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HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2062

By: Derby of the House and Jolley of the Senate

Title: Technology; county purchasing procedures; updating language and modifying duties of the Information Services Division of the Office of Management and Enterprise Services and the Chief Information Officer; effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2062 CCR (A)
HOUSE CONFEREES

Brumbaugh, David  Derby, David

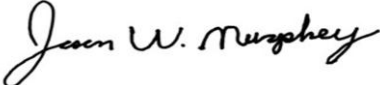


Dorman, Joe  Fisher, Dan



Hall, Elise  Morrisette, Richard



Murphey, Jason  Scott, Seneca



Smalley, Jason  Turner, Mike



Walker, Ken  Wood, Justin F.



SENATE CONFEREES

Bass _____

Branan _____

Brinkley Bo Brinkley

Coates Coates

Crain Crain

David David

Ellis _____

Fields _____

Ford James Ford

Griffin Griffin

Halligan Halligan

Holt _____

Ivester _____

C. Johnson _____

R. Johnson R. Johnson

Jolley Jolley

Justice Justice

Marlatt Marlatt

Mazzei Mazzei

Newberry Newberry

Paddack _____

Standridge Standridge

Stanislowski Stanislowski

Sykes _____

Treat Treat

Wyrick _____

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2062

By: Derby and Murphey of the
House

and

Jolley of the Senate

7
8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to technology; amending 19 O.S. 2011,
12 Sections 1500, 1500.1, 1502, as amended by Section 3,
13 Chapter 144, O.S.L. 2012, 1504 and 1505, as last
14 amended by Section 1 of Enrolled Senate Bill No. 670
15 of the 1st Session of the 54th Oklahoma Legislature
16 (19 O.S. Supp. 2012, Section 1502), which relate to
17 the county purchasing procedures; adding information
18 technology and telecommunications goods to purchasing
19 procedures and requirements; clarifying language;
20 modifying duties of the board of county
21 commissioners; modifying duties of the receiving
22 officer; including the Information Services Division
23 of the Office of Management and Enterprise Services
24 in certain contracting process; amending 62 O.S.
2011, Section 34.11.1, as last amended by Section 56
of Enrolled Senate Bill No. 977 of the 1st Session of
the 54th Oklahoma Legislature, which relates to the
Chief Information Officer; updating statutory
language; expanding certain jurisdictional areas of
responsibility; deleting obsolete language; requiring
certain assessment to be updated annually; deleting
requirement for approval of plan by the State
Governmental Technology Applications Review Board;
deleting net savings realization requirement;
modifying types of products which are allowed to be
procured by the Chief Information Officer;
authorizing the Chief Information Officer to

1 negotiate certain types of contracts and agreements;
2 deleting requirement to establish certain charges to
3 state agencies; adding definitions; amending 62 O.S.
4 2011, Section 34.11.2, which relates to the Oklahoma
5 State Government 2.0 Initiative; deleting requirement
6 for board to implement certain standardized policies;
7 amending 62 O.S. 2011, Section 34.11.7, which relates
8 to performance reporting metrics; directing the State
9 Governmental Technology Applications Review Board to
10 establish a statewide assistance telework program
11 guidelines and supports; stating purposes of the
12 program; requiring state agency office space requests
13 to be submitted and review by the Board; modifying
14 certification duties of the Board; amending 62 O.S.
15 2011, Section 34.11.9, as amended by Section 344,
16 Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section
17 34.11.9), which relates to the Oklahoma State
18 Government Business Licensing One-Stop Program;
19 limiting exemptions to individual licensing
20 processes; prohibiting exemptions on agency-by-agency
21 basis; requiring reporting of exemptions; mandating
22 annual renewal of exemptions; establishing the
23 Oklahoma State Government Security Breach
24 Transparency Initiative; directing the Chief
Information Officer to develop and maintain a public
access online security breach web address; requiring
state agencies to notify the Chief Information
Officer of certain security breaches; requiring
security breach information to be posted on certain
website; amending 62 O.S. 2011, Section 34.12, as
last amended by Section 58 of Enrolled Senate Bill
No. 977 of the 1st Session of the 54th Oklahoma
Legislature, which relates to the powers and duties
of the Information Services Division; updating
statutory language; changing type of service center;
adding telecommunication services to certain
acquisition limitation; deleting certain exception
for CompSource Oklahoma; amending 62 O.S. 2011,
Section 34.13, as amended by Section 346, Chapter
304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 34.13),
which relates to the statement of charges; clarifying
language; requiring timely payments; authorizing the
Information Services Division to make certain request
for the processing of payments; amending 62 O.S.
2011, Section 34.19, as amended by Section 351,
Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section
34.19), which relates to the creation and maintenance

1 of a state central communication or
2 intercommunications system; authorizing the
3 Information Services Division to make certain request
4 for the processing of payments; amending 62 O.S.
5 2011, Section 34.21, as last amended by Section 60 of
6 Enrolled Senate Bill No. 977 of the 1st Session of
7 the 54th Oklahoma Legislature, which relates to
8 authorization and requirements for obtaining
9 communication or telecommunication systems; deleting
10 certain exception for CompSource Oklahoma; amending
11 62 O.S. 2011, Section 34.24.1, as amended by Section
12 357, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012,
13 Section 34.24.1), which relates to web-based license
14 and permit application and renewal requirements;
15 changing certain exemption; deleting authorization
16 for the Director of the Office of Management and
17 Enterprise Services to exempt certain licenses or
18 permits from certain requirements; amending 62 O.S.
19 2011, Section 34.25, as amended by Section 358,
20 Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section
21 34.25), which relates to convenience fee for
22 electronic and online transactions; allowing a state
23 agency to obtain reimbursement for a merchant fee;
24 deleting description of a convenience fee; allowing a
state agency to charge a convenience fee for manual
transactions; allowing state entities to apply for
authorization for convenience fee on electronic or
online transactions; providing for certain review and
approval; modifying certain definition; adding
definitions; amending 62 O.S. 2011, Section 34.27, as
last amended by Section 2 of Enrolled House Bill No.
1431 of the 1st Session of the 54th Oklahoma
Legislature, which relates to the State Governmental
Technology Applications Review Board; deleting duty
to make recommendations on online transactions or
applications; allowing Board members to attend
meetings via teleconference; modifying, adding and
deleting duties and responsibilities of the Board;
amending 62 O.S. 2011, Sections 34.28, as amended by
Section 361, Chapter 304, O.S.L. 2012 and 34.29 (62
O.S. Supp. 2012, Section 34.28), which relate to
accessibility of information technology for
individuals with disabilities; directing the
Information Services Division to adopt an
accessibility clause for certain contracts; deleting
submission of compliance evidence by certain state
agencies; modifying rule-making requirement; updating

1 statutory references; amending 62 O.S. 2011, Sections
2 35.3, as amended by Section 413, Chapter 304, O.S.L.
3 2012, 35.4, 35.5, as last amended by Section 62 of
4 Enrolled Senate Bill No. 977 of the 1st Session of
5 the 54th Oklahoma Legislature, 35.6, as amended by
6 Section 415, Chapter 304, O.S.L. 2012, 35.8, as last
7 amended by Section 64 of Enrolled Senate Bill No. 977
8 of the 1st Session of the 54th Oklahoma Legislature
9 and 35.9, as amended by Section 418, Chapter 304,
10 O.S.L. 2012 (62 O.S. Supp. 2012, Sections 35.3, 35.5,
11 35.6, 35.8 and 35.9), which relate to the Information
12 Technology Consolidation and Coordination Act;
13 deleting certain definition; deleting obsolete
14 language; deleting requirement for written approval
15 of a planned project; adding information to be
16 included in certain assessment; modifying process for
17 transferring identified information technology assets
18 and positions; deleting requirement to identify
19 certain information when modifying the assessment;
20 changing type of services provided by the Information
21 Services Division; deleting limitation on the amount
22 of charges for certain services; requiring certain
23 aggregated costs to be budgeted annually; modifying
24 contents of certain quarterly progress reports;
amending 65 O.S. 2011, Section 3-114, which relates
to the deposit of state publications with the
Publication Clearinghouse; allowing publications to
be filed electronically; modifying requirement to
deposit copies of publications; requiring explanation
of reasons; amending 74 O.S. 2011, Sections 85.2, as
amended by Section 3 of Enrolled Senate Bill No. 461
of the 1st Session of the 54th Oklahoma Legislature
and 85.7c, and Sections 6 and 7, Chapter 106, O.S.L.
2012 (74 O.S. Supp. 2012, Sections 85.7h and 85.7i),
which relate to The Oklahoma Central Purchasing Act;
deleting certain definitions; changing responsibility
for high technology system acquisitions to the Chief
Information Officer; modifying certain definition;
removing the Chief Information Officer from certain
consideration process for approving software
acquisitions; allowing public agencies to utilize
certain contracts in lieu of certain bidding
procedures; modifying definition of a public agency;
amending 74 O.S. 2011, Sections 3104, 3105 and
3106.1, which relate to state publications; modifying
requirement to file and distribute state agency
reports; changing information to be included on state

1 agency reports; adding publication paragraph to be
2 included on electronically filed reports; modifying
3 duties of state agency publications officer; deleting
4 deposit requirement; repealing 62 O.S. 2011, Sections
5 34.11.6, 34.16, 34.17, and 34.18, as amended by
6 Sections 343, 348, 349, and 350, Chapter 304, O.S.L.
7 2012 (62 O.S. Supp. 2012, Sections 34.11.6, 34.16,
8 34.17 and 34.18), which relate to state government
9 technology; repealing 74 O.S. 2011, Section 85.7d, as
10 amended by Section 740, Chapter 304, O.S.L. 2012 (74
11 O.S. Supp. 2012, Section 85.7d), which relates to
12 information technology contracts; providing for
13 codification; providing for recodification; providing
14 an effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 19 O.S. 2011, Section 1500, is
17 amended to read as follows:

18 Section 1500. A. The county clerk of each county or an
19 employee of that office so designated by the county clerk shall be
20 the county purchasing agent. Provided, in counties having a county
21 budget board created pursuant to the County Budget Act, the board
22 may, upon an affirmative vote of a majority of all the board members
23 then in office, appoint a county purchasing agent. In the event the
24 board does not appoint a county purchasing agent, the county clerk
or an employee of that office so designated by the county clerk
shall be the county purchasing agent. The county purchasing agent
shall be under the general supervision and direction of the
appointing authority.

1 B. All persons serving as county purchasing agents on July 1,
2 1989, shall attend training seminars sponsored by the Oklahoma
3 Cooperative Extension Service prior to July 1, 1990. The training
4 seminars will cover the terminology, concepts, customs and practices
5 of the sellers of supplies, materials ~~and~~, equipment and information
6 technology and telecommunications goods commonly purchased for the
7 county. All county purchasing agents appointed after July 1, 1989,
8 shall attend the training seminars within one (1) year of their
9 appointment.

10 C. The county purchasing agent shall be authorized necessary
11 assistants to carry out the duties and responsibilities provided by
12 law and as may be delegated by the appointing authority. Provided,
13 the employment of such assistants shall be upon the approval of the
14 appointing authority. The salary of the county purchasing agent and
15 assistants shall be fixed by the appointing authority. Provided, if
16 the county clerk is the county purchasing agent, the salary of the
17 county clerk shall remain as provided by law.

18 D. The county purchasing agent shall, at the expense of the
19 county, be authorized adequate office space, furnishings, equipment
20 and supplies to carry out the duties and responsibilities of the
21 county purchasing agent as provided by law and as may be delegated
22 by the appointing authority. Provided, the acquisition of such
23 furnishings, equipment and supplies shall be upon the approval of
24

1 the appointing authority, and the acquisition of office space shall
2 be upon the approval of the board of county commissioners.

3 SECTION 2. AMENDATORY 19 O.S. 2011, Section 1500.1, is
4 amended to read as follows:

5 Section 1500.1 A. Except as otherwise provided by Section 1500
6 et seq. of ~~Title 19 of the Oklahoma Statutes~~ this title, the county
7 purchasing agent shall have the authority to develop, implement and
8 promote policies and procedures that allow the procurement of
9 materials and equipment through contracts that are flexible, value
10 based and are in the best interests of the state and its political
11 subdivisions.

12 B. Except as otherwise provided, the county purchasing agent
13 shall have the authority to use electronic commerce for the
14 solicitation, notification, and other purchasing processes. For
15 purposes of this subsection, "electronic commerce" means the use of
16 electronic methods to enable solicitations, supplier response,
17 notice of contract award, county acquisition processes, or any other
18 function to make an acquisition.

19 C. Counties shall have the authority to conduct a procurement
20 ~~transaction for the procurement of materials, equipment, or services~~
21 by electronic means subject to the provisions of the Uniform
22 Electronic Transactions Act.

1 SECTION 3. AMENDATORY 19 O.S. 2011, Section 1502, as
2 amended by Section 3, Chapter 144, O.S.L. 2012 (19 O.S. Supp. 2012,
3 Section 1502), is amended to read as follows:

4 Section 1502. A. 1. The board of county commissioners or a
5 designated employee shall:

6 a. prescribe a uniform identification system for all
7 supplies, materials and equipment of a county used in
8 the construction and maintenance of roads and bridges,
9 and

10 b. create and administer an inventory system for all:

11 (1) equipment of a county having an original cost of
12 Five Hundred Dollars (\$500.00) or more for use in
13 the construction and maintenance of roads and
14 bridges, and

15 (2) supplies and materials of a county purchased in
16 lots of Five Hundred Dollars (\$500.00) or more
17 for use in the construction and maintenance of
18 roads and bridges.

19 Such person shall be the county road and bridge inventory officer.

20 2. a. In counties having a county budget board created
21 pursuant to ~~Sections~~ Section 1402 et seq. of ~~Title 19~~
22 ~~of the Oklahoma Statutes~~ this title, said board may,
23 upon an affirmative vote of a majority of all the
24 board members then in office, appoint a county road

1 and bridge inventory officer who shall be employed by
2 the county and shall have such duties as are provided
3 in subparagraphs a and b of paragraph 1 of this
4 subsection. In the event the board does not appoint a
5 county road and bridge inventory officer the board of
6 county commissioners or designee shall be the county
7 road and bridge inventory officer. The appointed
8 county road and bridge inventory officer shall be
9 under the general supervision and direction of the
10 appointing authority.

11 b. The appointed county road and bridge inventory officer
12 shall be authorized necessary assistants to carry out
13 the duties and responsibilities provided by law and as
14 may be delegated by the appointing authority.

15 Provided, the employment of such assistants shall be
16 upon the approval of the appointing authority. The
17 salary of the county road and bridge inventory officer
18 and assistants shall be fixed by the appointing
19 authority.

20 c. The appointed county road and bridge inventory officer
21 shall, at the expense of the county, be authorized
22 adequate office space, furnishings, equipment and
23 supplies to carry out the duties and responsibilities
24 of the county road and bridge inventory officer as

provided by law and as may be delegated by the appointing authority. Provided, the acquisition of such furnishings, equipment and supplies shall be upon the approval of the appointing authority and the acquisition of office space shall be upon the approval of the board of county commissioners.

B. The board of county commissioners shall:

1. Prescribe a uniform identification system for all supplies, materials ~~and~~, equipment and information technology and telecommunication goods of a county not used in the construction and maintenance of roads and bridges; and

2. Create and administer an inventory system for all:

a. equipment, information technology and telecommunication goods of a county having an original cost of Five Hundred Dollars (\$500.00) or more and not used in the construction and maintenance of roads and bridges, and

b. supplies and materials of a county purchased in lots of Five Hundred Dollars (\$500.00) or more and not used in the construction and maintenance of roads and bridges.

The board of county commissioners may designate an employee of that office to administer such inventory system.

1 SECTION 4. AMENDATORY 19 O.S. 2011, Section 1504, is
2 amended to read as follows:

3 Section 1504. A. A receiving officer shall receive all
4 ~~supplies, materials and equipment~~ purchased, lease-purchased or
5 rented ~~by his~~ items procured for the department and shall identify
6 such items received in a manner prescribed by the county road and
7 bridge inventory officer or board of county commissioners or
8 designee. The receiving officer shall also maintain a record of all
9 ~~supplies, materials and equipment~~ such items received, disbursed,
10 stored and consumed by ~~his~~ the department.

11 B. The receiving officer shall comply with receiving procedures
12 provided by law.

13 SECTION 5. AMENDATORY 19 O.S. 2011, Section 1505, as
14 last amended by Section 1 of Enrolled Senate Bill No. 670 of the 1st
15 Session of the 54th Oklahoma Legislature, is amended to read as
16 follows:

17 Section 1505. The following procedures shall be used by
18 counties for the requisition, purchase, lease-purchase, rental, and
19 receipt of supplies, materials, ~~and equipment~~ and information
20 technology and telecommunication goods and services for the
21 maintenance, operation, and capital expenditures of county
22 government unless otherwise provided for by law.

23 A. The procedure for requisitioning items for county offices
24 shall be as follows:

1 1. The requesting department shall prepare a requisition form
2 in triplicate. The requisition shall contain any specifications for
3 an item as deemed necessary by the requesting department. The form
4 shall be prescribed by the State Auditor and Inspector;

5 2. The requesting department shall retain a copy of the
6 requisition and forward the original requisition and a copy to the
7 county purchasing agent; and

8 3. Upon receipt of the requisition, the county purchasing
9 agent, within two (2) working days, shall begin the bidding and
10 purchasing process as provided for in this section. Nothing in this
11 section shall prohibit the transfer of supplies, materials, or
12 equipment between county departments upon a written agreement
13 between county officers.

14 B. The bid procedure for selecting a vendor for the purchase,
15 lease-purchase, or rental of supplies, materials, ~~and~~ equipment and
16 information technology and telecommunication goods and services used
17 by a county shall be as follows:

18 1. The county purchasing agent shall request written
19 recommendations from all county officers pertaining to needed or
20 commonly used supplies, materials, ~~and~~ equipment and information
21 technology and telecommunication goods and services. From such
22 recommendations and available requisition, purchase, or inventory
23 records, the county purchasing agent shall prepare a list of items
24 needed or commonly used by county officers. The county purchasing

1 agent shall request from the Purchasing Division or from the
2 Information Services Division in the case of information technology
3 and telecommunication goods and services of the Office of Management
4 and Enterprise Services all contracts quoting the price the state is
5 paying for the items. The county purchasing agent shall either
6 request the Purchasing Division or the Information Services Division
7 of the Office of Management and Enterprise Services, as applicable,
8 to make the purchase for the county or the county purchasing agent
9 shall solicit bids for unit prices on the items for periods of not
10 to exceed twelve (12) months in the manner described in paragraph 2
11 of this subsection. If the county purchasing agent receives a
12 requisition for an item for which the county purchasing agent does
13 not have a current bid, the county purchasing agent shall request
14 from the Purchasing Division or the Information Services Division of
15 the Office of Management and Enterprise Services, as applicable, all
16 contracts quoting the price the state is paying for the item. The
17 county purchasing agent shall either request the Purchasing Division
18 or the Information Services Division of the Office of Management and
19 Enterprise Services, as applicable, to make the purchase for the
20 county or the county purchasing agent shall solicit bids in the
21 manner described in paragraph 2 of this subsection. Nothing in this
22 paragraph shall prohibit bids from being taken on an item currently
23 on a twelve-month bid list, at any time deemed necessary by the
24 county purchasing agent. Whenever the county purchasing agent deems

1 it necessary to take a bid on an item currently on a twelve-month
2 bid list, the reason for the bid shall be entered into the minutes
3 of the board of county commissioners;

4 2. Bids shall be solicited by mailing a notice to all persons
5 or firms who have made a written request of the county purchasing
6 agent that they be notified of such bid solicitation and to all
7 other persons or firms who might reasonably be expected to submit
8 bids. Notice of solicitation of bids shall also be published one
9 time in a newspaper of general circulation in the county. Notices
10 shall be mailed and published at least ten (10) days prior to the
11 date on which the bids are opened. Proof of the mailing shall be
12 made by the affidavit of the person mailing the request for bids and
13 shall be made a part of the official records of the county
14 purchasing agent. Whenever any prospective supplier or vendor
15 dealing in or listing for sale any particular item or article
16 required to be purchased or acquired by sealed bids fails to enter
17 or offer a sealed bid for three successive bid solicitations, the
18 name of the supplier or vendor may be dropped from the mailing lists
19 of the board of county commissioners;

20 3. The sealed bids received from vendors and the state contract
21 price received from the ~~Purchasing~~ applicable Division of the Office
22 of Management and Enterprise Services shall be given to the county
23 clerk by the county purchasing agent. The county clerk shall
24

1 forward the sealed bids and state contract price, if any, to the
2 board of county commissioners;

3 4. The board of county commissioners, in an open meeting, shall
4 open the sealed bids and compare them to the state contract price.
5 The board of county commissioners shall select the lowest and best
6 bid based upon, if applicable, the availability of material and
7 transportation cost to the job site within thirty (30) days of the
8 meeting. For any special item not included on the list of needed or
9 commonly used items, the requisitioning official shall review the
10 bids and submit a written recommendation to the board before final
11 approval. The board of county commissioners shall keep a written
12 record of the meeting as required by law, and any time the lowest
13 bid was not considered to be the lowest and best bid, the reason for
14 such conclusion shall be recorded. Whenever the board of county
15 commissioners rejects the written recommendation of the
16 requisitioning official pertaining to a special item, the reasons
17 for the rejection shall be entered in their minutes and stated in a
18 letter to the requisitioning official and county purchasing agent;

19 5. The county purchasing agent shall notify the successful
20 bidders and shall maintain a copy of the notification. The county
21 purchasing agent shall prepare and maintain a vendors list
22 specifying the successful bidders and shall notify each county
23 officer of the list. The county purchasing agent may remove any
24 vendor from such list who refuses to provide goods or services as

1 provided by contract if the removal is authorized by the board of
2 county commissioners. The county purchasing agent may make
3 purchases from the successful bidders for a price at or below the
4 bid price. If a vendor who is the low bidder cannot or will not
5 sell goods or services as required by a county bid contract, the
6 county purchasing agent may purchase from the next low bidder or
7 take quotations as provided in paragraph 6 of this subsection,
8 provided, however, such purchase does not exceed Ten Thousand
9 Dollars (\$10,000.00); and

10 6. When bids have been solicited as provided for by law and no
11 bids have been received, the procedure shall be as follows:

12 a. the county purchasing agent shall determine if
13 potential vendors are willing to commit to a firm
14 price for a reduced period of time, and, if such is
15 the case, the bid procedure described in this
16 subsection shall be followed, or

17 b. if vendors are not willing to commit to a firm price
18 for a reduced period, the purchasing agent shall
19 solicit and record at least three quotes of current
20 prices available to the county and authorize the
21 purchase of goods or services based on the lowest and
22 best quote as it becomes necessary to acquire such
23 goods or services. The quotes shall be recorded on a
24 form prescribed by the State Auditor and Inspector and

1 shall be attached to the purchase order and filed with
2 the county clerk's copy of the purchase order. Any
3 time the lowest quote was not considered to be the
4 lowest and best quote, the reason for this conclusion
5 shall be recorded by the county purchasing agent and
6 transmitted to the county clerk, or

7 c. if three quotes are not available, a memorandum to the
8 county clerk from the county purchasing agent shall
9 describe the basis upon which a purchase is
10 authorized. The memorandum shall state the reasons
11 why the price for such a purchase is the lowest and
12 best under the circumstances. The county clerk shall
13 then attach the memorandum to the county clerk's copy
14 of the purchase order and file both in the office of
15 the county clerk.

16 C. After selection of a vendor, the procedure for the purchase,
17 lease-purchase, or rental of supplies, materials, ~~and~~ equipment and
18 information technology and telecommunication goods and services used
19 by a county shall be as follows:

20 1. The county purchasing agent shall prepare a purchase order
21 in quadruplicate and submit it with a copy of the requisition to the
22 county clerk;
23
24

1 construction or maintenance of roads and bridges, and submit the
2 original purchase order to the receiving officer of the requesting
3 department.

4 D. 1. The procedure for the purchase of supplies, materials,
5 ~~and equipment~~ and information technology and telecommunication goods
6 and services at public auction or by sealed bid to be used by a
7 county shall be as follows:

8 a. the county purchasing agent shall prepare a purchase
9 order in quadruplicate and submit it with a copy of
10 the requisition to the county clerk,

11 b. the county clerk shall then encumber the amount stated
12 on the purchase order and assign a sequential number
13 to the purchase order,

14 c. if there is an unencumbered balance in the
15 appropriation made for that purpose by the county
16 excise board, the county clerk shall so certify in the
17 following form:

18 I hereby certify that the amount of this encumbrance
19 has been entered against the designated appropriation
20 accounts and that this encumbrance is within the
21 authorized available balance of said appropriation.

22 Dated this _____ day of _____, 20__.

23 _____
24 County Clerk/Deputy

1 of _____ County.

2 In instances where it is impossible to ascertain the
3 exact amount of the indebtedness sought to be incurred
4 at the time of recording the encumbrance, an estimated
5 amount may be used. No purchase order shall be valid
6 unless signed by the county purchasing agent and
7 certified by the county clerk, and

- 8 d. the county clerk shall file a copy of the purchase
9 order and return the original purchase order and two
10 copies to the county purchasing agent who shall file a
11 copy, retain the other copy for the county road and
12 bridge inventory officer if the purchase order is for
13 the purchase of equipment, supplies, or materials for
14 the construction or maintenance of roads and bridges,
15 and submit the original purchase order to the
16 receiving officer of the requesting department.

17 2. The procedure for the purchase of supplies, materials and
18 equipment at a public auction when the purchase will be made with
19 the proceeds from the sale of county property at the same public
20 auction are as follows:

- 21 a. the purchasing agent shall cause such items being sold
22 to be appraised in the manner determined in Section
23 421.1 of this title,

- 1 b. the county purchasing agent shall prepare a purchase
2 order in quadruplicate and submit it with a copy of
3 the requisition to the county clerk,
- 4 c. the county clerk shall then encumber the amount of the
5 appraised value and any additional funds obligated by
6 the county on the purchase order and assign a
7 sequential number to the purchase order,
- 8 d. the county clerk shall certify that the amount of the
9 encumbrance is equal to the appraised value of the
10 item being sold plus any additional funds obligated by
11 the county. In effect the recording of the
12 encumbrance is an estimate that is authorized by law.
13 No purchase order shall be valid unless signed by the
14 county purchasing agent and certified by the county
15 clerk,
- 16 e. the county clerk shall file a copy of the purchase
17 order and return the original purchase order and two
18 copies to the county purchasing agent who shall file a
19 copy, retain a copy for the county road and bridge
20 inventory officer if the purchase order is for the
21 purchase of equipment, supplies or materials for the
22 construction or maintenance of roads and bridges, and
23 submit the original purchase order to the receiving
24 officer of the requesting department, and

1 f. a purchase shall not be bid until such time that the
2 appraised item or items are sold. Any item or items
3 purchased shall not exceed the appraised value plus
4 any additional funds obligated by the county or the
5 actual selling price of the item or items, whichever
6 is the lesser amount.

7 E. The procedure for the receipt of items shall be as follows:

8 1. A receiving officer for the requesting department shall be
9 responsible for receiving all items delivered to that department;

10 2. Upon the delivery of an item, the receiving officer shall
11 determine if a purchase order exists for the item being delivered;

12 3. If no such purchase order has been provided, the receiving
13 officer shall refuse delivery of the item;

14 4. If a purchase order is on file, the receiving officer shall
15 obtain a delivery ticket, bill of lading, or other delivery document
16 and compare it with the purchase order. If any item is back
17 ordered, the back order and estimated date of delivery shall be
18 noted in the receiving report;

19 5. The receiving officer shall complete a receiving report in
20 quadruplicate which shall state the quantity and quality of goods
21 delivered. The receiving report form shall be prescribed by the
22 State Auditor and Inspector. The person delivering the goods shall
23 acknowledge the delivery by signature, noting the date and time;

1 6. The receiving officer shall file the original receiving
2 report and submit:

- 3 a. the original purchase order and a copy of the
- 4 receiving report to the county purchasing agent, and
- 5 b. a copy of the receiving report with the delivery
- 6 documentation to the county clerk;

7 7. The county purchasing agent shall file the original purchase
8 order and a copy of the receiving report;

9 8. Upon receipt of the original receiving report and the
10 delivery documentation, the county clerk shall maintain a file until
11 such time as an invoice is received from the vendor;

12 9. The invoice shall state the name and address of the vendor
13 and must be sufficiently itemized to clearly describe each item
14 purchased, the unit price when applicable, the number or volume of
15 each item purchased, the total price, the total purchase price, and
16 the date of the purchase;

17 10. Upon receipt of an invoice, the county clerk shall compare
18 the following documents:

- 19 a. requisition,
- 20 b. purchase order,
- 21 c. invoice with noncollusion affidavit as required by
- 22 law,
- 23 d. receiving report, and
- 24 e. delivery document.

1 The documents shall be available for public inspection during
2 regular business hours; and

3 11. If the documents conform as to the quantity and quality of
4 the items, the county clerk shall prepare a warrant for payment
5 according to procedures provided for by law.

6 F. The following procedures are for the processing of purchase
7 orders:

8 1. The purchasing agent shall be allowed up to three (3) days
9 to process purchase orders to be presented to the board of county
10 commissioners for consideration and payment. Nothing herein shall
11 prevent the purchasing agent from processing or the board of county
12 commissioners from consideration and payment of utilities, travel
13 claims and payroll claims;

14 2. The board of county commissioners shall consider the
15 purchase orders so presented and act upon the purchase orders, by
16 allowing in full or in part or by holding for further information or
17 disallowing the same. The disposition of purchase orders shall be
18 indicated by the board of county commissioners, showing the amounts
19 allowed or disallowed and shall be signed by at least two members of
20 the board of county commissioners. Any claim held over for further
21 information shall be acted upon by allowing or disallowing same at
22 any future meeting of the board held within seventy-five (75) days
23 from the date of filing of the purchase order. Any purchase order
24 not acted upon within the seventy-five (75) days from the date of

1 filing shall be deemed to have been disallowed, but such
2 disallowance shall not prevent the refiling of the purchase order at
3 the proper time; and

4 3. Whenever any allowance, either in whole or in part, is made
5 upon any purchase order presented to the board of county
6 commissioners and is accepted by the person making the claim, such
7 allowance shall be a full settlement of the entire purchase order
8 and provided that the cashing of warrant shall be considered as
9 acceptance by the claimant.

10 G. The procedure upon consumption or disposal of supplies,
11 materials, or equipment shall be as follows:

12 1. For consumable road or bridge items or materials, a
13 quarterly report of the road and bridge projects completed during
14 such period shall be prepared and kept on file by the consuming
15 department. The quarterly report may be prepared and kept
16 electronically by the consuming department. The report shall
17 contain a record of the date, the place, and the purpose for the use
18 of the road or bridge items or materials. For purposes of
19 identifying county bridges, the board of county commissioners shall
20 number each bridge subject to its jurisdiction; and

21 2. For disposal of all equipment and information technology and
22 telecommunication goods which originally cost more than Five Hundred
23 Dollars (\$500.00), resolution of disposal shall be submitted by the
24 officer on a form prescribed by the State Auditor and Inspector's

1 Office to the board of county commissioners. The approval of the
2 resolution of disposal shall be entered into the minutes of the
3 board.

4 H. Inventory forms and reports shall be retained for not less
5 than two (2) years after all audit requirements for the state and
6 federal government have been fulfilled and after any pending
7 litigation involving the forms and reports has been resolved.

8 I. The procedures provided for in this section shall not apply
9 when a county officer certifies that an emergency exists requiring
10 an immediate expenditure of funds. Such an expenditure of funds
11 shall not exceed Five Thousand Dollars (\$5,000.00). The county
12 officer shall give the county purchasing agent a written explanation
13 of the emergency. The county purchasing agent shall attach the
14 written explanation to the purchase order. The purchases shall be
15 paid by attaching a properly itemized invoice, as described in this
16 section, to a purchase order which has been prepared by the county
17 purchasing agent and submitting them to the county clerk for filing,
18 encumbering, and consideration for payment by the board of county
19 commissioners.

20 SECTION 6. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
21 last amended by Section 56 of Enrolled Senate Bill No. 977 of the
22 1st Session of the 54th Oklahoma Legislature, is amended to read as
23 follows:
24

1 Section 34.11.1 A. There is hereby created the position of
2 Chief Information Officer who shall be appointed by the Governor.
3 The Chief Information Officer, in addition to having authority over
4 the Information Services Division of the Office of Management and
5 Enterprise Services, shall also serve as Secretary of Information
6 Technology and Telecommunications or successor cabinet position and
7 shall have jurisdictional areas of responsibility related to
8 information technology and telecommunications systems of all state
9 agencies as provided for in ~~the Oklahoma Information Services Act~~
10 state law. The salary of the Chief Information Officer shall not be
11 less than One Hundred Thirty Thousand Dollars (\$130,000.00) or more
12 than One Hundred Sixty Thousand Dollars (\$160,000.00). ~~The first~~
13 ~~Chief Information Officer shall be appointed no later than January~~
14 ~~1, 2010.~~

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

17 1. A baccalaureate degree in Computer Information Systems,
18 Information Systems or Technology Management, Business
19 Administration, Finance, or other similar degree;

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

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

3 4. Experience with data and voice convergence service
4 offerings;

5 5. Experience in developing technology budgets;

6 6. Experience in developing requests for proposal and
7 administering the bid process;

8 7. Experience managing professional staff, teams, and
9 consultants;

10 8. Knowledge of telecommunications operations;

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

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

15 11. Ability to analyze and resolve complex issues, both logical
16 and interpersonal;

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

20 13. Ability to negotiate and defuse conflict; and

21 14. A self-motivator, independent, cooperative, flexible and
22 creative.

23 C. The salary and any other expenses for the Chief Information
24 Officer shall be budgeted as a separate line item through the Office

1 of Management and Enterprise Services. The operating expenses of
2 the Information Services Division shall be set by the Chief
3 Information Officer and shall be budgeted as a separate line item
4 through the Office of Management and Enterprise Services. The
5 Office of Management and Enterprise Services shall provide adequate
6 office space, equipment and support necessary to enable the Chief
7 Information Officer to carry out the information technology and
8 telecommunications duties and responsibilities of the Chief
9 Information Officer and the Information Services Division.

10 D. 1. Within twelve (12) months of appointment, the first
11 Chief Information Officer shall complete an assessment, which shall
12 be modified annually pursuant to Section 35.5 of this title, of the
13 implementation of the transfer, coordination, and modernization of
14 all information technology and telecommunication systems of all
15 state agencies in the state as provided for in the Oklahoma
16 Information Services Act. The assessment shall include the
17 information technology and telecommunications systems of all
18 institutions within The Oklahoma State System of Higher Education,
19 the Oklahoma State Regents for Higher Education and the
20 telecommunications network known as OneNet as assembled and
21 submitted by the Oklahoma Higher Education Chief Information
22 Officer, as designated by the Oklahoma State Regents for Higher
23 Education.

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

- 4 a. define the shared service model organization structure
5 and the reporting relationship of the recommended
6 organization,
- 7 b. the implementation of an information technology and
8 telecommunications shared services model that defines
9 the statewide infrastructure environment needed by
10 most state agencies that is not specific to individual
11 agencies and the shared applications that are utilized
12 across multiple agencies,
- 13 c. define the services that shall be in the shared
14 services model under the control of the Information
15 Services Division of the Office of Management and
16 Enterprise Services,
- 17 d. define the roadmap to implement the proposed shared
18 services model. The roadmap shall include
19 recommendations on the transfer, coordination, and
20 modernization of all information technology and
21 telecommunication systems of all the state agencies in
22 the state,

1 e. recommendations on the reallocation of information
2 technology and telecommunication resources and
3 personnel,

4 ~~f. recommendations on maximizing the benefits to the~~
5 ~~state by the alignment and operation of the~~
6 ~~communications and data transfer network assets known~~
7 ~~as OneNet,~~

8 ~~g.~~ a cost benefit analysis to support the recommendations
9 on the reallocation of information technology and
10 telecommunication resources and personnel,

11 ~~h.~~

12 g. a calculation of the net savings realized through the
13 reallocation and consolidation of information
14 technology and telecommunication resources and
15 personnel after compensating for the cost of
16 contracting with a private consultant as authorized in
17 paragraph 4 of this subsection, implementing the plan
18 of action, and ongoing costs of the Information
19 Services Division of the Office of Management and
20 Enterprise Services, and

21 ~~i.~~

22 h. the information required in subsection B of Section
23 35.5 of this title.

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

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

8 E. ~~Beginning on the effective date of appointment, the~~ The
9 Chief Information Officer shall be authorized to employ personnel,
10 fix the duties and compensation of the personnel, not otherwise
11 prescribed by law, and otherwise direct the work of the personnel in
12 performing the function and accomplishing the purposes of the
13 Information Services Division of the Office of Management and
14 Enterprise Services.

15 F. ~~Beginning on the effective date of the appointment of the~~
16 ~~first Chief Information Officer, the~~ The Information Services
17 Division of the Office of Management and Enterprise Services shall
18 be responsible for the following duties:

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

21 2. Define, design, and implement a shared services statewide
22 infrastructure and application environment for information
23 technology and telecommunications for all state agencies;

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

4 4. Supervise the applications development process for those
5 applications that are utilized across multiple agencies;

6 5. Provide direction for the professional development of
7 information technology staff of state agencies and oversee the
8 professional development of the staff of the Information Services
9 Division of the Office of Management and Enterprise Services;

10 6. Evaluate all technology and telecommunication investment
11 choices for all state agencies;

12 7. Create a plan to ensure alignment of current systems, tools,
13 and processes with the strategic information technology plan for all
14 state agencies;

15 8. Set direction and provide oversight for the support and
16 continuous upgrading of the current information technology and
17 telecommunication infrastructure in the state in support of enhanced
18 reliability, user service levels, and security;

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

22 10. Recruit, hire and transfer the required technical staff in
23 the Information Services Division of the Office of Management and
24

1 Enterprise Services to support the services provided by the Division
2 and the execution of the strategic information technology plan;

3 11. Establish, maintain, and enforce information technology and
4 telecommunication standards;

5 12. Delegate, coordinate, and review all work to ensure quality
6 and efficient operation of the Information Services Division of the
7 Office of Management and Enterprise Services;

8 13. Create and implement a communication plan that disseminates
9 pertinent information to state agencies on standards, policies,
10 procedures, service levels, project status, and other important
11 information to customers of the Information Services Division of the
12 Office of Management and Enterprise Services and provide for agency
13 feedback and performance evaluation by customers of the Division;

14 14. Develop and implement training programs for state agencies
15 using the shared services of the Information Services Division of
16 the Office of Management and Enterprise Services and recommend
17 training programs to state agencies on information technology and
18 telecommunication systems, products and procedures;

19 15. Provide counseling, performance evaluation, training,
20 motivation, discipline, and assign duties for employees of the
21 Information Services Division of the Office of Management and
22 Enterprise Services;

23 16. Approve the purchasing of all information technology and
24 telecommunication products and services for all state agencies;

1 17. Develop and enforce an overall infrastructure architecture
2 strategy and associated roadmaps for desktop, network, server,
3 storage, and statewide management systems for state agencies;

4 18. Effectively manage the design, implementation and support
5 of complex, highly available infrastructure to ensure optimal
6 performance, on-time delivery of features, and new products, and
7 scalable growth;

8 19. Define and implement a governance model for requesting
9 services and monitoring service level metrics for all shared
10 services; and

11 20. Create the budget for the Information Services Division of
12 the Office of Management and Enterprise Services to be submitted to
13 the Legislature each year.

14 G. ~~Upon receiving approval of the State Governmental Technology~~
15 ~~Applications Review Board, the Chief Information Officer shall~~
16 ~~implement the plan of action as set forth in subsection D of this~~
17 ~~section; provided, the plan of action for the Department of Human~~
18 ~~Services shall not be implemented until July 1, 2011. The State~~
19 ~~Governmental Technology Applications Review Board shall provide~~
20 ~~ongoing oversight of the implementation of the plan of action~~
21 required in subsection D of this section. Any proposed amendments
22 to the plan of action shall be approved by the Board prior to
23 adoption. ~~The net savings realized through the reallocation and~~
24 ~~consolidation of information technology and telecommunication~~

~~resources and personnel after compensating for the up-front costs and ongoing costs of the Information Services Division of the Office of Management and Enterprise Services which are identified and reported in the plan of action shall be realized no later than July 1, 2012, and shall at a minimum be not less than fifteen percent (15%) of the overall statewide information technology and telecommunications expenditures made by all state agencies during the fiscal year ending June 30, 2009.~~

H. 1. ~~Beginning on the effective date of appointment, the~~ The Chief Information Officer shall act as the Information Technology and Telecommunications Purchasing Director for all state agencies and shall be responsible for the procurement of all information technology and telecommunication software, hardware, equipment, peripheral devices, maintenance, consulting services, high technology systems, and other related information technology, data processing, telecommunication and related peripherals and services for all state agencies. The Chief Information Officer shall establish, implement, and enforce policies and procedures for the procurement of information technology and telecommunication software, hardware, equipment, peripheral devices, maintenance, consulting services, high technology systems, and other related information technology, data processing, telecommunication and related peripherals and services by purchase, lease-purchase, lease with option to purchase, lease and rental for all state agencies.

1 The procurement policies and procedures established by the Chief
2 Information Officer shall be consistent with The Oklahoma Central
3 Purchasing Act ~~and Section 85.7h of Title 74 of the Oklahoma~~
4 ~~Statutes.~~

5 2. The Chief Information Officer, or any employee or agent of
6 the Chief Information Officer acting within the scope of delegated
7 authority, shall have the same power and authority regarding the
8 procurement of all information technology and telecommunication
9 ~~technology, equipment, software, products and related peripherals~~
10 products and services as outlined in paragraph 1 of this subsection
11 for all state agencies as the State Purchasing Director has for all
12 acquisitions used or consumed by state agencies as established in
13 The Oklahoma Central Purchasing Act. Such authority shall,
14 consistent with the authority granted to the State Purchasing
15 Director pursuant to Section 85.10 of Title 74 of the Oklahoma
16 Statutes, include the power to designate financial or proprietary
17 information submitted by a bidder confidential and reject all
18 requests to disclose the information so designated, if the Chief
19 Information Officer requires the bidder to submit the financial or
20 proprietary information with a bid, proposal, or quotation.

21 I. The Information Services Division of the Office of
22 Management and Enterprise Services and the Chief Information Officer
23 shall be subject to The Oklahoma Central Purchasing Act for the
24 approval and purchase of equipment and products not related to

1 information and telecommunications technology, equipment, software,
2 products and related peripherals and services and shall also be
3 subject to the requirements of the Public Competitive Bidding Act of
4 1974, the Oklahoma Lighting Energy Conservation Act and the Public
5 Building Construction and Planning Act when procuring data
6 processing, information technology, telecommunication, and related
7 peripherals and services and when constructing information
8 technology and telecommunication facilities, telecommunication
9 networks and supporting infrastructure. The Chief Information
10 Officer shall be authorized to delegate all or some of the
11 procurement of information technology and telecommunication products
12 and services and construction of facilities and telecommunication
13 networks to another state entity if the Chief Information Officer
14 determines it to be cost-effective and in the best interest of the
15 state. The Chief Information Officer shall have authority to
16 designate information technology and telecommunication contracts as
17 statewide contracts and mandatory statewide contracts pursuant to
18 Section 85.5 of Title 74 of the Oklahoma Statutes and to negotiate
19 consolidation contracts, enterprise agreements and high technology
20 systems contracts in accordance with the procedures outlined in
21 Section 85.9D of Title 74 of the Oklahoma Statutes. Any contract
22 entered into by a state agency for which the Chief Information
23 Officer has not acted as the Information Technology and
24 Telecommunications Purchasing Director as required in this

1 subsection or subsection H of this section, shall be deemed to be
2 unenforceable and the Office of Management and Enterprise Services
3 shall not process any claim associated with the provisions thereof.

4 ~~J. The Chief Information Officer shall establish and implement~~
5 ~~charges and a system to assess the charges to state agencies for~~
6 ~~their use of shared information technology and telecommunication~~
7 ~~services subject to the approval of the State Governmental~~
8 ~~Technology Applications Review Board.~~

9 ~~K.~~ The Chief Information Officer shall establish, implement,
10 and enforce policies and procedure for the development and
11 procurement of an interoperable radio communications system for
12 state agencies. The Chief Information Officer shall work with local
13 governmental entities in developing the interoperable radio
14 communications system.

15 ~~L.~~ K. The Chief Information Officer shall develop and implement
16 a plan to utilize open source technology and products for the
17 information technology and telecommunication systems of all state
18 agencies.

19 ~~M.~~ L. All state agencies and authorities of this state and all
20 officers and employees of those entities shall work and cooperate
21 with and lend assistance to the Chief Information Officer and the
22 Information Services Division of the Office of Management and
23 Enterprise Services and provide any and all information requested by
24 the Chief Information Officer.

1 ~~N.~~ M. The Chief Information Officer shall prepare an annual
2 report detailing the ongoing net saving attributable to the
3 reallocation and consolidation of information technology and
4 telecommunication resources and personnel and shall submit the
5 report to the Governor, the Speaker of the House of Representatives,
6 and the President Pro Tempore of the Senate.

7 ~~Θ.~~ N. For purposes of the Oklahoma Information Services Act,
8 unless otherwise provided for, "state agencies" shall include any
9 office, officer, bureau, board, commission, counsel, unit, division,
10 body, authority or institution of the executive branch of state
11 government, whether elected or appointed; provided, except with
12 respect to the provisions of subsection D of this section, the term
13 "state agencies" shall not include institutions within The Oklahoma
14 State System of Higher Education, the Oklahoma State Regents for
15 Higher Education and the telecommunications network known as OneNet.

16 O. As used in this section:

17 1. "High technology system" means advanced technological
18 equipment, software, communication lines, and services for the
19 processing, storing, and retrieval of information by a state agency;

20 2. "Consolidation contract" means a contract for several state
21 or public agencies for the purpose of purchasing information
22 technology and telecommunication goods and services; and

23 3. "Enterprise agreement" means an agreement for information
24 technology or telecommunication goods and services with a supplier

1 who manufactures, develops and designs products and provides
2 services that are used by one or more state agencies.

3 SECTION 7. AMENDATORY 62 O.S. 2011, Section 34.11.2, is
4 amended to read as follows:

5 Section 34.11.2 A. There is hereby established the Oklahoma
6 State Government 2.0 Initiative.

7 B. The State Governmental Technology Applications Review Board
8 shall consider and approve a standardized social media policy for
9 use by state agencies, boards, commissions and public trusts having
10 the State of Oklahoma as a beneficiary.

11 C. The board shall establish open technology standards and a
12 schedule by which state agencies, boards, commissions and public
13 trusts having the State of Oklahoma as a beneficiary shall utilize
14 these standards to provide citizens with web-based interactivity to
15 state government services. Whenever possible these standards shall
16 match commonly used standards by other government entities.

17 D. The board shall set a schedule by which state agencies,
18 boards, commissions and public trusts having the State of Oklahoma
19 as a beneficiary shall publish and update convenience information
20 sets which shall be accessible through standardized application
21 programming interfaces and published in standardized formats
22 including but not limited to eXtensible Markup Language (XML) and
23 Comma Separated Value (CSV) formats. The board shall establish
24 application programming interface standards which enable access to

1 convenience information sets. The schedule shall place an emphasis
2 on first making accessible convenience information sets most
3 commonly requested in open records requests. A directory and link
4 to all available convenience information sets shall be prominently
5 featured on the portal system referenced in Section 34.24 of this
6 title and if possible linked to the ~~"data.ok.gov"~~ data.ok.gov web
7 portal.

8 E. The board may conduct events and contests to provide
9 recognition of software application development provided that the
10 application being recognized utilizes standards established in this
11 section to the benefit of the citizens of Oklahoma.

12 F. The board shall establish an application process through
13 which applicants can request the scheduled implementation of
14 application programming interfaces, creation of open technology
15 standards and publication of convenience information sets pursuant
16 to the provisions of this section. Instructions regarding the
17 application process shall be prominently featured on the portal
18 system referenced in Section 34.24 of this title.

19 G. State agencies, boards, commissions and public trusts having
20 the State of Oklahoma as a beneficiary shall comply with the
21 policies, schedules and standards established by this section.

22 ~~H. The board shall implement standardized policies by which~~
23 ~~state agencies may accept terms of service related to liability~~
24 ~~issues for the usage of social media services, contracts for~~

1 ~~technology products and technology service contracts provided the~~
2 ~~liability clause in the terms of service or contract contains~~
3 ~~standard language including a liability agreement which is~~
4 ~~considered customary or largely similar to terms of service agreed~~
5 ~~to or contracts entered into by other government entities and~~
6 ~~private sector enterprises.~~

7 ~~I.~~ The board shall promulgate performance information metrics
8 and guidelines which shall be used to establish criteria which
9 govern participation in the "State Government Employee Performance
10 Transparency Pilot Program". The board shall set a schedule for the
11 publication of performance information metrics through the
12 ~~"data.ok.gov"~~ data.ok.gov website.

13 ~~J.~~ I. For the purposes of this section, "open technology
14 standards" are widely accepted standards and mechanisms for the web-
15 based connectivity and asynchronous communication between software
16 programs. "Application programming interface" is a standardized
17 interface enabling a standard form of connectivity between
18 convenience information sets and software programs, "performance
19 information metrics" are sets of information which reflect the
20 performance of state employees and state agencies, and "convenience
21 information sets" are sets of information which are subject to
22 public access under the Oklahoma Open Records Act and which do not
23 contain personally identifiable information.

1 SECTION 8. AMENDATORY 62 O.S. 2011, Section 34.11.7, is
2 amended to read as follows:

3 Section 34.11.7 A. 1. The State Governmental Technology
4 Applications Review Board shall establish a statewide assistance
5 program with guidelines and support to encourage all state agencies
6 in the development of a telework model designed for maximum
7 efficiency and to reduce the need for additional state office space
8 and to produce cost savings.

9 2. In establishing a statewide assistance telework program,
10 the Board, working with the Office of Management and Enterprise
11 Services, shall:

- 12 a. provide policies and guidance for telework in the
13 areas of pay and leave, performance management,
14 official worksite, recruitment and retention and
15 accommodation for employees with disabilities,
16 b. assist each state agency in establishing qualitative
17 and quantitative measures and telework goals,
18 c. provide guidance to ensure the adequacy of information
19 and security protections for information and
20 information systems while teleworking to:
21 (1) control access to agency information and
22 information systems,
23 (2) protect agency information and information
24 systems,

- (3) protect information systems not under the control of the state agency that are used for telework,
- (4) limit the introduction of vulnerabilities, and
- (5) safeguard wireless and other telecommunications capabilities, and

d. maintain a central telework website including:

- (1) telework links,
- (2) announcements,
- (3) guidance developed by the Board and the Office of Management and Enterprise Services, and
- (4) documents to be used by staff, managers and human resource professionals.

B. The State Governmental Technology Applications Review Board shall establish performance reporting metrics for each state employee who begins participating in telework following ~~the effective date of this act~~ July 1, 2012. These reports shall be published through the ~~"data.ok.gov"~~ data.ok.gov website.

~~B.~~ C. All requests for additional office space for a state agency shall be submitted and reviewed by the State Governmental Technology Applications Review Board according to the guidelines established pursuant to subsection A of this section. Prior to the lease, purchase, rental or issuance of bonds for the use of additional office space, a state agencies agency shall receive certification from the State Governmental Technology Applications

1 Review Board that ~~no~~ the lease, purchase, rental or issuance of
2 bonds is necessary, after considering the extent to which state
3 employee jobs in that agency can be performed through telework and
4 telework is eliminated as a viable plan for additional space.

5 ~~C.~~ D. The Oklahoma Healthcare Authority shall authorize one
6 division of employees to participate in a telework pilot program
7 pursuant to the terms of this section.

8 ~~D.~~ E. For the purposes of this section, "performance reporting
9 metrics" shall mean a set of criteria which demonstrates the
10 quantity and quality of work. "Telework" shall mean work which is
11 performed outside of the traditional on-site work environment.

12 SECTION 9. AMENDATORY 62 O.S. 2011, Section 34.11.9, as
13 amended by Section 344, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
14 2012, Section 34.11.9), is amended to read as follows:

15 Section 34.11.9 A. There is hereby established the Oklahoma
16 State Government Business Licensing One-Stop Program.

17 B. The Chief Information Officer shall promulgate procedures by
18 which state agencies shall enter into an arrangement with the Office
19 of Management and Enterprise Services for the provision of a real-
20 time licensing and permitting one-stop web-based offering.

21 C. Real-time licensing and permitting services shall be made
22 available to the public through the website "~~Business.ok.gov~~"
23 Business.ok.gov and shall be offered through the 2nd Century
24 Entrepreneurship Center business licensing framework.

1 D. The 2nd Century Entrepreneurship Center and all
2 corresponding assets and personnel are hereby transferred from the
3 Oklahoma Department of Commerce to the Information Services Division
4 of the Office of Management and Enterprise Services.

5 E. The Chief Information Officer may grant an exemption from
6 the requirements of this section to state agencies which offer
7 licensing and permitting procedures requiring documentation that
8 cannot be provided through a web-based portal. Exemptions shall be
9 limited to individual licensing processes, shall not be granted on
10 an agency-by-agency basis and shall be reported according to the
11 requirements of subsection D of Section 34.24.1 of this title. Each
12 exemption shall be renewed on an annual basis.

13 F. State agencies shall comply with procedures promulgated
14 pursuant to the terms of this section.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 34.11.10 of Title 62, unless
17 there is created a duplication in numbering, reads as follows:

18 A. There is hereby established the Oklahoma State Government
19 Security Breach Transparency Initiative.

20 B. The Chief Information Officer shall develop and maintain an
21 online web presence at the web address *security.ok.gov*. The site
22 shall allow the public access to security breaches as described in
23 this section.

1 C. For each security breach of a system for which notification
2 may be required of any state agency pursuant to Section 3113.1 of
3 Title 74 of the Oklahoma Statutes or any other applicable Oklahoma
4 or federal law, rule or regulation, the state agency shall
5 immediately notify the Chief Information Officer of the breach and
6 fully cooperate to provide all information related to the breach
7 that is requested by the Chief Information Officer.

8 D. Information related to each security breach referenced in
9 subsection C of this section shall be posted on the *security.ok.gov*
10 website and when applicable the information shall be updated.

11 SECTION 11. AMENDATORY 62 O.S. 2011, Section 34.12, as
12 last amended by Section 58 of Enrolled Senate Bill No. 977 of the
13 1st Session of the 54th Oklahoma Legislature, is amended to read as
14 follows:

15 Section 34.12 A. The Information Services Division of the
16 Office of Management and Enterprise Services shall:

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

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

23 3. Establish and enforce minimum mandatory standards for:

24 a. information systems planning,

- b. systems development methodology,
- c. documentation,
- d. hardware requirements and compatibility,
- e. operating systems compatibility,
- f. acquisition of software, hardware and technology-related services,
- g. information security and internal controls,
- h. data base compatibility,
- i. contingency planning and disaster recovery, and
- j. imaging systems, copiers, facsimile systems, printers, scanning systems and any associated supplies.

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. 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;

1 5. Operate ~~an information technology~~ a data service center to
2 provide operations and hardware support for agencies requiring such
3 services and for statewide systems;

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

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

19 8. Coordinate for the executive branch of state government
20 agency information technology activities, encourage joint projects
21 and common systems, linking of agency systems through the review of
22 agency plans, review and approval of all statewide contracts for
23 software, hardware and information technology consulting services
24 and development of a statewide plan and its integration with the

1 budget process to ensure that developments or acquisitions are
2 consistent with statewide objectives and that proposed systems are
3 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~~ data center user charges for billing
12 costs to 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 Information Services Division.
18 An enforcement team consisting of the Chief Information Officer of
19 the Information Services Division or a designee, a representative of
20 the Oklahoma Office of Homeland Security, and a representative of
21 the Oklahoma State Bureau of Investigation shall enforce the minimum
22 information security and internal control standards. If the
23 enforcement team determines that an agency is not in compliance with
24 the minimum information security and internal control standards, the

1 Chief Information Officer shall take immediate action to mitigate
2 the noncompliance, including the removal of the agency from the
3 infrastructure of the state until the agency becomes compliant,
4 taking control of the information technology function of the agency
5 until the agency is compliant, and transferring the administration
6 and management of the information technology function of the agency
7 to the Information Services Division or another state agency.

8 B. No agency of the executive branch of the state shall use
9 state funds for or enter into any agreement for the acquisition of
10 any category of computer hardware, software or any contract for
11 information technology or telecommunication services and equipment,
12 service costs, maintenance costs, or any other costs or fees
13 associated with the acquisition of the services or equipment,
14 without written authorization of the Chief Information Officer or a
15 designee. If written authorization is not obtained prior to
16 incurring an expenditure or entering into any agreement as required
17 in this subsection or as required in Section 35.4 of this title, the
18 Office of Management and Enterprise Services may not process any
19 claim associated with the expenditure and the provisions of any
20 agreement shall not be enforceable. The provisions of this
21 subsection shall not be applicable to any member of The Oklahoma
22 State System of Higher Education, any public elementary or secondary
23 schools of the state, any technology center school district as
24 defined in Section 14-108 of Title 70 of the Oklahoma Statutes, or

1 ~~CompSource Oklahoma if CompSource Oklahoma is operating pursuant to~~
2 ~~a pilot program authorized by Sections 3316 and 3317 of Title 74 of~~
3 ~~the Oklahoma Statutes.~~

4 C. The Chief Information Officer and Information Services
5 Division of the Office of Management and Enterprise Services and all
6 agencies of the executive branch of the state shall not be required
7 to disclose, directly or indirectly, any information of a state
8 agency which is declared to be confidential or privileged by state
9 or federal statute or the disclosure of which is restricted by
10 agreement with the United States or one of its agencies, nor
11 disclose information technology system details that may permit the
12 access to confidential information or any information affecting
13 personal security, personal identity, or physical security of state
14 assets.

15 SECTION 12. AMENDATORY 62 O.S. 2011, Section 34.13, as
16 amended by Section 346, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
17 2012, Section 34.13), is amended to read as follows:

18 Section 34.13 The Information Services Division of the Office
19 of Management and Enterprise Services shall, at the end of each
20 month, render a statement of charges to all state agencies to which
21 it has furnished processing services for the direct costs of the
22 Data Service Center of the Information Services Division, which
23 shall be timely paid. In total, the charges shall not exceed the
24 direct costs of the Data Service Center of the Information Services

1 Division. Systems analysts and programming services costs shall be
2 recovered directly from the agency for which the service was
3 rendered, as agreed to by that agency, and shall not be prorated to
4 agencies not receiving such services. If the charges or programming
5 services costs are not timely paid by a state agency, the
6 Information Services Division may request the Division of Central
7 Accounting and Reporting of the Office of Management and Enterprise
8 Services to create vouchers and process payments to the Information
9 Services Division against the funds of the delinquent agency. All
10 amounts so collected shall be deposited in the State Treasury to the
11 credit of the General Revenue Fund.

12 SECTION 13. AMENDATORY 62 O.S. 2011, Section 34.19, as
13 amended by Section 351, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
14 2012, Section 34.19), is amended to read as follows:

15 Section 34.19 A. The Information Services Division of the
16 Office of Management and Enterprise Services is directed, authorized
17 and empowered to enter into contracts for, to establish criteria for
18 and manage the installation, maintenance and administration of a
19 central communication or intercommunication system for and upon
20 behalf of this state. The installation shall fulfill communication
21 or intercommunications requirements of this state and its agencies
22 located in the Capitol and those buildings situated on the Capitol
23 grounds, known as the "Capitol Complex" in Oklahoma City, Oklahoma,
24 the state-owned building known as the "Tulsa Capitol Building" in

1 Tulsa, Oklahoma, buildings which house state agencies located within
2 four (4) miles of the Capitol Complex, and any location used for the
3 administration of the information technology and telecommunication
4 infrastructure and security for the state.

5 B. The Information Services Division shall render a statement
6 of charges at the end of each month to all state agencies to which
7 it has furnished communications services for the direct cost
8 sustained, ~~provided that~~ which shall timely be paid. If the charges
9 are not timely paid by a state agency, the Information Services
10 Division may request the Division of Central Accounting and
11 Reporting of the Office of Management and Enterprise Services to
12 create vouchers and process payments to the Information Services
13 Division against the funds of the delinquent agency. The following
14 provisions shall apply to the charges:

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

23 2. The Information Services Division is to be reimbursed by the
24 state or any of its agencies for actual cost incurred for equipment

1 installation or modification or for toll charges for use of
2 telephone, telegraph, teletype, data communications, Internet,
3 eGovernment, as referenced in Sections 34.24 and 34.25 of this
4 title, or other form or forms of communication or intercommunication
5 incurred by the state or by any agency.

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

16 SECTION 14. AMENDATORY 62 O.S. 2011, Section 34.21, as
17 last amended by Section 60 of Enrolled Senate Bill No. 977 of the
18 1st Session of the 54th Oklahoma Legislature, is amended to read as
19 follows:

20 Section 34.21 A. No agency of the executive branch of the
21 state shall use state funds for or enter into any agreement for the
22 acquisition, development or enhancement of a communication or
23 telecommunication system including voice, data, radio, video,
24 Internet, eGovernment, as referenced in Sections 34.24 and 34.25 of

1 this title, printers, scanners, copiers, facsimile systems and
2 associated supplies, service costs, maintenance costs, or any other
3 costs or fees associated with the acquisition of the system or
4 equipment, without written authorization of the Chief Information
5 Officer or a designee. The Chief Information Officer or a designee
6 shall verify that any acquisition, development or enhancement is
7 compatible with the operation of the Oklahoma Government
8 Telecommunications Network.

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

18 C. State agencies may enter into interagency contracts to share
19 communications and telecommunications resources for mutually
20 beneficial purposes. The contract shall clearly state how its
21 purpose contributes to the development or enhancement or cost
22 reduction of a state network which includes voice, data, radio,
23 video, Internet, eGovernment, or facsimile systems. The contract
24

1 shall be approved by the Information Services Division before any
2 payments are made.

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

8 E. The provisions of this section shall not apply to CompSource
9 Oklahoma ~~if CompSource Oklahoma is operating pursuant to a pilot~~
10 ~~program authorized by Sections 3316 and 3317 of Title 74 of the~~
11 ~~Oklahoma Statutes.~~

12 F. No state agency shall use state funds or enter into any
13 agreement for the acquisition, development or enhancement of a
14 public safety communication system unless the request is consistent
15 with the Statewide Communications Interoperability Plan and the
16 public safety communications standards issued by the Oklahoma Office
17 of Homeland Security. Agencies interested in acquiring, developing
18 or enhancing a public safety communications system shall submit a
19 proposal to the Oklahoma Office of Homeland Security. The Oklahoma
20 Office of Homeland Security shall issue a proposal review which
21 summarizes whether the proposal is consistent with the Statewide
22 Communications Interoperability Plan and the technology standards
23 issued. The proposal review shall be submitted to the requesting
24 agency and to the Chief Information Officer.

1 SECTION 15. AMENDATORY 62 O.S. 2011, Section 34.24.1, as
2 amended by Section 357, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
3 2012, Section 34.24.1), is amended to read as follows:

4 Section 34.24.1 A. ~~Except as otherwise provided by this~~
5 ~~section, as of July 1, 2010~~ Unless exempted pursuant to Section
6 34.27 of this title, each state agency, board, commission or other
7 entity organized within the executive department of state government
8 responsible for licensing or permitting shall utilize the portal
9 system to allow for a link to a web-based application and renewal
10 application for any license or permit issued by that agency. Access
11 to the online renewal systems shall be featured prominently on the
12 portal system.

13 B. Each entity responsible for licensing or permitting shall
14 make available to the Office of Management and Enterprise Services
15 on a yearly basis a report describing the number of licenses issued,
16 license renewals and permits issued as well as an estimate of the
17 amount of savings incurred by the entity as a result of the online
18 licensing and permitting process.

19 C. The Office of Management and Enterprise Services shall make
20 available to the public a copy of each report submitted in
21 accordance with the requirements of subsection B of this section by
22 placing the report on the website defined in Section 46 of this
23 title.

1 ~~D. The Director of the Office of Management and Enterprise~~
2 ~~Services may exempt a specific license or permit from the~~
3 ~~requirements of this section should he find compelling evidence that~~
4 ~~the issuance of the license or permit requires the provision of~~
5 ~~information that cannot be provided through an online licensing or~~
6 ~~permitting process and when the failure of the applicant to provide~~
7 ~~the information would create a significant risk to the integrity of~~
8 ~~the license or permit. The Director of the Office of Management and~~
9 ~~Enterprise Services shall document any exemptions issued pursuant to~~
10 ~~the provisions of this subsection and describe the compelling~~
11 ~~evidence justifying the need for the exemptions in a report to be~~
12 ~~provided to the Governor, Speaker of the Oklahoma House of~~
13 ~~Representatives and Speaker Pro Tempore of the State Senate. The~~
14 ~~exception provided for in this subsection shall not apply to license~~
15 ~~renewals pursuant to the Oklahoma Vehicle License and Registration~~
16 ~~Act of Title 47 of the Oklahoma Statutes.~~

17 ~~E.~~ The state agencies may accept an electronic signature in the
18 application process for any license or permit; provided, the use of
19 an electronic signature shall not create a significant risk to the
20 integrity of the license or permit.

21 ~~F.~~ E. Nothing in this section shall apply to driver license
22 renewal applications.
23
24

1 SECTION 16. AMENDATORY 62 O.S. 2011, Section 34.25, as
2 amended by Section 358, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
3 2012, Section 34.25), is amended to read as follows:

4 Section 34.25 A. Subject to review and ~~adoption~~ approval as
5 ~~outlined provided for~~ in Section 34.27 of this title, a state
6 agency, board, commission, or authority ~~is hereby authorized to~~
7 ~~charge a convenience~~ may obtain reimbursement of a merchant fee for
8 incurred in connection with any electronic or online transaction. A
9 ~~convenience fee shall apply to electronic or online transactions~~
10 ~~only and shall not apply when accessing information provided through~~
11 ~~state government websites. If a state entity sets a convenience fee~~
12 ~~for electronic or online transactions, the fee shall be reviewed by~~
13 ~~the State Governmental Internet Applications Review Board as~~
14 ~~provided for in Section 34.27 of this title.~~

15 B. Subject to review and approval as provided for in Section
16 34.27 of this title, unless otherwise permitted by law, a state
17 agency, board, commission or authority may charge a convenience fee
18 for a manual transaction. Each state entity shall keep a record of
19 how the convenience fee has been determined and shall file the
20 record with the Information Services Division of the Office of
21 Management and Enterprise Services. A state agency, board,
22 commission, or authority may periodically adjust a convenience fee
23 as needed upon review and ~~adoption~~ approval as provided for in
24 Section 34.27 of this title.

1 ~~B.~~ Any state agency, board, commission or authority may apply
2 to the State Governmental Technology Applications Review Board for
3 authorization to charge a convenience fee for electronic or online
4 transactions. If authorization is granted, the state entity shall
5 not assess a convenience fee for equivalent manual transactions.
6 The Board shall annually review the authorization for a convenience
7 fee for electronic or online transactions and shall take action to
8 renew or revoke the authorization as provided for in this
9 subsection.

10 C. For purposes of this section, ~~"convenience:~~

11 1. "Merchant fee" shall mean and be limited to the cost of a
12 charge imposed by a third-party credit card or debit card issuer
13 that is necessary to process an electronic or online transaction
14 with a state agency, board, commission or authority. ~~The fee shall~~
15 ~~be limited to bank processing fees and financial transaction fees,~~
16 ~~the cost of providing for secure transaction, portal fees, and fees~~
17 ~~necessary to compensate for increased bandwidth incurred as a result~~
18 ~~of providing for an online transaction;~~

19 2. "Convenience fee" shall mean a fee charged to partially
20 compensate for costs incurred as a result of providing for a manual
21 transaction or an electronic or online transaction if authorization
22 is approved as provided for in subsection B of this section; and

1 3. "Manual transaction" shall mean a transaction that is not
2 conducted online or electronically if the transaction is made
3 available online or electronically.

4 SECTION 17. AMENDATORY 62 O.S. 2011, Section 34.27, as
5 last amended by Section 2 of Enrolled House Bill No. 1431 of the 1st
6 Session of the 54th Oklahoma Legislature, is amended to read as
7 follows:

8 Section 34.27 A. There is hereby established the State
9 Governmental Technology Applications Review Board. The Board shall
10 ~~review and make recommendations to the Information Services Division~~
11 ~~of the Office of Management and Enterprise Services concerning state~~
12 ~~governmental Internet-based electronic or online transactions or~~
13 ~~applications being provided by state agencies, boards, commissions,~~
14 ~~or authorities for use by the public, provide oversight for~~
15 ~~implementation of the plan of action developed by the Chief~~
16 ~~Information Officer and advise the Chief Information Officer.~~

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

19 1. The Director of the Office of Management and Enterprise
20 Services or a designee;

21 2. Four representatives from different state agencies, boards,
22 commissions, or authorities to be appointed by the Governor, at
23 least one of which shall be employed by a law enforcement agency;

1 3. Two members who are not state government employees to be
2 appointed by the Speaker of the House of Representatives; and

3 4. Two members who are not state government employees to be
4 appointed by the President Pro Tempore of the Senate.

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

7 ~~D.~~ C. Members of the Board shall not receive compensation for
8 serving on the Board, but shall be reimbursed for travel expenses
9 incurred in the performance of their duties by their respective
10 agencies or appointing authority in accordance with the State Travel
11 Reimbursement Act.

12 D. Notwithstanding any other section of law, any member of the
13 Board attending a meeting via teleconference shall be counted as
14 being present in person and shall count toward the determination of
15 whether a quorum of the Board is present at the meeting.

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

17 1. ~~Reviewing a schedule of convenience fees, as is defined in~~
18 ~~Section 34.25 of this title, and~~ for approval all convenience fees
19 and merchant fees as defined in Section 34.25 of this title and
20 changes in convenience fees and merchant fees charged by state
21 agencies, boards, commissions, or authorities ~~for electronic or~~
22 ~~online transactions, and making recommendations pertaining to~~
23 ~~convenience fees to the Information Services Division prior to its~~
24 ~~adoption by rule of such fees, changes to fees, or fee schedule;~~

1 2. Monitoring all portal systems and applications for portal
2 systems created by state agencies, boards, commissions, or
3 authorities, reviewing portal systems applications approved or
4 denied by the Information Services Division of the Office of
5 Management and Enterprise Services, and making recommendations to
6 the Legislature and Governor to encourage greater use of the open-
7 systems concept as is defined in Section 34.26 of this title;

8 3. ~~Approving the plan of action developed by the Chief~~
9 ~~Information Officer as provided for in Section 34.11.1 of this~~
10 ~~title, providing~~ Granting an exemption for a specific license or
11 permit to a state agency from the requirements of Section 34.24.1 of
12 this title. The exemption shall be limited in time as warranted by
13 the circumstances. The Board shall grant the exemption only if
14 presented compelling evidence that the issuance of the license or
15 permit requires the provision of information that cannot be provided
16 through an online licensing or permitting process and that the
17 failure of the applicant to provide the information would create a
18 significant risk to the integrity of the license or permit. The
19 exemption provided for in this paragraph shall not apply to license
20 renewals pursuant to the Oklahoma Vehicle License and Registration
21 Act;

22 4. Providing ongoing oversight of implementation of the plan of
23 action developed by the Chief Information Officer pursuant to
24

1 Section 34.11.1 of this title and approving any amendments to the
2 plan of action;

3 ~~4.~~ 5. Approving charges to state agencies established by the
4 ~~Chief Information Officer~~ Services Division pursuant to Section
5 ~~34.11.1~~ 35.5 of this title for ~~their use of~~ shared information
6 ~~technology and telecommunications services~~ as defined in Section
7 35.3 of this title;

8 ~~5.~~ 6. Functioning in an advisory capacity to the Chief
9 Information Officer;

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

16 7. Approving a plan by which public elementary and secondary
17 schools of the state may recover the cost of instructional
18 technology resources issued by the schools.

19 SECTION 18. AMENDATORY 62 O.S. 2011, Section 34.28, as
20 amended by Section 361, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
21 2012, Section 34.28), is amended to read as follows:

22 Section 34.28 A. The Information Services Division of the
23 Office of Management and Enterprise Services shall work to assure
24 state compliance regarding accessibility of information technology

1 for individuals with disabilities based on the provisions of Section
2 508 of the Workforce Investment Act of 1998.

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

11 C. To assure accessibility, the Information Services Division
12 shall:

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

19 2. Adopt an accessibility clause which shall be included in all
20 contracts for the procurement of information technology by or for
21 the use of state agencies;

22 3. Establish and implement a review procedure to be used to
23 evaluate the accessibility of custom-designed information technology
24

1 systems proposed by a state agency prior to expenditure of state
2 funds;

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

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

12 ~~5.~~ 6. Consult with the State Department of Rehabilitation
13 Services and individuals with disabilities in accessibility reviews
14 of information technology and in the delivery of training and
15 technical assistance;

16 ~~6.~~ 7. Establish complaint procedures, consistent with Section
17 508 of the Workforce Development Act of 1998, to be used by an
18 individual who alleges that a state agency fails to comply with the
19 provisions of this section;

20 ~~7.~~ 8. Work with and seek advice from the Electronic and
21 Information Technology Accessibility Advisory Council, created in
22 Section 34.30 of this title in developing accessibility standards
23 and complaint procedures as required in this section; and
24

1 ~~8.~~ 9. Require state agencies to submit evidence of assurance of
2 compliance with state standards on accessibility of information
3 technology for individuals with disabilities developed in accordance
4 with this section. ~~For executive branch state agencies that are~~
5 ~~required to submit an annual operating plan pursuant to Section~~
6 ~~34.16 of this title evidence of compliance shall be included in that~~
7 ~~report.~~

8 D. ~~The Chief Information Officer and the~~ Director of the Office
9 of Management and Enterprise Services shall promulgate rules, as
10 necessary, to implement the provisions of this section.

11 SECTION 19. AMENDATORY 62 O.S. 2011, Section 34.29, is
12 amended to read as follows:

13 Section 34.29 As used in Sections ~~41.5t~~ 34.28 through ~~41.5t.2~~
14 34.30 of this title:

15 1. "Accessibility" means compliance with nationally accepted
16 accessibility and usability standards, such as those established in
17 Section 508 of the Workforce Investment Act of 1998;

18 2. "Individual with disabilities" means any individual who is
19 considered to have a disability or handicap for the purposes of any
20 federal or Oklahoma law;

21 3. "Information technology" means any electronic information
22 equipment or interconnected system that is used in the acquisition,
23 storage, manipulation, management, movement, control, display,
24

switching, interchange, transmission, or reception of data or information, including audio, graphic, and text;

4. "State agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding political subdivisions of the state. State agency shall include the Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education and Technology Center school districts; and

5. "Undue burden" means significant difficulty or expense, including, but not limited to, difficulty or expense associated with technical feasibility.

SECTION 20. AMENDATORY 62 O.S. 2011, Section 35.3, as amended by Section 413, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 35.3), is amended to read as follows:

Section 35.3 As used in the Information Technology Consolidation and Coordination Act:

1. "Appropriated state agency" means any state agency that receives funding through the annual legislative appropriations process;

2. "Information technology assets" means any equipment or interconnected system or subsystem of equipment that is used in the

1 acquisition, storage, manipulation, management, movement, control,
2 display, switching, interchange, transmission, or reception of data
3 or information. The term shall include computers, ancillary
4 equipment, software, firmware and similar procedures, services,
5 including support services and consulting services, software
6 development, and related resources, and shall further include
7 telecommunications fiber networks used for conveying electronic
8 communication or information systems to multiple physical locations;

9 3. "Information technology position" means a classified or
10 unclassified position in the following functional areas:

- 11 a. applications programming,
- 12 b. EDP audit,
- 13 c. data examination,
- 14 d. computer applications,
- 15 e. computer data entry,
- 16 f. computer networking,
- 17 g. computer operations,
- 18 h. computer programming,
- 19 i. computer security,
- 20 j. computer software design,
- 21 k. web applications,
- 22 l. database analysis,
- 23 m. data management analysis,
- 24 n. database development,

- 1 o. database programming,
- 2 p. software design/development,
- 3 q. help desk,
- 4 r. imaging,
- 5 s. systems analysis,
- 6 t. systems application planning,
- 7 u. systems application,
- 8 v. systems administration,
- 9 w. systems coordination,
- 10 x. systems integration,
- 11 y. systems operation,
- 12 z. systems planning/development,
- 13 aa. systems programming,
- 14 bb. systems engineering,
- 15 cc. systems service specialist,
- 16 dd. systems support,
- 17 ee. network administration,
- 18 ff. network management,
- 19 gg. network technical,
- 20 hh. operating systems specialist,
- 21 ii. systems program manager,
- 22 jj. telecommunications, whether data or voice,
- 23 kk. software training, and
- 24 ll. technology development or support;

1 4. "Nonappropriated state agency" means any state agency that
2 does not receive funding through the annual legislative
3 appropriations process;

4 ~~5. "Planned project" includes any major project or objective~~
5 ~~included in the operations plan submitted by the agency to the~~
6 ~~Information Services Division of the Office of Management and~~
7 ~~Enterprise Services as required pursuant to Section 34.16 of this~~
8 ~~title;~~

9 ~~6.~~ "Shared services" means those state agency functions which
10 are or could be provided through:

- 11 a. the services and systems specified in subsection A of
12 Section 35.6 of this title, and
13 b. the programs, services, software or processes
14 specified in subsection B of Section 35.6 of this
15 title; and

16 ~~7.~~ 6. "State agency" means any office, elected or appointed
17 officer, bureau, board, commission, counsel, unit, division, body,
18 authority or institution of the executive branch of state
19 government, excluding institutions within The Oklahoma State System
20 of Higher Education, the Oklahoma State Regents for Higher Education
21 and the telecommunications network known as OneNet.

22 SECTION 21. AMENDATORY 62 O.S. 2011, Section 35.4, is
23 amended to read as follows:
24

1 Section 35.4 ~~A. Beginning on the effective date of this act,~~
2 ~~no~~ No state agency shall expend or encumber any funds for the
3 purchase, lease, lease-purchase, lease with option to purchase,
4 rental or other procurement of any information technology assets
5 without the prior written approval of the Chief Information Officer.

6 ~~B. Beginning on the effective date of this act, no state agency~~
7 ~~shall initiate or implement an information technology planned~~
8 ~~project without the prior written approval of the Chief Information~~
9 ~~Officer.~~

10 SECTION 22. AMENDATORY 62 O.S. 2011, Section 35.5, as
11 last amended by Section 62 of Enrolled Senate Bill No. 977 of the
12 1st Session of the 54th Oklahoma Legislature, is amended to read as
13 follows:

14 Section 35.5 A. 1. ~~Not later than thirty (30) days August 26,~~
15 ~~2011, all~~ All state agencies shall provide to the Chief Information
16 Officer a list of information technology assets of the agency which
17 are integral to agency-specific applications or functions and a list
18 of information technology positions which are directly associated
19 with the assets. The agency shall further provide the reference to
20 federal or state statutory or constitutional provisions which
21 require it to perform the applications or functions.

22 2. If the Chief Information Officer disputes the identification
23 of assets or positions provided by a state agency as being integral
24 to agency-specific applications or functions, the Director of the

1 Office of Management and Enterprise Services shall make the final
2 determination.

3 B. Not later than ~~December 1, 2011, and not later than~~ December
4 1 of each year ~~thereafter~~, the Chief Information Officer shall
5 modify the assessment required by subsection D of Section 34.11.1 of
6 this title to include identification of:

7 1. All information technology assets of all state agencies,
8 which are not integral to agency-specific applications or functions,
9 and the transfer of which to the Information Services Division of
10 the Office of Management and Enterprise Services and the Chief
11 Information Officer would result in a cost savings to the taxpayers
12 of this state or improved efficiency of state government operations,
13 including all furniture, equipment, vehicles, supplies, records,
14 current and future liabilities, fund balances, encumbrances,
15 obligations, and indebtedness associated with the information
16 technology assets; ~~and~~

17 2. All information technology positions associated with the
18 information technology assets identified pursuant to paragraph 1 of
19 this subsection. The assessment shall identify the amount of
20 compensation and related liabilities for accrued sick leave, annual
21 leave, holidays, unemployment benefits, and workers' compensation
22 benefits for the positions;
23
24

1 3. The amount of savings to the taxpayers of this state
2 resulting from the provisions of the Information Technology
3 Consolidation and Coordination Act; and

4 4. Any changes in law required or any changes to the amount of
5 state appropriations or other state funds associated with the
6 transfer of the information technology assets or positions.

7 C. The information technology assets and positions of each
8 appropriated state agency identified in the assessment pursuant to
9 ~~subsection B of this section of appropriated state agencies~~ shall be
10 transferred as part of the consolidation of information technology
11 operations of the state agency to the Information Services Division
12 of the Office of Management and Enterprise Services ~~subject to the~~
13 ~~following provisions:~~

14 ~~1. Information technology assets identified in the assessment~~
15 ~~pursuant to the provisions of paragraph 1 of subsection B of this~~
16 ~~section of appropriated state agencies shall be transferred~~
17 ~~effective January 1, 2012~~ when determined by the Information
18 Services Division. The costs of operation, maintenance, licensing
19 and service of the information technology assets shall remain the
20 responsibility of the state agency from which ~~they~~ the assets are
21 transferred until ~~July 1, 2012~~ the state agency information
22 technology operations are consolidated in the Information Services
23 Division, unless otherwise agreed to by the state agency and the
24 Information Services Division. Appropriate conveyances and other

documents shall be executed to effectuate the transfer of the information technology assets and positions to the Information Services Division of the Office of Management and Enterprise Services; and

~~2. Information technology positions identified in the assessment pursuant to the provisions of paragraph 2 of subsection B of this section of appropriated state agencies shall be transferred effective February 1, 2012. Each state agency shall enter into an agreement with the Division not later than January 1, 2012, for the remainder of fiscal year 2012, specifying the terms of the transfers, including provisions for the Division to provide information technology services to the agency and for the agency to reimburse the Division for the cost of the services. If an agreement cannot be reached, the Director of the Office of Management and Enterprise Services shall be authorized to negotiate the terms of the agreement, which shall then be entered into by the state agency and the Division.~~

D. ~~1. For modifications of the assessment required by subsection D of Section 34.11.1 of this title made in fiscal year 2013 and subsequent fiscal years, the Chief Information Officer shall identify:~~

~~a. the amount of savings to the taxpayers of this state resulting from the provisions of the Information Technology Consolidation and Coordination Act, and~~

1 ~~b. any changes in law required or any changes to the~~
2 ~~amount of state appropriations or other state funds~~
3 ~~associated with the transfer of the information~~
4 ~~technology assets or positions.~~

5 2. The Chief Information Officer shall recommend changes to the
6 Director of the Office of Management and Enterprise Services and the
7 Governor for inclusion in the next executive budget to be submitted
8 to the Legislature.

9 E. ~~For fiscal year 2013 and subsequent fiscal years, the~~ The
10 Information Services Division shall provide ~~information technology~~
11 shared services to each state agency ~~for shared services~~ and shall
12 bill agencies for those shared services at an estimated cost to
13 provide the services. The estimated cost shall include the full
14 cost of the services, including materials, depreciation related to
15 capital costs, labor, and administrative expenses of the Information
16 Services Division of the Office of Management and Enterprise
17 Services in connection with the operation of the data center and
18 Information Services Division operations and shall include expenses
19 associated with acquiring, installing, and operating information
20 technology and telecommunications infrastructure, hardware and
21 software for use by state agencies. The Information Services
22 Division shall publish a schedule of costs for each ~~information~~
23 ~~technology~~ available shared service ~~provided~~ and shall enter into an
24 agreement with each state agency for the shared services that will

1 be provided ~~prior to providing the services.~~ The total amount
2 ~~charged to a state agency for the information technology services~~
3 ~~shall not exceed the amount appropriated to that agency for such~~
4 ~~services~~ to the agency. The aggregated cost of shared services to
5 be provided to each state agency shall be budgeted annually as a
6 separate line item through each state agency. State agencies shall
7 process request for payments as provided for under the agreement
8 entered into with the Information Services Division in a timely
9 manner ~~and when.~~ If payments are deemed to be delinquent for shared
10 services provided to a state agency, the Information Services
11 Division may request the Division of Central Accounting and
12 Reporting of the Office of Management and Enterprise Services to
13 create vouchers and process payments to the Information Services
14 Division against the funds of the delinquent state agency. If the
15 state agency for which ~~information technology~~ shared services were
16 provided disputes the provision of shared services in accordance
17 with its agreement with the Information Services Division, no
18 voucher shall be processed against the funds of the delinquent
19 agency until the dispute over services has been resolved, at which
20 point a voucher may be processed in accordance with the terms of the
21 dispute resolution.

22 F. The Information Services Division of the Office of
23 Management and Enterprise Services shall succeed to any contractual
24 rights, easement rights, lease rights, and other similar rights and

responsibilities related to the information technology assets that are transferred as provided for in this section and incurred by an appropriated state agency.

SECTION 23. AMENDATORY 62 O.S. 2011, Section 35.6, as amended by Section 415, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 35.6), is amended to read as follows:

Section 35.6 A. ~~On July 1, 2011, all~~ All appropriated and nonappropriated state agencies shall be required to use the following information technology services and systems operated and maintained by the Office of Management and Enterprise Services for all agency functions:

1. Data Service Center of the ~~Divisions~~ Information Services Division;

2. Networking services;

3. Communication or intercommunication systems;

4. Electronic mail systems; and

5. Data and network security systems.

B. ~~On July 1, 2011, all~~ All appropriated and nonappropriated state agencies shall be required to exclusively use the following programs, services, software and processes provided through the Integrated Central Financial System known as CORE and as implemented by the Office of Management and Enterprise Services and shall not utilize any programs, services, software or processes that are duplicative of the following:

1. Payroll;
2. Employee leave system;
3. Human resources;
4. Accounts receivable;
5. Accounts payable;
6. Purchasing system;
7. Budgeting system;
8. Enterprise Learning Management (ELM);
9. Budget request system;
10. Asset management; and
11. Projects, grants and contracts, which includes federal billing.

C. The Chief Information Officer shall have the authority to enforce the provisions of this section.

SECTION 24. AMENDATORY 62 O.S. 2011, Section 35.8, as last amended by Section 64 of Enrolled Senate Bill No. 977 of the 1st Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 35.8 A. Notwithstanding any other provision of law, the provisions of the Information Technology Consolidation and Coordination Act shall operate to maintain or increase security standards and shall not jeopardize confidentiality or compliance with state or federal laws or regulations. The State Governmental Technology Applications Review Board, with the advice of the

1 Oklahoma Integrated Justice Information Systems Steering Committee,
2 shall consider and approve security protocols which shall be
3 followed by employees of the Information Services Division of the
4 Office of Management and Enterprise Services who are assigned to
5 service law enforcement agencies. The Board, in conjunction with
6 the Committee, shall make recommendations to state officers and
7 employees related to continuity of criminal justice information
8 system security protocols.

9 B. Notwithstanding the provisions of Section 35.5 of this
10 title, the transfer of information technology assets and positions
11 of the Department of Public Safety shall occur prior to the transfer
12 of assets and positions of other public safety agencies.

13 C. Unless otherwise provided for in law, the transfer of
14 information technology assets and positions of any state agency
15 pursuant to the Information Technology Consolidation and
16 Coordination Act shall not act to transfer to the Information
17 Services Division of the Office of Management and Enterprise
18 Services or to the Chief Information Officer the duties of a state
19 agency to keep, maintain and open to any person all records of the
20 agency in compliance with the Oklahoma Open Records Act. Each state
21 agency shall continue to be responsible for records created by,
22 received by, under the authority of, or coming into the custody,
23 control or possession of the agency including the duty to organize
24 and categorize the records in a retrievable form and the duty to

1 respond to requests for records, even if the records have been
2 transmitted to or stored by the Information Services Division of the
3 Office of Management and Enterprise Services or the Chief
4 Information Officer.

5 D. State employees who are members of the Teachers' Retirement
6 System of Oklahoma and are transferred pursuant to the Information
7 Technology Consolidation and Coordination Act may elect to continue
8 their participation in the Teachers' Retirement System of Oklahoma
9 in lieu of participating in the Oklahoma Public Employees Retirement
10 System. Any transferred employee who wishes to make such election
11 shall do so in writing within thirty (30) days of the effective date
12 of this act. If any transferred employee has already started
13 participating in the Oklahoma Public Employees Retirement System,
14 the employee may make an election to return to the Teachers'
15 Retirement System of Oklahoma if the election is made in writing
16 within thirty (30) days of the effective date of this act. In the
17 event a transferred employee who has already begun participating in
18 the Oklahoma Public Employees Retirement System elects to return to
19 the Teachers' Retirement System of Oklahoma, the Oklahoma Public
20 Employees Retirement System shall transfer the service credit and
21 contributions to the Teachers' Retirement System of Oklahoma for any
22 credit that accrued after the initial transfer. The election to
23 continue or return to participation in the Teachers' Retirement
24 System of Oklahoma pursuant to this subsection shall be irrevocable

1 and shall be effective until the employment with the Office of
2 Management and Enterprise Services is terminated.

3 SECTION 25. AMENDATORY 62 O.S. 2011, Section 35.9, as
4 amended by Section 418, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
5 2012, Section 35.9), is amended to read as follows:

6 Section 35.9 In addition to any other reporting requirements
7 required by law, the Chief Information Officer shall submit
8 quarterly progress reports to the Director of the Office of
9 Management and Enterprise Services, the Speaker of the House of
10 Representatives and the President Pro Tempore of the Senate. The
11 reports shall be submitted not later than January 31, April 30, July
12 31 and October 31 of each year and shall include, but not be limited
13 to, the following information:

14 1. The status of the ~~development~~ implementation of the plan of
15 action required in paragraph 2 of subsection D of Section 34.11.1 of
16 this title;

17 2. ~~After the plan of action is presented to the Governor, the~~
18 ~~Speaker of the House of Representatives and the President Pro~~
19 ~~Tempore of the Senate as required in paragraph 3 of subsection D of~~
20 ~~Section 34.11.1 of this title, the status of implementation of the~~
21 ~~plan of action;~~

22 3. A list of information technology assets and positions
23 transferred to the Information Services Division of the Office of
24

1 Management and Enterprise Services pursuant to the provisions of
2 subsection C of Section 35.5 of this title;

3 ~~4. The amount of net savings realized through the reallocation~~
4 ~~and consolidation of resources and personnel and a comparison to the~~
5 ~~standard of not less than fifteen percent (15%) of the overall~~
6 ~~statewide~~

7 3. After July 1, 2012, and until the information technology
8 consolidation is completed, an annual reduction of three percent
9 (3%) in operational information technology and telecommunications
10 expenditures made realized in the aggregate by all consolidated
11 state agencies during the fiscal year ending June 30, 2009, as set
12 forth in subsection C of Section 34.11.1 of this title;

13 ~~5.~~ 4. A list of all state agencies which are not using the
14 shared services as required in Section 35.6 of this title;

15 ~~6.~~ 5. A list of all exemptions or extensions granted pursuant
16 to the provisions of Section 35.7 of this title; and

17 ~~7.~~ 6. Any other information as deemed appropriate by the Chief
18 Information Officer.

19 SECTION 26. AMENDATORY 65 O.S. 2011, Section 3-114, is
20 amended to read as follows:

21 Section 3-114. A. Every agency except institutions of higher
22 education, but specifically including any board of regents for
23 higher education, which issues a state publication shall immediately
24 ~~deposit~~ file the publication electronically, in compliance with

1 provision of any applicable section of Title 62 of the Oklahoma
2 Statutes that is related to submission of state publications. If a
3 state publication cannot be filed electronically, a maximum of
4 twenty-five copies shall be deposited with the Publications
5 ~~Clearinghouse; provided, the provisions of this section shall not~~
6 ~~apply to a publication which is published in an electronic format~~
7 ~~and made available to the public on the website of the issuing~~
8 ~~agency. Any agency issuing a publication which is published in an~~
9 ~~electronic format shall notify the Publications Clearinghouse and~~
10 ~~provide and maintain a link to the electronic version of the~~
11 publication in lieu of the electronic filing and the agency shall
12 include an explanation of the reason the document cannot be filed
13 electronically.

14 B. Upon failure of an agency to comply with the provisions of
15 this section, the Director of the Department of Libraries shall
16 forward a written notice of the failure to the chief administrative
17 officer of the agency. The notice shall state a reasonable time,
18 not to exceed thirty (30) days, in which the agency shall fully
19 comply. Further failure to comply shall be reported in writing to
20 the Speaker of the House of Representatives, the President Pro
21 Tempore of the Senate, and the Attorney General. The Attorney
22 General shall immediately institute mandamus proceedings to secure
23 compliance by the agency.

1 SECTION 27. AMENDATORY 74 O.S. 2011, Section 85.2, as
2 amended by Section 3 of Enrolled Senate Bill No. 461 of the 1st
3 Session of the 54th Oklahoma Legislature, is amended to read as
4 follows:

5 Section 85.2 As used in The Oklahoma Central Purchasing Act,
6 unless the context otherwise requires:

7 1. "Acquisition" means items, products, materials, supplies,
8 services, and equipment a state agency acquires by purchase, lease-
9 purchase, lease with option to purchase, or rental pursuant to The
10 Oklahoma Central Purchasing Act unless the items, products,
11 supplies, services, or equipment are exempt pursuant to The Oklahoma
12 Central Purchasing Act;

13 2. "Best value criteria" means evaluation criteria which may
14 include, but is not limited to, the following:

- 15 a. the acquisition's operational cost a state agency
16 would incur,
- 17 b. the quality of the acquisition, or its technical
18 competency,
- 19 c. the reliability of the bidder's delivery and
20 implementation schedules,
- 21 d. the acquisition's facilitation of data transfer and
22 systems integration,
- 23 e. the acquisition's warranties and guarantees and the
24 bidder's return policy,

- f. the bidder's financial stability,
- g. the acquisition's adherence to the state agency's planning documents and announced strategic program direction,
- h. the bidder's industry and program experience and record of successful past performance with acquisitions of similar scope and complexity,
- i. the anticipated acceptance by user groups, and
- j. the acquisition's use of proven development methodology, and innovative use of current technologies that lead to quality results;

3. "Bid" or "proposal" means an offer a bidder submits in response to an invitation to bid or request for proposal;

4. "Bidder" means an individual or business entity that submits a bid or proposal in response to an invitation to bid or a request for proposal;

5. "Business entity" means individuals, partnerships, business trusts, cooperatives, associates, corporations or any other firm, group or concern which functions as a separate entity for business purposes;

6. "Change order" means a unilateral written order directing a supplier to make a change;

7. "Chief administrative officer" means an individual responsible for directing the administration of a state agency. The

term does not mean one or all of the individuals that make policy for a state agency;

8. "Component" means any item supplied as part of an end item or of another component;

~~9. "Consolidation contract" means a contract for several state agencies for the purpose of purchasing computer software maintenance or hardware maintenance;~~

~~10.~~ "Contract" means a mutually binding legal relationship obligating the seller to furnish an acquisition and the buyer to pay for it. It includes all types of commitments that obligate a state agency to an expenditure of funds or action that, unless otherwise authorized, is in writing. In addition to bilateral instruments, contracts include, but are not limited to:

- a. awards and notices of awards,
- b. orders issued under basic ordering agreements,
- c. letter contracts,
- d. orders under which the contract becomes effective by written acceptance or performance, and
- e. bilateral contract modifications;

~~11.~~ 10. "Contract modification" means any written change in the terms of the contract;

~~12.~~ 11. "Contracting" means purchasing, renting, leasing, or otherwise obtaining acquisitions from private sources. Contracting includes description, but not determination, of acquisitions

1 required, selection and solicitation of sources, preparation and
2 award of contracts, and contract administration;

3 ~~13.~~ 12. "Contractor" means an individual or business entity
4 entering into a contract for goods and/or services with the state as
5 a result of a solicitation;

6 ~~14.~~ 13. "Electronic commerce" means the use of electronic
7 methods to enable solicitation, supplier response, notice of
8 contract award, state agency acquisition processes, or any other
9 function to make an acquisition;

10 ~~15.~~ 14. "Electronic payment mechanism" means a method of
11 electronic payment for authorized acquisitions;

12 ~~16. "Enterprise agreement" means an agreement for computer~~
13 ~~hardware, software, and service that a supplier manufactures,~~
14 ~~develops, and designs, and that one or more state agencies use;~~

15 ~~17.~~ 15. "Environmentally preferable products and services
16 (EPPS)" means acquisitions that best meet the requirements as
17 defined in the solicitation for human health and the environment;

18 ~~18.~~ 16. "Equipment" means personal property a state agency
19 acquires for its use which is an item or product and shall include
20 all personal property used or consumed by a state agency that is not
21 included within the category of materials and supplies;

22 ~~19. "High technology system" means advanced technological~~
23 ~~equipment, software, communication lines, and services for the~~
24 ~~processing, storing, and retrieval of information by a state agency;~~

1 ~~20.~~ 17. "Item" or "product" means some quantity or kind of such
2 supplies, materials or equipment;

3 ~~21.~~ 18. "Local governmental entity" means any unit of local
4 government including, but not limited to, any school district,
5 county, or municipality of this state;

6 ~~22.~~ 19. "Lowest and best" means an acquisition based on
7 criteria which include, but are not limited to, the following:

- 8 a. the lowest total purchase price,
- 9 b. the quality and reliability of the product, and
- 10 c. the consistency of the proposed acquisition with the
- 11 state agency's planning documents and announced
- 12 strategic program direction;

13 ~~23.~~ 20. "Materials" or "supplies" includes all property except
14 real property or equipment that a state agency acquires for its use
15 or consumption;

16 ~~24.~~ 21. "Multistate contract" or "multigovernmental contract"
17 means an agreement entered into between two or more entities of
18 government for acquisitions pursuant to a single contract;

19 ~~25.~~ 22. "Nonprofessional services" means services which are
20 predominantly physical or manual in character and may involve the
21 supplying of products;

22 ~~26.~~ 23. "Political subdivision" means local governmental
23 entities and such other entities specified as political subdivisions
24 pursuant to The Governmental Tort Claims Act;

1 ~~27.~~ 24. "Open market contract" means a contract for a one-time
2 acquisition not exceeding the acquisition amount requiring
3 competitive bid pursuant to Section 85.7 of this title;

4 ~~28.~~ 25. "Professional services" means services which are
5 predominantly mental or intellectual in character rather than
6 physical or manual and which do not involve the supplying of
7 products. Professional services include services to support or
8 improve state agency policy development, decision making,
9 management, administration, or the operation of management systems;

10 ~~29.~~ 26. "Purchase order" means an offer by a state agency to
11 make an acquisition utilizing simplified procedures;

12 ~~30.~~ 27. "Purchasing cooperative" means an association of public
13 entities working together to provide leverage in achieving best
14 value and/or the best terms in contracts awarded through a
15 competitive bidding process;

16 ~~31.~~ 28. "Requisition" means a written request by a state agency
17 for an acquisition;

18 ~~32.~~ 29. "Services" or "contractual services" means direct
19 engagement of the time and effort of a contractor for the primary
20 purpose of performing an identifiable task rather than for the
21 furnishing of an end item of supply;

22 ~~33.~~ 30. "Sole brand acquisition" means an acquisition that by
23 specification restricts the acquisition to one manufacturer or brand
24 name;

1 ~~34.~~ 31. "Sole source acquisition" means an acquisition which,
2 by specification, restricts the acquisition to one supplier;

3 ~~35.~~ 32. "Solicitation" means a request or invitation by the
4 State Purchasing Director or a state agency for a supplier to submit
5 a priced offer to sell acquisitions to the state. A solicitation
6 may be an invitation to bid, request for proposal, or a request for
7 quotation;

8 ~~36.~~ 33. "Split purchase" means dividing a known quantity or
9 failing to consolidate a known quantity of an acquisition for the
10 purpose of evading a competitive bidding requirement;

11 ~~37.~~ 34. "State agency" includes any office, officer, bureau,
12 board, counsel, court, commission, institution, unit, division, body
13 or house of the executive or judicial branches of the state
14 government, whether elected or appointed, excluding only political
15 subdivisions of the state;

16 ~~38.~~ 35. "State purchase card" means an electronic transaction
17 device used for making acquisitions;

18 ~~39.~~ 36. "State Purchasing Director" or "Director of Central
19 Purchasing" includes any employee or agent of the State Purchasing
20 Director, acting within the scope of delegated authority;

21 ~~40.~~ 37. "Statewide contract" means a contract for specific
22 acquisitions for a specified period with a provision allowing the
23 agencies and local governmental entities to place orders as the
24

1 acquisitions are needed for delivery during the period specified;
2 and

3 ~~41.~~ 38. "Supplier" or "vendor" means an individual or business
4 entity that sells or desires to sell acquisitions to state agencies.

5 SECTION 28. AMENDATORY 74 O.S. 2011, Section 85.7c, is
6 amended to read as follows:

7 Section 85.7c A. No state agency shall enter into a contract
8 for the acquisition of a high technology system unless the vendors
9 proposing to supply the acquisition:

10 1. Provide documentation of the projected schedule of
11 recommended or required upgrades or improvements to the high
12 technology system over a projected three-year period following the
13 targeted purchase date; or

14 2. Provide documentation that no recommended or required
15 upgrades or improvements to the high technology system are planned
16 over a projected three-year period following the targeted purchase
17 date.

18 For purposes of this subsection, vendors shall provide
19 documentation required for all entities which will be utilized in
20 satisfying any phase.

21 B. No state agency shall enter into a contract for the
22 acquisition of an upgrade or enhancement to a high technology system
23 unless:

1 1. The vendor agrees to provide the acquisition at no charge to
2 the state;

3 2. The vendor previously agreed in a contract to provide the
4 acquisition at no additional charge to the state;

5 3. The state agency obtains from the vendor proposing to supply
6 the acquisition documentation that any required or recommended
7 upgrade will enhance or is necessary for the performance of the
8 state agency duties and responsibilities; or

9 4. The vendor provides documentation that the vendor will no
10 longer supply assistance to the state agency for the purpose of
11 maintenance of the high technology system and the state agency
12 documents that the functions performed by the high technology system
13 are necessary for the performance of the state agency duties and
14 responsibilities.

15 C. ~~The State Purchasing Director~~ Chief Information Officer or
16 the procurement officer of state agencies not subject to ~~the~~ The
17 Oklahoma Central Purchasing Act shall not process any state agency
18 request for a high technology system acquisition unless the proposed
19 vendor provides documentation that complies with subsections A or B
20 of this section.

21 D. ~~The State Purchasing Director~~ Chief Information Officer
22 shall provide such advice and assistance as may be required in order
23 for state agencies to comply with the provisions of this section.
24 For purposes of this section, "state agency" shall include all state

1 agencies, whether or not the agency is subject to the The Oklahoma
2 Central Purchasing Act or not any other law related to procurement
3 of goods and services.

4 SECTION 29. AMENDATORY Section 6, Chapter 106, O.S.L.
5 2012 (74 O.S. Supp. 2012, Section 85.7h), is amended to read as
6 follows:

7 Section 85.7h A. For the purposes of this section, "open
8 source software" means software that guarantees the user of the
9 software use of the software for any purpose, allows unrestricted
10 access to the respective source code, enables the use of the
11 internal mechanisms and arbitrary portions of the software with the
12 ability to adapt them to the needs of the user, provides the freedom
13 to make and distribute copies of the software, and guarantees the
14 right to modify the software with the freedom to distribute
15 modifications of the new resulting software under the same license
16 as the original software. "Open standards" means specifications for
17 the encoding and transfer of computer data that is free for all to
18 implement and use in perpetuity, with no royalty or fee, has no
19 restrictions on the use of data stored in the format, has no
20 restrictions on the creation of software that stores, transmits,
21 receives, or accesses data codified in such way, has a specification
22 available for all to read, in a human-readable format, written in
23 commonly accepted technical language, is documented, so that anyone
24 can write software that can read and interpret the complete

1 semantics of any data file stored in the data format, allows any
2 file written in that format to be identified as adhering or not
3 adhering to the format, and provides that any encryption or
4 obfuscation algorithms are usable in a royalty-free,
5 nondiscriminatory manner in perpetuity, and are documented so that
6 anyone in possession of the appropriate encryption key or keys or
7 other data necessary to recover the original data is able to write
8 software to access the data. "Proprietary software" means software
9 that does not fulfill all of the guarantees provided by open source
10 software.

11 B. Prior to approving software acquisition requests, the ~~Chief~~
12 ~~Information Officer shall require that the~~ purchasing entity ~~has~~
13 ~~considered~~ shall consider whether proprietary or open source
14 software offers the most cost-effective software solution for the
15 agency, based on consideration of all associated acquisition,
16 support, maintenance, and training costs.

17 C. Whenever possible the Chief Information Officer or
18 purchasing entity shall avoid approving requests for the acquisition
19 of products that do not comply with open standards for
20 interoperability or data storage.

21 SECTION 30. AMENDATORY Section 7, Chapter 106, O.S.L.
22 2012 (74 O.S. Supp. 2012, Section 85.7i), is amended to read as
23 follows:
24

1 Section 85.7i Notwithstanding any other section of law, the
2 Chief Information Officer may allow a public agency to utilize duly
3 awarded state information technology and telecommunications
4 ~~contracts duly awarded by this state under The Oklahoma Central~~
5 ~~Purchasing Act~~ in lieu of bidding procedures, if any, otherwise
6 applicable to such purchases by the public agency. For the purposes
7 of this section the term "public agency" means a ~~government agency~~
8 ~~recognized~~ governmental entity specified as a political subdivision
9 of the state pursuant to The Governmental Tort Claims Act or a
10 state, county or local ~~government agency~~ governmental entity in its
11 state of origin.

12 SECTION 31. AMENDATORY 74 O.S. 2011, Section 3104, is
13 amended to read as follows:

14 Section 3104. Every agency, board, department, commission, or
15 institution of this state shall ~~deposit a maximum of twenty-five~~
16 ~~copies of~~ submit its annual, semiannual, or biennial reports ~~with~~
17 ~~the Publications Clearinghouse of the Department of Libraries for~~
18 ~~distribution and depository system purposes~~ as required by the
19 provisions of Section 3-114 of Title 65 of the Oklahoma Statutes ~~and~~
20 ~~shall distribute said reports only to legislators and other parties~~
21 ~~specifically requesting said reports.~~ The Publications
22 Clearinghouse shall notify the members of the Legislature of the
23 ~~receipt~~ submission of said reports.

1 SECTION 32. AMENDATORY 74 O.S. 2011, Section 3105, is
2 amended to read as follows:

3 Section 3105. A. Unless otherwise provided by law, every
4 agency, department, board, commission or institution of the State of
5 Oklahoma shall list the following information at a prominent place
6 near the beginning of each publication issued by them:

7 1. Name of the issuing agency, department, board, commission or
8 institution;

9 2. Authorization for publication. If such publication is not
10 specifically authorized by statute the name of the person or persons
11 so authorizing shall be stated;

12 3. The number of copies printed or identification of the
13 website or websites at which the publication is located;

14 4. ~~Name~~ If applicable, the name of the printing firm doing the
15 printing; and

16 5. Assurance of compliance with Section 3-114 of Title 65 of
17 the Oklahoma Statutes.

18 B. The information shall be set forth in a separate paragraph
19 and shall conform as nearly as practical to the following applicable
20 format:

21 1. If the publication is printed:

22 "This publication, printed by (name of printing firm) is
23 issued by (here list the agency, department, board,
24 commission or institution) as authorized by _____.

_____ copies have been prepared and distributed at a cost of \$_____. Copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries."; or

2. If the publication is located online:

"This publication is issued by (list the agency, department, board, commission or institution) as authorized by _____ and is located at the following website(s): _____ . This publication has been submitted in compliance with Section 3-114 of Title 65 of the Oklahoma Statutes."

C. State promotion and informational publications produced by the Oklahoma Tourism and Recreation Department, Travel Promotion Division, and the Oklahoma Department of Commerce shall be exempt from the provisions of this section.

SECTION 33. AMENDATORY 74 O.S. 2011, Section 3106.1, is amended to read as follows:

Section 3106.1 A. Every state agency shall designate one of its employees as the publications officer for the agency and shall notify the Publications Clearinghouse of the Department of Libraries of the name of the publications officer and of the name of any new publications officer should a change occur.

B. Each publications officer of a state agency shall have the duty to ~~provide the Publications Clearinghouse with copies of all~~

1 ~~state publications of the agency~~ submit publications, upon release,
2 in compliance with Section 3-114 of Title 65 of the Oklahoma
3 Statutes, to compile and forward to the Publications Clearinghouse
4 required lists of the state publications of the agency, and to
5 provide other related information which may be requested by the
6 Publications Clearinghouse for the collection of state publications
7 and the depository library system.

8 C. ~~Upon release of a state publication by an agency, the~~
9 ~~publications officer shall deposit a maximum of twenty-five copies~~
10 ~~of the publication with the Publications Clearinghouse for record~~
11 ~~and depository system purposes.~~

12 ~~D.~~ The publications officer shall notify the Publications
13 Clearinghouse of the production of audiotapes, videotapes, films,
14 filmstrips, slides, or other audiovisual publications. Every state
15 agency shall preserve one copy of each audiovisual publication or
16 the publications officer shall deposit one copy of each audiovisual
17 publication with the Publications Clearinghouse for preservation.

18 ~~E.~~ D. Every state agency including all institutions of higher
19 education shall provide to the Publications Clearinghouse a complete
20 list of its state publications published or submitted online during
21 the prior calendar year in accordance with the rules of the
22 Publications Clearinghouse.

23 SECTION 34. RECODIFICATION 74 O.S. 2011, Section 85.7c,
24 as amended by Section 28 of this act, shall be recodified as Section

1 34.12.1 of Title 62 of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 35. RECODIFICATION Section 6, Chapter 106,
4 O.S.L. 2012 (74 O.S. Supp. 2012, Section 85.7h), as amended by
5 Section 29 of this act, shall be recodified as Section 34.31.1 of
6 Title 62 of the Oklahoma Statutes, unless there is created a
7 duplication in numbering.

8 SECTION 36. RECODIFICATION Section 7, Chapter 106,
9 O.S.L. 2012 (74 O.S. Supp. 2012, Section 85.7i), as amended by
10 Section 30 of this act, shall be recodified as Section 34.31.2 of
11 Title 62 of the Oklahoma Statutes, unless there is created a
12 duplication in numbering.

13 SECTION 37. RECODIFICATION 74 O.S. 2011, Section 85.9E,
14 as amended by Section 745, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2012, Section 85.9E), shall be recodified as Section 34.20.1 of
16 Title 62 of the Oklahoma Statutes, unless there is created a
17 duplication in numbering.

18 SECTION 38. REPEALER 62 O.S. 2011, Sections 34.11.6,
19 34.16, 34.17 and 34.18, as amended by Sections 343, 348, 349 and
20 350, Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Sections 34.11.6,
21 34.16, 34.17 and 34.18), are hereby repealed.

22 SECTION 39. REPEALER 74 O.S. 2011, Section 85.7d, as
23 amended by Section 740, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
24 2012, Section 85.7d), is hereby repealed.

SECTION 40. This act shall become effective July 1, 2013.

SECTION 41. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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