statutes; and

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

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

1 Representatives, and the President Pro Tempore of the Senate its
2 findings and recommendations on all proposed new and expanded
3 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~~ 50.3 of ~~this title~~ Title 74 of the Oklahoma
8 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 10. 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~~ Information
18 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
23 include applications for accounting, budgeting, payroll/personnel,
24 and purchasing;

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

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

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

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

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

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

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

22 Section 41.5g The Chief Information Director ~~of State Finance~~
23 shall, by appropriate notification, advise agencies of the state
24 when applications of the Integrated Central Systems are available

1 for their use. Thereafter, each agency of the state shall submit
2 transactions to the Office of ~~State Finance~~ Information Services,
3 the Office of Personnel Management, and the Department of Central
4 Services in the manner and format required to effectuate the
5 utilization of the Integrated Central Systems for all transactions
6 for which an application is available.

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

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

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

24

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

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

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

20 C. No telephone, teletype, switchboard, line, cable system,
21 data communication system, Internet, eGovernment, or systems of
22 communication or intercommunication are to be installed in any
23 building or buildings owned, rented, leased or otherwise held by
24 this state or its agencies at locations described in subsection A of

1 this section without written order of the Chief Information Director
2 ~~of State Finance~~. Provided, however, that acquisition and
3 installation of such equipment in the Legislature shall be subject
4 to the final approval of the Speaker of the House of Representatives
5 or the President Pro Tempore of the Senate as 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 for communication and
13 telecommunications needs of state government, including, but not
14 limited to, voice, data, radio, video, Internet, eGovernment, as
15 referenced in Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~
16 Title 74 of the Oklahoma Statutes, and facsimile transmissions
17 through analysis of the telecommunications and information
18 technology plan of each agency;

19 2. Establish minimum mandatory standards and protocols for:

- 20 a. communication networks and equipment,
21 b. wide area and local area systems,
22 c. integration of equipment, systems and joint usage,
23 d. Internet and eGovernment,
24

- e. operating systems or methods to be used to meet communications requirements efficiently, effectively, and securely,
- f. rendering of aid between state government and its political subdivisions with respect to organizing of communications systems, and
- g. an economical and cost-effective utilization of communication services.

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

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

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

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

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

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

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

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

16 Section 41.5j A. No agency of the executive branch of the
17 state shall use state funds for or enter into any agreement for the
18 acquisition, development or enhancement of a communication or
19 telecommunication system including voice, data, radio, video,
20 Internet, eGovernment, as referenced in Sections ~~41.5p~~ 50.15 and
21 ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,
22 printers, scanners, copiers, and facsimile systems, without written
23 authorization of the Chief Information Director ~~of State Finance~~.
24 The Chief Information Director ~~of State Finance~~ shall verify that

1 any acquisition, development or enhancement is compatible with the
2 operation of the Oklahoma Government Telecommunications Network
3 created in Section ~~41.5m~~ 50.14 of ~~this title~~ Title 74 of the
4 Oklahoma Statutes.

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

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

21 D. 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
24

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

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

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

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

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

9 B. Notwithstanding the provisions of subsection A of this
10 section:

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

21 2. The Department of Public Safety may continue to operate,
22 maintain and enhance the statewide law enforcement data
23 communications network provided for in Section 2-124 of Title 47 of
24 the Oklahoma Statutes. The Department of Public Safety shall submit

1 all plans for the enhancement of the statewide law enforcement data
2 communications network to the Office of ~~State Finance~~ Information
3 Services for review and approval and shall participate with the
4 Office of ~~State Finance~~ Information Services in joint efforts to
5 provide services for the OGTN.

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

9 1. Development of a comprehensive, unified statewide
10 telecommunications network to effectively, efficiently, and securely
11 meet the communication needs of educational entities and agencies of
12 state government;

13 2. Effective and efficient utilization of existing
14 telecommunications systems operated by educational entities and
15 agencies of state government; and

16 3. Elimination and prevention of unnecessarily duplicative
17 telecommunications systems operated by educational entities and
18 agencies of state government.

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

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

- 1 a. the Oklahoma State Regents for Higher Education shall
2 submit a report annually to the Chief Information
3 Director ~~of State Finance~~ identifying the
4 telecommunications plans of each member of The
5 Oklahoma State System of Higher Education. For
6 purposes of developing such report, each member shall
7 cooperate with and submit to the State Regents a plan
8 of its telecommunications needs, including, but not
9 limited to, Internet, eGovernment, as referenced in
10 Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~
11 Title 74 of the Oklahoma Statutes, any interactive
12 video plans, the purchase of informational data bases,
13 software for manipulation of bibliographic records,
14 and the use of telecommunications equipment or
15 services,
- 16 b. the State Superintendent of Public Instruction shall
17 submit a report annually to the Chief Information
18 Director ~~of State Finance~~ identifying the
19 telecommunications plans of the public common school
20 system of the state. For purposes of developing such
21 report, the respective public elementary and secondary
22 schools shall cooperate with and submit to the State
23 Superintendent a plan of their telecommunications
24 needs, including, but not limited to, Internet,

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

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

21 d. the chief administrative officer of each state agency
22 of the executive branch shall submit a plan annually
23 to the Chief Information Director ~~of State Finance~~
24 identifying the telecommunications needs of the state

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

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

15 2. Identify the most cost-effective means of meeting the
16 telecommunications needs of educational entities and of agencies of
17 state government;

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

20 4. Evaluate the advantages and disadvantages of utilizing
21 equipment, facilities, and services of both private entities and
22 those owned and operated by the state; and

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

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

4 Section 41.5p A. In order to be at the forefront of electronic
5 commerce and provide constituents, agencies and out-of-state users
6 with state-of-the-art electronic commerce and Internet tools, the
7 State of Oklahoma recognizes the need for a state portal system
8 connecting state agency websites and information systems. The state
9 portal system shall be managed by the Office of Information
10 Services.

11 B. For purposes of this section and Section ~~41.5s~~ 50.18 of ~~this~~
12 ~~title~~ Title 74 of the Oklahoma Statutes, a "portal system" shall
13 mean a system that hosts and connects to a collection of on-line
14 government and public services and serves as the single point of
15 access to state government services, information, and transaction
16 processing with a common enterprise wide user interface allowing
17 navigation among the services.

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

21 Section 41.5q A. Subject to review and adoption as outlined in
22 Section ~~41.5s~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma Statutes,
23 a state agency, board, commission, or authority is hereby authorized
24 to charge a convenience fee for any electronic or on-line

1 transaction. A convenience fee shall apply to electronic or on-line
2 transactions only and shall not apply when accessing information
3 provided through state government websites. If a state entity sets
4 a convenience fee for electronic or on-line transactions, the fee
5 shall be reviewed by the State Governmental Internet Applications
6 Review Board as provided for in Section ~~41.5~~ 50.18 of ~~this title~~
7 Title 74 of the Oklahoma Statutes. Each state entity shall keep a
8 record of how the convenience fee has been determined and shall file
9 the record with the Office of Information Services. A state agency,
10 board, commission, or authority may periodically adjust a
11 convenience fee as needed upon review and adoption as provided for
12 in ~~41.5~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma Statutes.

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

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

1 Section 41.5r A. Any state agency, board, commission, or
2 authority which establishes an electronic portal system shall use an
3 open-systems concept for the portal system which has been approved
4 by the Office of Information ~~Service Division of the Office of State~~
5 ~~Finance Services~~.

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

14 1. Well-defined, widely used, and nonproprietary interfaces or
15 protocols;

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

18 3. A definition of all aspects of system interfaces to
19 facilitate new or additional system capabilities for a wide range of
20 applications; and

21 4. An explicit provision for expansion or upgrading through the
22 incorporation of additional or higher performance elements with
23 minimal impact on the system.

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

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

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

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

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

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

20 4. One member who is not a member of the Legislature or a state
21 government employee to be appointed by the President Pro Tempore of
22 the Senate.

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

1 D. Members of the Board shall not receive compensation for
2 serving on the Board, but shall be reimbursed for travel expenses
3 incurred in the performance of their duties by their respective
4 agencies or appointing authority in accordance with the State Travel
5 Reimbursement Act.

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

7 1. Reviewing a schedule of convenience fees, as is defined in
8 Section ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,
9 and all convenience fees and changes in fees charged by state
10 agencies, boards, commissions, or authorities for electronic or on-
11 line transactions, and making recommendations pertaining to
12 convenience fees to the Office of ~~State Finance~~ Information Services
13 prior to its adoption by rule of such fees, changes to fees, or fee
14 schedule; and

15 2. Monitoring all portal systems and applications for portal
16 systems created by state agencies, boards, commissions, or
17 authorities, reviewing portal systems applications approved or
18 denied by the Office of Information ~~Service Division of the Office~~
19 ~~of State Finance~~ Services, and making recommendations to the
20 Legislature and Governor to encourage greater use of the open-
21 systems concept as is defined in Section ~~41.5r~~ 50.17 of ~~this title~~
22 Title 74 of the Oklahoma Statutes.

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

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

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

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

1. Adopt accessibility standards that address all technical standard categories of Section 508 of the Workforce Investment Act of 1998 to be used by each state agency in the procurement of information technology, and in the development and implementation of

1 custom-designed information technology systems, Web sites, and other
2 emerging information technology systems;

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

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

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

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

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

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

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

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

16 SECTION 22. AMENDATORY Section 4, Chapter 128, O.S.L.
17 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008 (62
18 O.S. Supp. 2008, Section 41.5t.2), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 D. The Advisory Council shall:

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

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

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

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

1 E. The Speaker of the House of Representatives and the
2 President Pro Tempore of the Senate shall each designate a cochair
3 from among the members of the Advisory Council.

4 F. A majority of the members of the Advisory Council shall
5 constitute a quorum. A majority of the members present at a meeting
6 may act for the Advisory Council.

7 G. Meetings of the Advisory Council shall be called by either
8 cochair.

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

11 I. The Advisory Council may divide into subcommittees in
12 furtherance of its purpose.

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

19 K. The Advisory Council may use the expertise and services of
20 the staffs of the Oklahoma House of Representatives and State Senate
21 and may, as necessary, seek the advice and services of experts in
22 the field as well as other necessary professional and clerical
23 staff.
24

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

6 M. Members of the Advisory Council shall receive no
7 compensation for their service, but shall receive travel
8 reimbursement as follows:

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

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

17 SECTION 23. AMENDATORY Section 4, Chapter 391, O.S.L.
18 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.
19 Supp. 2008, Section 41.5u), is amended to read as follows:

20 Section 41.5u A. No state agency, as defined by Section 250.3
21 of Title 75 of the Oklahoma Statutes, ~~nor~~ the Purchasing Division of
22 the Department of Central Services nor the Office of Information
23 Services, unless otherwise provided by federal law, shall enter into
24 a contract for the acquisition of customized computer software

1 developed or modified exclusively for the agency or the state,
2 unless the vendor agrees to place into escrow with an independent
3 third party the source code for the software and/or modifications.

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

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

12 2. An assignment by the vendor for the benefit of its
13 creditors;

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

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

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

21 6. The inability or unwillingness of the vendor to provide the
22 maintenance and support services in accordance with the agreement
23 with the agency; or
24

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

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

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

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

14 E. As used in this section:

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

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

21 SECTION 24. AMENDATORY Section 15, Chapter 266, O.S.L.
22 2006 (62 O.S. Supp. 2008, Section 41.5v), is amended to read as
23 follows:
24

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

8 B. Each state agency that has an information technology system
9 shall annually conduct an information security risk assessment to
10 identify vulnerabilities associated with the information system. A
11 final report of the information security risk assessment shall be
12 submitted by each state agency to the Office of ~~State-Finance~~
13 Information Services by the first day of December of each year. The
14 final information security risk assessment report shall identify,
15 prioritize, and document information security vulnerabilities for
16 each of the state agencies assessed. Failure to comply with the
17 requirements of this subsection may result in funding being withheld
18 from the agency. State agencies shall use either the standard
19 security risk assessment created by the Office of ~~State-Finance~~
20 Information Services or a third-party risk assessment meeting the
21 ISO/IEC 17799 standards and using the National Institute of
22 Standards and Technology Special Publication 800-30 (NIST SP800-30)
23 process and approved by the Office of ~~State-Finance~~ Information
24 Services. The Office of ~~State-Finance~~ Information Services shall

1 approve not less than two firms which state agencies may choose from
2 to conduct the information security risk assessment.

3 C. The Office of ~~State Finance~~ Information Services shall
4 report the results of the state agency assessments required pursuant
5 to this section to the Governor, the Speaker of the House of
6 Representatives, and the President Pro Tempore of the Senate by the
7 first day of January of each year.

8 SECTION 25. AMENDATORY Section 1, Chapter 205, O.S.L.
9 2007 (62 O.S. Supp. 2008, Section 41.5x), is amended to read as
10 follows:

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

1 SECTION 26. RECODIFICATION 62 O.S. 2001, Section 41.5a,
2 as last amended by Section 5 of this act, shall be recodified as
3 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is
4 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,
5 as last amended by Section 6 of this act, shall be recodified as
6 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is
7 created a duplication in numbering. Section 3, Chapter 148, O.S.L.
8 2007 (62 O.S. Supp. 2008, Section 41.5a-3), as amended by Section 7
9 of this act, shall be recodified as Section 50.5 of Title 74 of the
10 Oklahoma Statutes, unless there is created a duplication in
11 numbering. Section 1, Chapter 340, O.S.L. 2008 (62 O.S. Supp. 2008,
12 Section 41.5a-4), as amended by Section 8 of this act, shall be
13 recodified as Section 50.6 of Title 74 of the Oklahoma Statutes,
14 unless there is created a duplication in numbering. 62 O.S. 2001,
15 Section 41.5e, as last amended by Section 9 of this act, shall be
16 recodified as Section 50.7 of Title 74 of the Oklahoma Statutes,
17 unless there is created a duplication in numbering. 62 O.S. 2001,
18 Section 41.5f, as last amended by Section 10 of this act, shall be
19 recodified as Section 50.8 of Title 74 of the Oklahoma Statutes,
20 unless there is created a duplication in numbering. 62 O.S. 2001,
21 Section 41.5g, as last amended by Section 11 of this act, shall be
22 recodified as Section 50.9 of Title 74 of the Oklahoma Statutes,
23 unless there is created a duplication in numbering. 62 O.S. 2001,
24 Section 41.5h, as last amended by Section 12 of this act, shall be

1 recodified as Section 50.10 of Title 74 of the Oklahoma Statutes,
2 unless there is created a duplication in numbering. 62 O.S. 2001,
3 Section 41.5i, as last amended by Section 13 of this act, shall be
4 recodified as Section 50.11 of Title 74 of the Oklahoma Statutes,
5 unless there is created a duplication in numbering. 62 O.S. 2001,
6 Section 41.5j, as last amended by Section 14 of this act, shall be
7 recodified as Section 50.12 of Title 74 of the Oklahoma Statutes,
8 unless there is created a duplication in numbering. 62 O.S. 2001,
9 Section 41.5l, as last amended by Section 15 of this act, shall be
10 recodified as Section 50.13 of Title 74 of the Oklahoma Statutes,
11 unless there is created a duplication in numbering. 62 O.S. 2001,
12 Section 41.5m, as last amended by Section 16 of this act, shall be
13 recodified as Section 50.14 of Title 74 of the Oklahoma Statutes,
14 unless there is created a duplication in numbering. 62 O.S. 2001,
15 Section 41.5p, as last amended by Section 17 of this act, shall be
16 recodified as Section 50.15 of Title 74 of the Oklahoma Statutes,
17 unless there is created a duplication in numbering. 62 O.S. 2001,
18 Section 41.5q, as last amended by Section 18 of this act, shall be
19 recodified as Section 50.16 of Title 74 of the Oklahoma Statutes,
20 unless there is created a duplication in numbering. 62 O.S. 2001,
21 Section 41.5r, as amended by Section 19 of this act, shall be
22 recodified as Section 50.17 of Title 74 of the Oklahoma Statutes,
23 unless there is created a duplication in numbering. 62 O.S. 2001,
24 Section 41.5s, as last amended by Section 20 of this act, shall be

1 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,
2 unless there is created a duplication in numbering. Section 2,
3 Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008, Section 41.5t), as
4 last amended by Section 21 of this act, shall be recodified as
5 Section 50.19 of Title 74 of the Oklahoma Statutes, unless there is
6 created a duplication in numbering. Section 3, Chapter 128, O.S.L.
7 2004, as amended by Section 13, Chapter 266, O.S.L. 2006 (62 O.S.
8 Supp. 2008, Section 41.5t.1), shall be recodified as Section 50.20
9 of Title 74 of the Oklahoma Statutes, unless there is created a
10 duplication in numbering. Section 4, Chapter 128, O.S.L. 2004 (62
11 O.S. Supp. 2008, Section 41.5t.2), as last amended by Section 22 of
12 this act, shall be recodified as Section 50.21 of Title 74 of the
13 Oklahoma Statutes, unless there is created a duplication in
14 numbering. Section 4, Chapter 391, O.S.L. 2005 (62 O.S. Supp. 2008,
15 Section 41.5u), as last amended by Section 23 of this act, shall be
16 recodified as Section 50.22 of Title 74 of the Oklahoma Statutes,
17 unless there is created a duplication in numbering. Section 15,
18 Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008, Section 41.5v), as
19 amended by Section 24 of this act, shall be recodified as Section
20 50.23 of Title 74 of the Oklahoma Statutes, unless there is created
21 a duplication in numbering. Section 1, Chapter 205, O.S.L. 2007 (62
22 O.S. Supp. 2008, Section 41.5x), as amended by Section 25 of this
23 act, shall be recodified as Section 50.24 of Title 74 of the
24

1 Oklahoma Statutes, unless there is created a duplication in
2 numbering.

3 SECTION 27. REPEALER Section 5, Chapter 391, O.S.L. 2005
4 (62 O.S. Supp. 2008, Section 41.5a-2), is hereby repealed.

5 SECTION 28. Sections 1 through 3 of this act shall become
6 effective July 1, 2009.

7 SECTION 29. Sections 4 through 27 of this act shall become
8 effective July 1, 2010.

9 SECTION 30. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13

14 52-1-7067 LRB 02/23/09

15

16

17

18

19

20

21

22

23

24