

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

HOUSE BILL 1704

By: Derby

AS INTRODUCED

An Act relating to technology; creating the Oklahoma Information Services Act; creating the Office of Information Services; providing for the appointment of the Chief Information Director; establishing salary of the Director; establishing qualifications of the Director; authorizing the Director to employ personnel; providing duties of the Office of Information Services; transferring the Information Services Division of the Office of State Finance to the Office of Information Services; 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,

1 Section 4, Chapter 391, O.S.L. 2005, as amended by
2 Section 1, Chapter 310, O.S.L. 2006, Section 15,
3 Chapter 266, O.S.L. 2006 and Section 1, Chapter 205,
4 O.S.L. 2007 (62 O.S. Supp. 2008, Sections 41.5a,
5 41.5a-1, 41.5a-3, 41.5a-4, 41.5e, 41.5f, 41.5g,
6 41.5h, 41.5i, 41.5j, 41.5l, 41.5m, 41.5p, 41.5q,
7 41.5s, 41.5t, 41.5t.2, 41.5u, 41.5v and 41.5x), which
8 relate to the duties and responsibilities of the
9 Information Services Division of the Office of State
10 Finance; changing references to the Information
11 Services Division, the Director of the Office of
12 State Finance, and the Office of State Finance;
13 updating statutory language and citations; adding
14 certain equipment to certain purchasing restriction;
15 repealing Section 5, Chapter 391, O.S.L. 2005 (62
16 O.S. Supp. 2008, Section 41.5a-2), which relates to
17 the Task Force for the Study of Computer Information
18 Officers; providing for codification; providing for
19 recodification; providing an effective date; and
20 declaring an emergency.

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

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

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

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

A. There is hereby created the Office of Information Services.
The Office of Information Services shall be operated and

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

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

8 1. A baccalaureate degree in Computer Information Systems,
9 Information Systems Management, Information Systems or other similar
10 degree;

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

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

17 4. Experience with data and voice convergence service
18 offerings;

19 5. Experience in developing technology budgets;

20 6. Experience in developing request for proposals and
21 administering the bid process;

22 7. Experience managing professional staff, teams, and
23 consultants;

24 8. Extensive knowledge of telecommunications operations;

1 9. Ability to manage daily development and operations

2 functions;

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

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

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

9 13. Ability to negotiate and defuse conflict; and

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

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

17 D. The Office of Information Services shall be responsible for
18 the following duties:

19 1. Formulate and implement the information technology strategy
20 for the state;

21 2. Oversee the development and operation of a scalable
22 operations infrastructure that supports data and voice
23 communications reliability, integrity, and security;

24 3. Oversee the applications development process;

- 1 4. Oversee the professional development of information
2 technology staff in the state;
- 3 5. Evaluate all technology investment choices for the state;
- 4 6. Create a plan to ensure alignment of current systems, tools,
5 and processes with the strategic information technology plan for the
6 state;
- 7 7. Oversee the maintenance and improvement of the current
8 information technology infrastructure in the state in support of
9 enhanced reliability, user service levels, and security;
- 10 8. Develop and manage appropriate policies and procedures to
11 ensure the success of information technology initiatives;
- 12 9. Lead the prioritization and management of any software
13 development for the state and state agencies;
- 14 10. Build the required technical staff to support the execution
15 of the strategic information technology plan for the state;
- 16 11. Design, implement, and evaluate the systems that support
17 end users in the productive use of computer hardware and software;
- 18 12. Establish and maintain technology infrastructure standards;
- 19 13. Delegate, coordinate, and review all work to ensure quality
20 and efficient operation of the Office of Information Services;
- 21 14. Conduct regular meetings to disseminate pertinent
22 information to state agencies and to discuss procedures and
23 policies;
- 24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Section 41.5a A. The Office of Information Services ~~Division~~
21 shall:

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

24

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

5 3. Establish and enforce minimum mandatory standards for:

- 6 a. information systems planning,
- 7 b. systems development methodology,
- 8 c. documentation,
- 9 d. hardware requirements and compatibility,
- 10 e. operating systems compatibility,
- 11 f. software and hardware acquisition,
- 12 g. information security and internal controls,
- 13 h. data base compatibility, and
- 14 i. contingency planning and disaster recovery.

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

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

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

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

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

21 8. Coordinate for the executive branch of state government
22 agency information technology activities, encourage joint projects
23 and common systems, and linking of agency systems through the review
24 of agency plans, development of a statewide plan and its integration

1 with the budget process to ensure that developments or acquisitions
2 are consistent with statewide objectives and that proposed systems
3 are justified and cost effective;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 B. The Office of ~~State Finance~~ Information Services shall
18 notify all agencies, boards, commissions and authorities of the
19 policy and procedures for the secure and safe destruction or
20 disposal of electronic storage media.

21 C. The Department of Central Services shall remove all
22 electronic storage media from all surplus information technology and
23 telecommunication equipment before it is sold, donated, stored or
24 destroyed. A state agency may remove electronic storage media from

1 their surplus information technology and telecommunication equipment
2 prior to sending the surplus to the Department of Central Services,
3 so long as the agency has the technical expertise for removal and
4 that the electronic storage media is sent for destruction or
5 disposal pursuant to this subsection.

6 D. The Department of Central Services shall use existing and
7 future funds from the sale of state surplus equipment and
8 appropriations, as necessary, to pay for the destruction of
9 electronic storage media.

10 SECTION 9. AMENDATORY 62 O.S. 2001, Section 41.5e, as
11 last amended by Section 3, Chapter 266, O.S.L. 2006 (62 O.S. Supp.
12 2008, Section 41.5e), is amended to read as follows:

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

23 1. An overview of major projects and objectives;
24

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

3 3. An assurance of compliance with state standards on
4 accessibility of information technology for individuals with
5 disabilities developed in accordance with Section ~~41.54~~ 50.19 of
6 ~~this title~~ Title 74 of the Oklahoma Statutes; and

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

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

1 lease-purchase, indicating that the associated cost meet or comply
2 with Section ~~41.5a~~ 50.3 of ~~this title~~ Title 74 of the Oklahoma
3 Statutes.

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

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

12 Section 41.5f A. The Office of ~~State Finance~~ Information
13 Services shall:

14 1. Develop and/or acquire application software, including such
15 modifications as may be required, to implement modern automated
16 systems in the Department of Central Services, the Office of
17 Personnel Management, and the Office of State Finance. Such systems
18 include applications for accounting, budgeting, payroll/personnel,
19 and purchasing;

20 2. Coordinate the initial implementation of the application
21 systems with the three central service agencies of the state and
22 coordinate the phased implementation of the application systems with
23 all branches of state government;

1 3. Develop procedures manuals and the related training
2 necessary to implement the application systems;

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

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

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

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

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

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

1 utilization of the Integrated Central Systems for all transactions
2 for which an application is available.

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

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

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

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

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

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

16 C. No telephone, teletype, switchboard, line, cable system,
17 data communication system, Internet, eGovernment, or systems of
18 communication or intercommunication are to be installed in any
19 building or buildings owned, rented, leased or otherwise held by
20 this state or its agencies at locations described in subsection A of
21 this section without written order of the Chief Information Director
22 ~~of State Finance~~. Provided, however, that acquisition and
23 installation of such equipment in the Legislature shall be subject
24

1 to the final approval of the Speaker of the House of Representatives
2 or the President Pro Tempore of the Senate as appropriate.

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

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

9 1. Coordinate statewide planning for communication and
10 telecommunications needs of state government, including, but not
11 limited to, voice, data, radio, video, Internet, eGovernment, as
12 referenced in Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~
13 Title 74 of the Oklahoma Statutes, and facsimile transmissions
14 through analysis of the telecommunications and information
15 technology plan of each agency;

16 2. Establish minimum mandatory standards and protocols for:

- 17 a. communication networks and equipment,
- 18 b. wide area and local area systems,
- 19 c. integration of equipment, systems and joint usage,
- 20 d. Internet and eGovernment,
- 21 e. operating systems or methods to be used to meet
- 22 communications requirements efficiently, effectively,
- 23 and securely,
- 24

- 1 f. rendering of aid between state government and its
2 political subdivisions with respect to organizing of
3 communications systems, and
4 g. an economical and cost-effective utilization of
5 communication services.

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

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

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

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

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

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

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

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

12 Section 41.5j A. No agency of the executive branch of the
13 state shall use state funds for or enter into any agreement for the
14 acquisition, development or enhancement of a communication or
15 telecommunication system including voice, data, radio, video,
16 Internet, eGovernment, as referenced in Sections ~~41.5p~~ 50.15 and
17 ~~41.5q~~ 50.16 of ~~this title~~ Title 74 of the Oklahoma Statutes,
18 printers, scanners, copiers, and facsimile systems, without written
19 authorization of the Chief Information Director ~~of State Finance~~.
20 The Chief Information Director ~~of State Finance~~ shall verify that
21 any acquisition, development or enhancement is compatible with the
22 operation of the Oklahoma Government Telecommunications Network
23 created in Section ~~41.5m~~ 50.14 of ~~this title~~ Title 74 of the
24 Oklahoma Statutes.

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

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

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

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

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

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

22 Section 41.5m A. There is hereby created a wide area
23 telecommunications network to be known and referred to as the
24 "Oklahoma Government Telecommunications Network (OGTN)". The OGTN

1 shall consist of the telecommunications systems and networks of
2 educational entities and agencies of state government.

3 B. Notwithstanding the provisions of subsection A of this
4 section:

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

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

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

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

8 2. Effective and efficient utilization of existing
9 telecommunications systems operated by educational entities and
10 agencies of state government; and

11 3. Elimination and prevention of unnecessarily duplicative
12 telecommunications systems operated by educational entities and
13 agencies of state government.

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

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

20 a. the Oklahoma State Regents for Higher Education shall
21 submit a report annually to the Chief Information
22 Director of State Finance identifying the
23 telecommunications plans of each member of The
24 Oklahoma State System of Higher Education. For

1 purposes of developing such report, each member shall
2 cooperate with and submit to the State Regents a plan
3 of its telecommunications needs, including, but not
4 limited to, Internet, eGovernment, as referenced in
5 Sections ~~41.5p~~ 50.15 and ~~41.5q~~ 50.16 of ~~this title~~
6 Title 74 of the Oklahoma Statutes, any interactive
7 video plans, the purchase of informational data bases,
8 software for manipulation of bibliographic records,
9 and the use of telecommunications equipment or
10 services,

- 11 b. the State Superintendent of Public Instruction shall
12 submit a report annually to the Chief Information
13 Director of State Finance identifying the
14 telecommunications plans of the public common school
15 system of the state. For purposes of developing such
16 report, the respective public elementary and secondary
17 schools shall cooperate with and submit to the State
18 Superintendent a plan of their telecommunications
19 needs, including, but not limited to, Internet,
20 eGovernment, any interactive video plans, the purchase
21 of informational data bases, software for manipulation
22 of bibliographic records, and the use of
23 telecommunications equipment or services,
24

- 1 c. the State Director of the Oklahoma Department of
2 Career and Technology Education shall submit a report
3 annually to the Chief Information Director ~~of State~~
4 ~~Finance~~ identifying the telecommunications plans of
5 technology center school districts. For purposes of
6 developing such report, each technology center school
7 district as defined in Section 14-108 of Title 70 of
8 the Oklahoma Statutes shall cooperate with and submit
9 to the State Director of the Oklahoma Department of
10 Career and Technology Education a plan of its
11 telecommunications needs, including, but not limited
12 to, Internet, eGovernment, any interactive video
13 plans, the purchase of informational data bases,
14 software for manipulation of bibliographic records,
15 and the use of telecommunications equipment or
16 services,
- 17 d. the chief administrative officer of each state agency
18 of the executive branch shall submit a plan annually
19 to the Chief Information Director ~~of State Finance~~
20 identifying the telecommunications needs of the state
21 agency, including, but not limited to, Internet,
22 eGovernment, any interactive video plans, the purchase
23 of informational data bases, software for manipulation
24

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

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

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

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

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

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

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

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

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

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

18 Section 41.5q A. Subject to review and adoption as outlined in
19 Section ~~41.5s~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma Statutes,
20 a state agency, board, commission, or authority is hereby authorized
21 to charge a convenience fee for any electronic or on-line
22 transaction. A convenience fee shall apply to electronic or on-line
23 transactions only and shall not apply when accessing information
24 provided through state government websites. If a state entity sets

1 a convenience fee for electronic or on-line transactions, the fee
2 shall be reviewed by the State Governmental Internet Applications
3 Review Board as provided for in Section ~~41.5s~~ 50.18 of ~~this title~~
4 Title 74 of the Oklahoma Statutes. Each state entity shall keep a
5 record of how the convenience fee has been determined and shall file
6 the record with the Office of Information Services. A state agency,
7 board, commission, or authority may periodically adjust a
8 convenience fee as needed upon review and adoption as provided for
9 in ~~41.5s~~ 50.18 of ~~this title~~ Title 74 of the Oklahoma Statutes.

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

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

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

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

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

11 1. Well-defined, widely used, and nonproprietary interfaces or
12 protocols;

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

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

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

21 SECTION 20. AMENDATORY 62 O.S. 2001, Section 41.5s, as
22 amended by Section 12, Chapter 266, O.S.L. 2006 (62 O.S. Supp. 2008,
23 Section 41.5s), is amended to read as follows:
24

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

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

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

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

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

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

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

22 D. Members of the Board shall not receive compensation for
23 serving on the Board, but shall be reimbursed for travel expenses
24 incurred in the performance of their duties by their respective

1 agencies or appointing authority in accordance with the State Travel
2 Reimbursement Act.

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

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

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

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

23 Section 41.5t A. The Office of Information Services ~~Division~~
24 ~~of the Office of State Finance~~ shall work in conjunction with the

1 Department of Central Services to assure state compliance regarding
2 accessibility of information technology for individuals with
3 disabilities based on the provisions of Section 508 of the Workforce
4 Investment Act of 1998.

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

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

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

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

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

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

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

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

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

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

1 technology for individuals with disabilities developed in accordance
2 with this section. For executive branch state agencies that are
3 required to submit an annual long-range plan pursuant to Section
4 ~~41.5e~~ 50.7 of ~~this title~~ Title 74 of the Oklahoma Statutes evidence
5 of compliance shall be included in that report.

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

9 SECTION 22. AMENDATORY Section 4, Chapter 128, O.S.L.
10 2004, as last amended by Section 1, Chapter 330, O.S.L. 2008 (62
11 O.S. Supp. 2008, Section 41.5t.2), is amended to read as follows:

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

22 B. The Advisory Council shall be composed of the following
23 members:
24

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

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

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

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

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

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

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

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

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

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

4 D. The Advisory Council shall:

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

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

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

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

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

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

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

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

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

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

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

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

1 M. Members of the Advisory Council shall receive no
2 compensation for their service, but shall receive travel
3 reimbursement as follows:

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

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

12 SECTION 23. AMENDATORY Section 4, Chapter 391, O.S.L.
13 2005, as amended by Section 1, Chapter 310, O.S.L. 2006 (62 O.S.
14 Supp. 2008, Section 41.5u), is amended to read as follows:

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

23 B. The vendor must agree to place the source code for the
24 software and any upgrades supplied to an agency in escrow with a

1 third party acceptable to the agency and to enter into a customary
2 source code escrow agreement which includes a provision that
3 entitles the agency to receive everything held in escrow upon the
4 occurrence of any of the following:

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

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

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

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

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

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

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

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

23 C. The State Purchasing Director or a procurement officer of a
24 state agency not subject to the Oklahoma Central Purchasing Act

1 shall not process any state agency request for the customization,
2 modernization, or development of computer software unless the
3 proposed vendor provides documentation that complies with
4 subsections A and B of this section.

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

8 E. As used in this section:

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

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

15 SECTION 24. AMENDATORY Section 15, Chapter 266, O.S.L.
16 2006 (62 O.S. Supp. 2008, Section 41.5v), is amended to read as
17 follows:

18 Section 41.5v A. The Office of ~~State Finance~~ Information
19 Services shall create a standard security risk assessment for state
20 agency information technology systems that complies with the
21 International Organization for Standardization (ISO) and the
22 International Electrotechnical Commission (IEC) Information
23 Technology - Code of Practice for Security Management (ISO/IEC
24 17799).

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

20 C. The Office of ~~State Finance~~ Information Services shall
21 report the results of the state agency assessments required pursuant
22 to this section to the Governor, the Speaker of the House of
23 Representatives, and the President Pro Tempore of the Senate by the
24 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. RECODIFICATION 62 O.S. 2001, Section 41.5a,
18 as last amended by Section 5 of this act, shall be recodified as
19 Section 50.3 of Title 74 of the Oklahoma Statutes, unless there is
20 created a duplication in numbering. 62 O.S. 2001, Section 41.5a-1,
21 as last amended by Section 6 of this act, shall be recodified as
22 Section 50.4 of Title 74 of the Oklahoma Statutes, unless there is
23 created a duplication in numbering. Section 3, Chapter 148, O.S.L.
24 2007 (62 O.S. Supp. 2008, Section 41.5a-3), as amended by Section 7

1 of this act, shall be recodified as Section 50.5 of Title 74 of the
2 Oklahoma Statutes, unless there is created a duplication in
3 numbering. Section 1, Chapter 340, O.S.L. 2008 (62 O.S. Supp. 2008,
4 Section 41.5a-4), as amended by Section 8 of this act, shall be
5 recodified as Section 50.6 of Title 74 of the Oklahoma Statutes,
6 unless there is created a duplication in numbering. 62 O.S. 2001,
7 Section 41.5e, as last amended by Section 9 of this act, shall be
8 recodified as Section 50.7 of Title 74 of the Oklahoma Statutes,
9 unless there is created a duplication in numbering. 62 O.S. 2001,
10 Section 41.5f, as last amended by Section 10 of this act, shall be
11 recodified as Section 50.8 of Title 74 of the Oklahoma Statutes,
12 unless there is created a duplication in numbering. 62 O.S. 2001,
13 Section 41.5g, as last amended by Section 11 of this act, shall be
14 recodified as Section 50.9 of Title 74 of the Oklahoma Statutes,
15 unless there is created a duplication in numbering. 62 O.S. 2001,
16 Section 41.5h, as last amended by Section 12 of this act, shall be
17 recodified as Section 50.10 of Title 74 of the Oklahoma Statutes,
18 unless there is created a duplication in numbering. 62 O.S. 2001,
19 Section 41.5i, as last amended by Section 13 of this act, shall be
20 recodified as Section 50.11 of Title 74 of the Oklahoma Statutes,
21 unless there is created a duplication in numbering. 62 O.S. 2001,
22 Section 41.5j, as last amended by Section 14 of this act, shall be
23 recodified as Section 50.12 of Title 74 of the Oklahoma Statutes,
24 unless there is created a duplication in numbering. 62 O.S. 2001,

1 Section 41.5l, as last amended by Section 15 of this act, shall be
2 recodified as Section 50.13 of Title 74 of the Oklahoma Statutes,
3 unless there is created a duplication in numbering. 62 O.S. 2001,
4 Section 41.5m, as last amended by Section 16 of this act, shall be
5 recodified as Section 50.14 of Title 74 of the Oklahoma Statutes,
6 unless there is created a duplication in numbering. 62 O.S. 2001,
7 Section 41.5p, as last amended by Section 17 of this act, shall be
8 recodified as Section 50.15 of Title 74 of the Oklahoma Statutes,
9 unless there is created a duplication in numbering. 62 O.S. 2001,
10 Section 41.5q, as last amended by Section 18 of this act, shall be
11 recodified as Section 50.16 of Title 74 of the Oklahoma Statutes,
12 unless there is created a duplication in numbering. 62 O.S. 2001,
13 Section 41.5r, as amended by Section 19 of this act, shall be
14 recodified as Section 50.17 of Title 74 of the Oklahoma Statutes,
15 unless there is created a duplication in numbering. 62 O.S. 2001,
16 Section 41.5s, as last amended by Section 20 of this act, shall be
17 recodified as Section 50.18 of Title 74 of the Oklahoma Statutes,
18 unless there is created a duplication in numbering. Section 2,
19 Chapter 128, O.S.L. 2004 (62 O.S. Supp. 2008, Section 41.5t), as
20 last amended by Section 21 of this act, shall be recodified as
21 Section 50.19 of Title 74 of the Oklahoma Statutes, unless there is
22 created a duplication in numbering. Section 3, Chapter 128, O.S.L.
23 2004, as amended by Section 13, Chapter 266, O.S.L. 2006 (62 O.S.
24 Supp. 2008, Section 41.5t.1), shall be recodified as Section 50.20

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

18 SECTION 27. REPEALER Section 5, Chapter 391, O.S.L. 2005
19 (62 O.S. Supp. 2008, Section 41.5a-2), is hereby repealed.

20 SECTION 28. This act shall become effective July 1, 2009.

21 SECTION 29. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
23
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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