

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1704 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Reynolds

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1704

By: Derby and Murphey of the
House

and
Coffee of the Senate

6
7
8 FLOOR SUBSTITUTE

9 An Act relating to technology; creating the Oklahoma
10 Information Services Act; creating the Office of
11 Information Services; providing for the appointment
12 of the Chief Information Officer; establishing salary
13 of the Chief Information Officer; establishing
14 qualifications of the Chief Information Officer;
15 providing for salary and expenses of the Chief
16 Information Officer to be budgeted through the Office
17 of the State Treasurer; requiring the Chief
18 Information Officer to complete an assessment within
19 certain time frame; directing the Chief Information
20 Officer to issue a report setting out a plan of
21 action; specifying certain content; requiring
22 presentation of the report; authorizing the Chief
23 Information Officer to contract for certain
24 assistance; authorizing the Chief Information Officer
to employ personnel; specifying duties of the Office
of Information Services; requiring the Chief
Information Officer to implement the plan of action
upon certain approval; providing for oversight of
implementation of the plan of action; requiring
certain net savings to be realized by certain date;
stating certain procurement duties of the Chief
Information Officer; making the Office of Information
Services and Chief Information Officer subject to
certain laws; authorizing the Chief Information
Officer to delegate certain duties; requiring the
Chief Information Officer to implement certain
charges upon certain approval; establishing certain
duties related to an interoperable radio
communications system for state agencies; requiring

the Chief Information Officer to implement a plan on open source technology and products; directing all state agencies and employees to cooperate and assist the Chief Information Officer; requiring the Chief Information Officer to prepare and submit an annual report on certain cost savings; transferring the Information Services Division of the Office of State Finance to the Office of Information Services; 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; deleting obsolete language; modifying certain duties of the

Office of Information Services; modifying enforcement and agency compliance requirements of minimum information security and internal control standards; changing maximum amount for prior approval of certain acquisitions; expanding technology and applications to be included in agency plan; modifying duties of the Office of Information services related to certain integrated central systems and communications systems; adding certain locations and structures to communications system; expanding technology and applications to be included in the coordinated statewide planning; adding dollar amount limit on certain communications acquisitions; adding certain equipment to certain purchasing restriction; requiring the Office of Information Services to manage the state portal system; prohibiting state agencies from developing an electronic portal system with certain authorization; changing name of the State Governmental Technology Application Review Board; modifying membership and travel reimbursement; adding certain duties; deleting certain limitation; limiting the expenditure of state funds for certain technology during certain fiscal year; limiting applications of limitation; prohibiting the creation or replacement of certain technology positions during certain fiscal year; limiting application of prohibition; amending 74 O.S. 2001, Section 85.5, as last amended by Section 3, Chapter 96, O.S.L 2008 (74 O.S. Supp. 2008, Section 85.5), which relates to the powers and duties of the State Purchasing Director; authorizing the Chief Information Officer to designate certain statewide and mandatory statewide contracts; amending 17 O.S. 2001, Section 139.109, as amended by Section 1, Chapter 409, O.S.L. 2004 (17 O.S. Supp. 2008, Section 139.109), which relates to universal services; expanding type of technology included as special universal services for hospitals; 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 noncodification; providing for recodification; providing effective dates; and declaring an emergency.

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

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

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

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

10 A. There is hereby created the Office of Information Services.
11 The Office of Information Services shall be operated and
12 administered by a Chief Information Officer who shall be appointed
13 by the Governor. The salary of the Chief Information Officer shall
14 be comparable with the prevailing salaries for similar private
15 sector positions. The first Chief Information Officer shall be
16 appointed no later than January 1, 2010.

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

19 1. A baccalaureate degree in Computer Information Systems,
20 Information Systems Management, Information Systems, or other
21 similar degree;

22 2. A minimum of ten (10) years of professional experience with
23 responsibilities for management and support of information systems
24

1 and information technology, including seven (7) years of direct
2 management of a major information technology operation;

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

5 4. Experience with data and voice convergence service
6 offerings;

7 5. Experience in developing technology budgets;

8 6. Experience in developing request for proposals and
9 administering the bid process;

10 7. Experience managing professional staff, teams, and
11 consultants;

12 8. Knowledge of telecommunications operations;

13 9. Ability to develop and set strategic direction for
14 information technology and telecommunications and to manage daily
15 development and operations functions;

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

17 11. Ability to analyze and resolve complex issues, both logical
18 and interpersonal;

19 12. Effective verbal and written communications skills and
20 effective presentation skills, geared toward coordination and
21 education;

22 13. Ability to negotiate and defuse conflict; and

23 14. A self-motivator, independent, cooperative, flexible and
24 creative.

1 C. For the fiscal year ending June 30, 2010, the salary and any
2 other expenses for the Chief Information Officer shall be budgeted
3 through the Office of the State Treasurer and the Office of the
4 State Treasurer shall provide office space, equipment and support to
5 the Chief Information Officer.

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

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

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

telecommunication systems of all the state agencies in the state,

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

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

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

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

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

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

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

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

8 1. Formulate and implement the information technology strategy
9 for the state;

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

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

16 4. Supervise the applications development process for those
17 applications that are centralized;

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

22 6. Evaluate all technology investment choices for the state;
23
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 G. Upon receiving approval of the State Governmental Technology
23 Applications Review Board created in Section 50.18 of Title 74 of
24 the Oklahoma Statutes, the Chief Information Officer shall implement

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

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

24

1 I. The Office of Information Services and the Chief Information
2 Officer shall be subject to The Oklahoma Central Purchasing Act and
3 the requirements of the Public Competitive Bidding Act of 1974, the
4 Oklahoma Lighting Energy Conservation Act and the Public Building
5 Construction and Planning Act when procuring data processing,
6 information technology, telecommunication, and related peripherals
7 and services and when constructing information technology and
8 telecommunication facilities, telecommunication networks and
9 supporting infrastructure. The Chief Information Officer shall be
10 authorized to delegate all or some of the procurement of information
11 technology and telecommunication products and services and
12 construction of facilities and telecommunication networks to another
13 state entity if the Chief Information Officer determines it to be
14 cost-effective and in the best interest of the state. The Chief
15 Information Officer shall have authority to designate information
16 technology and telecommunication contracts as statewide contracts
17 and mandatory statewide contracts pursuant to Section 85.5 of Title
18 74 of the Oklahoma Statutes.

19 J. The Chief Information Officer shall establish and implement
20 charges and a system to assess the charges to state agencies for
21 their use of centralized information technology and
22 telecommunication services subject to the approval of the State
23 Governmental Technology Applications Review Board.
24

1 K. The Chief Information Officer shall establish, implement,
2 and enforce policies and procedure for the development and
3 procurement of an interoperable radio communications system for
4 state agencies. The Chief Information Officer shall work with local
5 governmental entities in developing the interoperable radio
6 communications system.

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

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

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

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

1 A. On July 1, 2010, the Information Services Division of the
2 Office of State Finance is hereby transferred from the Office of
3 State Finance to the Office of Information Services. The transfer
4 shall include all real property, buildings, furniture, equipment,
5 supplies, records, personnel, assets, current and future
6 liabilities, fund balances, encumbrances, obligations, indebtedness,
7 powers, duties, and responsibilities associated with the Information
8 Services Division of the Office of State Finance.

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

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

19 Section 41.3 There is hereby created in the Executive
20 Department, the Office of State Finance which shall consist of a
21 Division of the Budget, a Division of Central Accounting and
22 Reporting, ~~an Information Services Division,~~ and an Oklahoma
23 Financial Information System Management Division under the
24

1 administrative control of the Director of State Finance and directly
2 responsible to ~~him~~ the Director.

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

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

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

13 Section 41.5a A. The Office of Information Services ~~Division~~
14 shall:

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

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

21 3. Establish and enforce minimum mandatory standards for:

- 22 a. information systems planning,
23 b. systems development methodology,
24 c. documentation,

- d. hardware requirements and compatibility,
- e. operating systems compatibility,
- f. acquisition of software and, hardware acquisition and
technology-related services,
- g. information security and internal controls,
- h. data base compatibility, ~~and~~
- i. contingency planning and disaster recovery, and
- j. imaging and scanning systems.

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

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

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

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

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

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

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

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

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

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

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

~~the noncompliance. If the agency does not become compliant with the minimum information security and internal control standards within the specified time period, the enforcement team shall institute progressive actions as follows:~~

~~a. if possible, extend the time period for becoming compliant,~~

~~b. work with the agency, the Chief Information Officer shall take immediate action to mitigate the noncompliance,~~

~~c. notify the agency director, the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate that the agency will be removed from including the removal of the agency from the infrastructure of the state until the agency becomes compliant,~~

~~d. notify the agency director, the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate that the enforcement team will take taking control of the information technology function of the agency until the agency is compliant, and~~

~~e. recommend to the Governor and the Legislature that transferring the administration and management of the information technology function of the agency be~~

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

14 C. The Office of ~~State Finance~~ Information Services and all
15 agencies of the executive branch of the state shall not be required
16 to disclose, directly or indirectly, any information of a state
17 agency which is declared to be confidential or privileged by state
18 or federal statute or the disclosure of which is restricted by
19 agreement with the United States or one of its agencies, nor
20 disclose information technology system details that may permit the
21 access to confidential information or any information affecting
22 personal security, personal identity, or physical security of state
23 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

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

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

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

8 SECTION 8. AMENDATORY Section 1, Chapter 340, O.S.L.
9 2008 (62 O.S. Supp. 2008, Section 41.5a-4), is amended to read as
10 follows:

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

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

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

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

22 B. The Office of ~~State Finance~~ Information Services shall
23 notify all agencies, boards, commissions and authorities of the
24

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, broadband, Wi-Fi or wireless networking, radio,
2 including the interoperable radio communications system for state
3 agencies, Global Positioning Systems (GPS), or contracts for
4 information technology services and equipment, shall annually submit
5 to the Office of Information Services ~~Division~~ a one-year operations
6 plan, which shall include as a minimum:

7 1. An overview of major projects and objectives;

8 2. Cost per defined category of hardware, software, services
9 and personnel;

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

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

17 B. No agency of the executive branch of this state shall enter
18 into any agreement for the acquisition, development, or enhancement
19 of application systems software or for the acquisition of electronic
20 information technology equipment or peripheral devices, including
21 Internet and eGovernment, broadband, Wi-Fi or wireless networking,
22 radio, including the interoperable radio communications system for
23 state agencies, Global Positioning Systems (GPS), whether or not
24 connected to such equipment, unless the cost of such acquisition,

1 development, or enhancement has been included in the plan for the
2 agency. The Office of Information Services ~~Division~~ upon review of
3 an information technology and telecommunication plan for the agency,
4 shall submit in writing to the Governor, the Speaker of the House of
5 Representatives, and the President Pro Tempore of the Senate its
6 findings and recommendations on all proposed new and expanded
7 programs and expenditures for personnel and the purchase or
8 acquisition of equipment, hardware, software, accessories, or
9 services thereto, including but not limited to leases, rentals or
10 lease-purchase, indicating that the associated cost meet or comply
11 with Section ~~41.5a~~ 50.3 of ~~this title~~ Title 74 of the Oklahoma
12 Statutes.

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

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

21 Section 41.5f A. The Office of ~~State Finance~~ Information
22 Services shall:

23 1. Develop and/or acquire hardware and application software,
24 including such modifications as may be required, to implement modern

1 automated systems in the Department of Central Services, the Office
2 of Personnel Management, and the Office of State Finance. Such
3 systems include applications for accounting, budgeting,
4 payroll/personnel, and purchasing;

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

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

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

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

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

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

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

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

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

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

20 Section 41.5h A. The Office of Information Services ~~Division~~
21 ~~of the Office of State Finance~~ is directed, authorized and empowered
22 to enter into contracts for, to establish criteria for and manage
23 the installation, maintenance and administration of a central
24 communication or intercommunication system for and upon behalf of

1 this state. The installation shall fulfill communication or
2 intercommunications requirements of this state and its agencies
3 located in the Capitol and those buildings situated on the Capitol
4 grounds, known as the "Capitol Complex" in Oklahoma City, Oklahoma,
5 ~~and~~ the state-owned building known as the "Tulsa Capitol Building"
6 in Tulsa, Oklahoma, buildings which house state agencies located
7 within four (4) miles of the Capitol Complex, and any location used
8 for the administration of the information technology and
9 telecommunication infrastructure and security for the state.

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

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

22 2. The ~~Division~~ Office is to be reimbursed by the state or any
23 of its agencies for actual cost incurred for equipment installation
24 or modification or for toll charges for use of telephone, telegraph,

1 teletype, data communications, Internet, eGovernment, as referenced
2 in Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of
3 the Oklahoma Statutes, or other form or forms of communication or
4 intercommunication incurred by the state or by any agency.

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

16 SECTION 13. AMENDATORY 62 O.S. 2001, Section 41.5i, as
17 last amended by Section 5, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
18 2008, Section 41.5i), is amended to read as follows:

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

22 1. Coordinate statewide planning and approve statewide
23 contracts for communication and telecommunications needs of state
24 government, including, but not limited to, voice, data, radio

1 including the interoperable radio communications system for state
2 agencies, video, broadband, Wi-Fi or wireless networking, Global
3 Positioning Systems (GPS), Internet, eGovernment, as referenced in
4 Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of this title Title 74 of the
5 Oklahoma Statutes, and facsimile transmissions through analysis of
6 the telecommunications and information technology plan of each
7 agency;

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

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

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

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

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

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

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

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

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

4 Section 41.5j A. No agency of the executive branch of the
5 state shall use state funds for or enter into any agreement for the
6 acquisition, development or enhancement of a communication or
7 telecommunication system including voice, data, radio, video,
8 Internet, eGovernment, as referenced in Sections ~~41.5p~~ 50.15 and
9 ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,
10 printers, scanners, copiers, and facsimile systems, exceeding Ten
11 Thousand Dollars (\$10,000.00) in value without written authorization
12 of the ~~Director of State Finance~~ Chief Information Officer or a
13 designee. The ~~Director of State Finance~~ Chief Information Officer
14 or a designee shall verify that any acquisition, development or
15 enhancement is compatible with the operation of the Oklahoma
16 Government Telecommunications Network created in Section ~~41.5m~~ 50.14
17 of ~~this title~~ Title 74 of the Oklahoma Statutes.

18 B. No agency of the executive branch of the state shall enter
19 into any agreement for the acquisition, development or enhancement
20 of a communication or telecommunication system or service including
21 voice, data, radio, video, Internet, eGovernment, printers,
22 scanners, copiers, and facsimile systems, unless the cost of such
23 addition, change, improvement or development has been included in
24

1 the statewide communications plan of the Office of Information
2 Services ~~Division~~, as said plan may have been amended or revised.

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

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

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

19 Section 41.51 There is hereby created in the State Treasury a
20 revolving fund for the Office of ~~State Finance~~ Information Services
21 to be designated the "Telecommunications Revolving Fund". The fund
22 shall be a continuing fund, not subject to fiscal year limitations,
23 and shall consist of appropriations made by the Legislature and
24 reimbursements for providing telecommunications services as defined

1 in Sections ~~41.5h, 41.5i, 41.5j~~ 50.10, 50.11, 50.12 and ~~41.5p~~ 50.15
2 of ~~this title~~ Title 74 of the Oklahoma Statutes. All monies
3 accruing to such fund are hereby appropriated and may be budgeted
4 and expended by the Office of ~~State Finance~~ Information Services for
5 the purpose of providing telecommunications, Internet, and
6 eGovernment services, as referenced in Sections ~~41.5p~~ 50.15 and
7 ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes, the
8 construction and maintenance of information technology facilities
9 and services, and other related services. Expenditures from said
10 fund shall be made upon warrants issued by the State Treasurer
11 against claims filed as prescribed by law with the Director of State
12 Finance for approval and payment.

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

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

21 B. Notwithstanding the provisions of subsection A of this
22 section:

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

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

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

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

21 1. Development of a comprehensive, unified statewide
22 telecommunications network to effectively, efficiently, and securely
23 meet the communication needs of educational entities and agencies of
24 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~~ 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 Officer 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~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~
23 Title 74 of the Oklahoma Statutes, any interactive
24 video plans, the purchase of informational data bases,

1 software for manipulation of bibliographic records,
2 and the use of telecommunications equipment or
3 services,

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

17 c. the State Director of the Oklahoma Department of
18 Career and Technology Education shall submit a report
19 annually to the ~~Director of State Finance~~ Chief
20 Information Officer identifying the telecommunications
21 plans of technology center school districts. For
22 purposes of developing such report, each technology
23 center school district as defined in Section 14-108 of
24 Title 70 of the Oklahoma Statutes shall cooperate with

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

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

18 e. the Director of the Oklahoma Department of Libraries
19 shall submit a report annually to the ~~Director of~~
20 ~~State Finance~~ Chief Information Officer identifying
21 the telecommunications plans of public libraries and
22 public library systems. For purposes of developing
23 such report, the chief administrative officer of any
24 public library or public library system not otherwise

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

developed by the Oklahoma Library Technology Network
or explain any inconsistencies therewith;

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

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

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

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

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

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

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

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

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

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

1 convenience fee as needed upon review and adoption as provided for
2 in Section ~~41.5s~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma
3 Statutes.

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

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

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

21 B. No state agency shall enter into an agreement for
22 development of, enhancement to, or maintenance of an electronic
23 portal system without the written authorization of the Office of
24 Information Services.

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

9 1. Well-defined, widely used, and nonproprietary interfaces or
10 protocols;

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

13 3. A definition of all aspects of system interfaces to
14 facilitate new or additional system capabilities for a wide range of
15 applications; and

16 4. An explicit provision for expansion or upgrading through the
17 incorporation of additional or higher performance elements with
18 minimal impact on the system.

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

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

1 ~~Finance~~ Information Services concerning state governmental Internet-
2 based electronic or on-line transactions or applications being
3 provided by state agencies, boards, commissions, or authorities for
4 use by the public, provide oversight for implementation of the plan
5 of action for the Office of Information Services and advise the
6 Chief Information Officer.

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

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

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

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

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

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

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

1 members shall be reimbursed for travel expenses incurred in the
2 performance of their duties in accordance with the provisions of
3 Section 456 of Title 74 of the Oklahoma Statutes.

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 ~~41.5~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,
7 and all convenience fees and changes in fees charged by state
8 agencies, boards, commissions, or authorities for electronic or on-
9 line transactions, and making recommendations pertaining to
10 convenience fees to the Office of ~~State Finance~~ Information Services
11 prior to its adoption by rule of such fees, changes to fees, or fee
12 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 Office of ~~Information Service Division of the Office~~
17 ~~of State Finance~~ Services, and making recommendations to the
18 Legislature and Governor to encourage greater use of the open-
19 systems concept as is defined in Section ~~41.5~~ 50.17 of ~~this title~~
20 Title 74 of the Oklahoma Statutes;

21 3. Approving the plan of action developed by the Chief
22 Information Officer as provided for in Section 2 of this act,
23 providing ongoing oversight of the implementation of the plan of
24

1 action by the Chief Information Officer and approving any amendments
2 to the plan of action;

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

7 5. Functioning in a advisory capacity to the Chief Information
8 Officer; and

9 6. Developing performance metrics for quantifying the value of
10 goods or services provided by state agencies and for considering if
11 goods and services provided by a state agency could be modernized
12 through the implementation of new technology to provide better
13 quality goods or services that would result in cost savings or best
14 value.

15 SECTION 21. AMENDATORY Section 2, Chapter 128, O.S.L.
16 2004, as amended by Section 3, Chapter 391, O.S.L. 2005 (62 O.S.
17 Supp. 2008, Section 41.5t), is amended to read as follows:

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

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

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

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

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

21 3. Review and evaluate accessibility of information technology
22 commonly purchased by state agencies, and provide accessibility
23 reports on such products to those responsible for purchasing
24 decisions;

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

6 5. Consult with the Oklahoma Department of Rehabilitation
7 Services and individuals with disabilities in accessibility reviews
8 of information technology and in the delivery of training and
9 technical assistance;

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

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

19 8. Require state agencies to submit evidence of assurance of
20 compliance with state standards on accessibility of information
21 technology for individuals with disabilities developed in accordance
22 with this section. For executive branch state agencies that are
23 required to submit an annual ~~long-range~~ operating plan pursuant to
24

1 Section ~~41.5e~~ 50.7 of ~~this title~~ Title 74 of the Oklahoma Statutes
2 evidence of compliance shall be included in that report.

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

6 SECTION 22. AMENDATORY Section 4, Chapter 128, O.S.L.
7 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008 (62
8 O.S. Supp. 2008, Section 41.5t.2), is amended to read as follows:

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

19 B. The Advisory Council shall be composed of the following
20 members:

21 1. One member of the House of Representatives, appointed by the
22 Speaker of the House of Representatives;

23 2. One member of the Senate, appointed by the President Pro
24 Tempore of the Senate;

1 3. The chair of the Science and Technology Committee of the
2 House of Representatives;

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

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

7 6. The Director of the Department of Central Services, or a
8 designee;

9 7. The Director of the Oklahoma Department of Rehabilitation
10 Services, or a designee;

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

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

14 10. The Director of the Library for the Blind and Physically
15 Handicapped with the Oklahoma Department of Rehabilitation, or a
16 designee;

17 11. The Director of the Office of Disability Concerns, or a
18 designee;

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

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

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

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

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

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

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

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

21 C. Members who were serving on the Electronic and Information
22 Technology Accessibility Task Force as of July 1, 2004, shall
23 automatically be appointed to serve on the Electronic and
24

1 Information Technology Accessibility Advisory Council after July 1,
2 2004.

3 D. The Advisory Council shall:

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

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

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

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

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

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

23 G. Meetings of the Advisory Council shall be called by either
24 cochair.

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

3 I. The Advisory Council may divide into subcommittees in
4 furtherance of its purpose.

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

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

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

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

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

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

9 SECTION 23. AMENDATORY Section 4, Chapter 391, O.S.L.
10 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.
11 Supp. 2008, Section 41.5u), is amended to read as follows:

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

20 B. The vendor must agree to place the source code for the
21 software and any upgrades supplied to an agency in escrow with a
22 third party acceptable to the agency and to enter into a customary
23 source code escrow agreement which includes a provision that
24

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

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

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

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

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

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

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

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

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

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

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

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

6 E. As used in this section:

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

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

13 SECTION 24. AMENDATORY Section 15, Chapter 266, O.S.L.
14 2006 (62 O.S. Supp. 2008, Section 41.5v), is amended to read as
15 follows:

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

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

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

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

1 SECTION 25. AMENDATORY Section 1, Chapter 205, O.S.L.
2 2007 (62 O.S. Supp. 2008, Section 41.5x), is amended to read as
3 follows:

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

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

19 A. During the fiscal year ending June 30, 2010, no agency of
20 the executive branch of the state shall use state funds for or enter
21 into any agreement for the acquisition, development, or enhancement
22 of a communication or telecommunication system including voice,
23 data, radio, video, Internet, eGovernment, printers, scanners,
24 copiers, facsimile systems, computer hardware, software, or any

1 contract for information technology services and equipment exceeding
2 Ten Thousand Dollars (\$10,000.00) in value without written
3 authorization of the Chief Information Officer. The provisions of
4 this subsection shall not be applicable to any member of the
5 Oklahoma State System of Higher Education, any public school
6 district in the state, or any technology center school district.

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

16 SECTION 27. AMENDATORY 74 O.S. 2001, Section 85.5, as
17 last amended by Section 3, Chapter 96, O.S.L. 2008 (74 O.S. Supp.
18 2008, Section 85.5), is amended to read as follows:

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

1 B. The State Purchasing Director, after consultation with the
2 requisitioning state agency, shall have authority to determine the
3 particular brand, model, or other specific classification of each
4 acquisition and to draft or invoke pursuant to The Oklahoma Central
5 Purchasing Act specifications establishing the requirements for all
6 necessary contracts or purchase orders.

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

12 1. The time, manner, authentication, and form of making
13 requisitions for acquisitions;

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

16 3. The form and manner of submission for bids or proposals a
17 supplier submits and the manner of accepting and opening bids or
18 proposals;

19 4. The conditions under which the Department of Central
20 Services shall require written contracts for acquisitions, the
21 conditions under which acquisitions may be made on an open account
22 basis, and the conditions and manner of negotiating such contracts;

23 5. Obtaining acquisitions produced by state institutions;
24

1 6. Conditions under which any of the rules herein authorized
2 may be waived;

3 7. The amounts of and deposits on any bond or other surety
4 required to be submitted with a bid or contract for the furnishing
5 of acquisitions and the conditions under which such bond or other
6 surety shall be required;

7 8. Storage and storage facilities necessary to accomplish
8 responsibilities of the Director of the Department of Central
9 Services;

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

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

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

- 1 a. state agencies shall make acquisitions not exceeding
2 Two Thousand Five Hundred Dollars (\$2,500.00),
3 provided the acquisition process is fair and
4 reasonable and is conducted pursuant to rules
5 authorized pursuant to this section, and
- 6 b. state agencies with certified procurement officers and
7 internal purchasing procedures found compliant by the
8 Director of the Department of Central Services
9 pursuant to this section may make acquisitions in
10 excess of Two Thousand Five Hundred Dollars
11 (\$2,500.00) as provided below:
- 12 (1) acquisitions with a price exceeding Two Thousand
13 Five Hundred Dollars (\$2,500.00) and not
14 exceeding Ten Thousand Dollars (\$10,000.00),
15 pursuant to rules authorized by this section, and
- 16 (2) acquisitions with a price exceeding Ten Thousand
17 Dollars (\$10,000.00) and not exceeding the amount
18 requiring a requisition to the State Purchasing
19 Director, pursuant to Section 85.7 of this title,
20 by telephone, facsimile, invitation to bid, or
21 solicitation by means of electronic commerce,
22 receipt of bids and bid award by the state
23 agency;
- 24

1 12. Training by the State Purchasing Director of state agency
2 procurement officers;

3 13. Review and audit by the State Purchasing Director of state
4 agency acquisitions;

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

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

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

12 D. The State Purchasing Director shall provide training for
13 state agency purchasing officials and other purchasing staff. The
14 training shall include principles of state procurement practices,
15 basic contracting, provisions of The Oklahoma Central Purchasing
16 Act, rules promulgated pursuant to The Oklahoma Central Purchasing
17 Act, provisions of Section 3001 et seq. of this title, which relate
18 to the State Use Committee, and any other matters related to state
19 procurement practices. State agency purchasing officials that
20 demonstrate proficiency shall be certified as "certified procurement
21 officers" by the State Purchasing Director and shall be authorized
22 to make acquisitions pursuant to provisions of The Oklahoma Central
23 Purchasing Act and rules authorized by this section. The State
24 Purchasing Director shall assess a fee to state agencies for the

1 training that does not exceed each state agency's pro rata share of
2 the costs the State Purchasing Director incurs to provide the
3 training.

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

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

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

11 3. Ensuring state agency compliance with provisions of Section
12 3001 et seq. of this title pertaining to the State Use Committee;

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

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

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

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

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

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

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

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

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

23 G. 1. Pursuant to the requirements of The Oklahoma Central
24 Purchasing Act, the State Purchasing Director shall have authority

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

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

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

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

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

22 I. The State Purchasing Director shall endeavor to satisfy state
23 agencies in terms of cost, quality, and timeliness of the delivery
24 of acquisitions by using bidders who have a record of successful

1 past performance, promoting competition, minimizing administrative
2 operating costs, and conducting business with integrity, fairness,
3 and openness.

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

5 1. The use of electronic commerce pursuant to the Oklahoma
6 Online Bidding Act for solicitation, notification, and other
7 purchasing processes;

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

12 3. A program to identify vendors with poor delivery and
13 performance records;

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

19 5. Continual improvement in the quality of the performance of
20 the Purchasing Division through training programs, management
21 seminars, development of benchmarks and key management indicators,
22 and development of standard provisions, clauses and forms;

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

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

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

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

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

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

- 21 a. purchases from statewide contracts issued by the State
22 Purchasing Director, and
- 23 b. regulated utilities; and

1 2. For any other transaction with a state purchase card, the
2 transaction shall not exceed Two Thousand Five Hundred Dollars
3 (\$2,500.00).

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

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

14 O. As a condition of awarding a contract pursuant to The
15 Oklahoma Central Purchasing Act, the State Purchasing Director shall
16 verify with the Oklahoma Tax Commission that the business entity to
17 which the state contract is to be awarded, whether subject to the
18 procedures required by Section 85.7 of this title or not, has
19 obtained a sales tax permit pursuant to the provisions of Section
20 1364 of Title 68 of the Oklahoma Statutes if such entity is required
21 to do so.

22 P. The State Purchasing Director is hereby authorized to
23 explore and investigate cost savings in energy, resource usage, and
24 maintenance contracts and to identify and negotiate contract

1 solutions including, but not limited to, pilot projects to achieve
2 cost savings for the State of Oklahoma.

3 Q. The Office of State Finance, with input from the State
4 Purchasing Director, shall promulgate payment procedure rules for
5 state agencies to adhere to regarding statewide contracts issued by
6 the State Purchasing Director.

7 R. The Office of State Finance along with the Department of
8 Central Services, Central Purchasing Division, shall promulgate
9 payment procedure rules for agencies to adhere to regarding
10 statewide contracts issued by the Division.

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

14 Section 139.109 A. There is hereby created within the ~~Oklahoma~~
15 Corporation Commission the "Oklahoma E911 Emergency Service Fund".
16 Beginning September 1, 1997, each local exchange telecommunications
17 service provider shall annually contribute fifty cents (\$0.50) per
18 retail local exchange access line to the Oklahoma E911 Emergency
19 Service Fund until the total amount contributed by all providers to
20 the Fund equals Five Million Dollars (\$5,000,000.00). The
21 contribution amount for each service provider shall be based upon
22 the number of retail local exchange access lines of that service
23 provider in service on July 1 of each applicable year. The Oklahoma
24 E911 Emergency Service Fund shall be administered by the ~~Oklahoma~~

1 Corporation Commission and used to defray the cost of purchasing and
2 installing equipment for enhanced 911 emergency systems across the
3 state. Preference for funding shall be given first to those systems
4 established in areas of the state which do not have access to 911
5 emergency service before July 1, 1997, and second to areas of the
6 state which do not have access to enhanced 911 emergency services.
7 Funding from the E911 Emergency Service Fund shall not be used for
8 ongoing operating costs of any emergency telephone service system.
9 To qualify for funding, the emergency telephone service system shall
10 have been or be in the process of being approved as provided for in
11 the Nine-One-One Emergency Number Act. Local exchange
12 telecommunications service providers serving fifteen percent (15%)
13 or more of the access lines in the state may not apply for recovery
14 of the contributions made to the E911 Emergency Service Fund from
15 the Oklahoma Universal Service Fund created in Section 139.106 of
16 this title. All monies in the Oklahoma E911 Emergency Service Fund
17 shall be expended only for the purposes set forth in this
18 subsection.

19 B. There is hereby created within the Oklahoma Department of
20 Career and Technology Education the "Oklahoma Telecommunications
21 Technology Training Fund". Beginning September 1, 1997, each local
22 exchange telecommunications service provider shall annually
23 contribute seventy-five cents (\$0.75) per retail local exchange
24 access line to the Oklahoma Telecommunications Technology Training

Fund until the total amount contributed by all providers to the Fund equals Seven Million Dollars (\$7,000,000.00). The contribution amount for each service provider shall be based upon the number of retail local exchange access lines of that service provider in service on July 1 of each applicable year. The Oklahoma Telecommunications Technology Training Fund shall be administered by the Oklahoma Department of Career and Technology Education working in conjunction with OneNet, and shall be used to provide statewide training of teachers and school administrators in the most effective use of telecommunications and distance learning technology for the enhancement of education throughout the state. Local exchange telecommunications service providers serving fifteen percent (15%) or more of the access lines in the state may not apply for recovery of the contributions made to the Oklahoma Telecommunications Technology Training Fund from the Oklahoma Universal Service Fund created in Section 139.106 of this title. All monies in the Oklahoma Telecommunications Technology Training Fund shall be expended only for the purposes set forth in this subsection.

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

1. Each not-for-profit hospital in the state shall, upon written request, receive one incoming, toll-free phone number and up

1 to a total of five access lines, free of charge, to allow incoming,
2 toll-free calls from any location within the geographic area served
3 by the hospital;

4 2. Each not-for-profit hospital, county health department,
5 city-county health department, and federally qualified health center
6 in this state shall, upon written request, receive, free of charge,
7 ~~one telecommunications line~~ lines, circuits or wireless ~~connection~~
8 connections sufficient for providing such telemedicine, clinical and
9 health consultation services as the entity is equipped to provide.

10 The telecommunications carrier shall be entitled to reimbursement
11 from the Oklahoma Universal Service Fund for providing the ~~line~~
12 lines, circuits or ~~connection~~ connections. In no case, however,
13 shall reimbursement from the fund be made for an Internet subscriber
14 fee or charges incurred as a result of services accessed via the
15 Internet;

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

22 4. Each public school building wherein classrooms are contained
23 and each public library in the state shall, upon written request,
24 receive one access line, free of charge, with the ability to connect

1 to an Internet service provider at 56 kbps, in the most economically
2 efficient manner for the carrier, or an equivalent dollar credit to
3 be applied by the public school or public library toward similar
4 services provided by the same carrier, for the purpose of accessing
5 the Internet. In no case shall the Oklahoma Universal Service Fund
6 reimburse an entity for an Internet subscriber fee or charges
7 incurred as a result of services accessed via the Internet; and

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

13 D. To the extent Special Universal Services are purchased from
14 a telecommunications service provider by another carrier, the
15 Special Universal Services are for the exclusive use of the not-for-
16 profit hospital, county health department, city-county health
17 department, federally qualified health center, public school, public
18 library or county government. Under no circumstances shall the not-
19 for-profit hospital, county health department, city-county health
20 department, federally qualified health center, public school, public
21 library or county government sell, repackage or share Special
22 Universal Services with any other entity.

23 SECTION 29. RECODIFICATION 62 O.S. 2001, Section 41.5a,
24 as last amended by Section 5 of this act, shall be recodified as

1 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is
2 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,
3 as last amended by Section 6 of this act, shall be recodified as
4 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is
5 created a duplication in numbering. Section 3, Chapter 148, O.S.L.
6 2007 (62 O.S. Supp. 2008, Section 41.5a-3), as amended by Section 7
7 of this act, shall be recodified as Section 50.5 of Title 74 of the
8 Oklahoma Statutes, unless there is created a duplication in
9 numbering. Section 1, Chapter 340, O.S.L. 2008 (62 O.S. Supp. 2008,
10 Section 41.5a-4), as amended by Section 8 of this act, shall be
11 recodified as Section 50.6 of Title 74 of the Oklahoma Statutes,
12 unless there is created a duplication in numbering. 62 O.S. 2001,
13 Section 41.5e, as last amended by Section 9 of this act, shall be
14 recodified as Section 50.7 of Title 74 of the Oklahoma Statutes,
15 unless there is created a duplication in numbering. 62 O.S. 2001,
16 Section 41.5f, as last amended by Section 10 of this act, shall be
17 recodified as Section 50.8 of Title 74 of the Oklahoma Statutes,
18 unless there is created a duplication in numbering. 62 O.S. 2001,
19 Section 41.5g, as last amended by Section 11 of this act, shall be
20 recodified as Section 50.9 of Title 74 of the Oklahoma Statutes,
21 unless there is created a duplication in numbering. 62 O.S. 2001,
22 Section 41.5h, as last amended by Section 12 of this act, shall be
23 recodified as Section 50.10 of Title 74 of the Oklahoma Statutes,
24 unless there is created a duplication in numbering. 62 O.S. 2001,

1 Section 41.5i, as last amended by Section 13 of this act, shall be
2 recodified as Section 50.11 of Title 74 of the Oklahoma Statutes,
3 unless there is created a duplication in numbering. 62 O.S. 2001,
4 Section 41.5j, as last amended by Section 14 of this act, shall be
5 recodified as Section 50.12 of Title 74 of the Oklahoma Statutes,
6 unless there is created a duplication in numbering. 62 O.S. 2001,
7 Section 41.5l, as last amended by Section 15 of this act, shall be
8 recodified as Section 50.13 of Title 74 of the Oklahoma Statutes,
9 unless there is created a duplication in numbering. 62 O.S. 2001,
10 Section 41.5m, as last amended by Section 16 of this act, shall be
11 recodified as Section 50.14 of Title 74 of the Oklahoma Statutes,
12 unless there is created a duplication in numbering. 62 O.S. 2001,
13 Section 41.5p, as last amended by Section 17 of this act, shall be
14 recodified as Section 50.15 of Title 74 of the Oklahoma Statutes,
15 unless there is created a duplication in numbering. 62 O.S. 2001,
16 Section 41.5q, as last amended by Section 18 of this act, shall be
17 recodified as Section 50.16 of Title 74 of the Oklahoma Statutes,
18 unless there is created a duplication in numbering. 62 O.S. 2001,
19 Section 41.5r, as amended by Section 19 of this act, shall be
20 recodified as Section 50.17 of Title 74 of the Oklahoma Statutes,
21 unless there is created a duplication in numbering. 62 O.S. 2001,
22 Section 41.5s, as last amended by Section 20 of this act, shall be
23 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,
24 unless there is created a duplication in numbering. Section 2,

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

24

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

3 SECTION 31. Sections 1 through 3, 26 and 28 of this act shall
4 become effective July 1, 2009.

5 SECTION 32. Sections 4 through 25, 27, 29 and 30 of this act
6 shall become effective July 1, 2010.

7 SECTION 33. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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