

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2062

By: Derby and Murphey

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to technology; amending 19 O.S. 2011,
10 Sections 1500, 1500.1, 1502, as amended by Section 3,
11 Chapter 144, O.S.L. 2012, 1504 and 1505, as last
12 amended by Section 74, Chapter 304, O.S.L. 2012 (19
13 O.S. Supp. 2012, Sections 1502 and 1505), which
14 relate to the county purchasing procedures; adding
15 information technology and telecommunications goods
16 to purchasing procedures and requirements; clarifying
17 language; modifying duties of the board of county
18 commissioners; modifying duties of the receiving
19 officer; including the Information Services Division
20 of the Office of Management and Enterprise Services
21 in certain contracting process; amending 62 O.S.
22 2011, Section 34.11.1, as last amended by Section 1,
23 Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012, Section
24 34.11.1), 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
 negotiate certain types of contracts and agreements;
 deleting requirement to establish certain charges to
 state agencies; adding definitions; amending 62 O.S.
 2011, Section 34.11.2, which relates to the Oklahoma
 State Government 2.0 Initiative; deleting requirement

1 for board to implement certain standardized policies;
2 amending 62 O.S. 2011, Section 34.11.7, which relates
3 to performance reporting metrics; modifying
4 certification duties of the State Governmental
5 Technology Applications Review Board; amending 62
6 O.S. 2011, Section 34.12, as amended by Section 2,
7 Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012, Section
8 34.12), which relates to the powers and duties of the
9 Information Services Division; updating statutory
10 language; changing type of service center; adding
11 telecommunication services to certain acquisition
12 limitation; deleting certain exception for CompSource
13 Oklahoma; amending 62 O.S. 2011, Section 34.13, as
14 amended by Section 346, Chapter 304, O.S.L. 2012 (62
15 O.S. Supp. 2012, Section 34.13), which relates to the
16 statement of charges; clarifying language; requiring
17 timely payments; authorizing the Information Services
18 Division to make certain request for the processing
19 of payments; amending 62 O.S. 2011, Section 34.19, as
20 amended by Section 351, Chapter 304, O.S.L. 2012 (62
21 O.S. Supp. 2012, Section 34.19), which relates to the
22 creation and maintenance of a state central
23 communication or intercommunications system;
24 authorizing the Information Services Division to make
certain request for the processing of payments;
amending 62 O.S. 2011, Section 34.21, as amended by
Section 3, Chapter 292, O.S.L. 2012 (62 O.S. Supp.
2012, Section 34.21), which relates to authorization
and requirements for obtaining communication or
telecommunication systems; deleting certain exception
for CompSource Oklahoma; amending 62 O.S. 2011,
Section 34.24.1, as amended by Section 357, Chapter
304, O.S.L. 2012 (62 O.S. Supp. 2012, Section
34.24.1), which relates to web-based license and
permit application and renewal requirements; changing
certain exemption; deleting authorization for the
Director of the Office of Management and Enterprise
Services to exempt certain licenses or permits from
certain requirements; amending 62 O.S. 2011, Section
34.25, as amended by Section 358, Chapter 304, O.S.L.
2012 (62 O.S. Supp. 2012, Section 34.25), which
relates to convenience fee for electronic and online
transactions; allowing a state agency to obtain
reimbursement for a merchant fee; deleting
description of a convenience fee; allowing a state
agency to charge a convenience fee for manual
transactions; modifying certain definition; adding

1 definitions; amending 62 O.S. 2011, Section 34.27, as
2 amended by Section 360, Chapter 304, O.S.L. 2012 (62
3 O.S. Supp. 2012, Section 34.27), which relates to the
4 State Governmental Technology Applications Review
5 Board; deleting duty to make recommendations on
6 online transactions or applications; allowing Board
7 members to attend meetings via teleconference;
8 modifying, adding and deleting duties and
9 responsibilities of the Board; amending 62 O.S. 2011,
10 Sections 34.28, as amended by Section 361, Chapter
11 304, O.S.L. 2012 and 34.29 (62 O.S. Supp. Section
12 2012, Section 34.28), which relate to accessibility
13 of information technology for individuals with
14 disabilities; directing the Information Services
15 Division to adopt an accessibility clause for certain
16 contracts; deleting submission of compliance evidence
17 by certain state agencies; modifying rule-making
18 requirement; updating statutory references; amending
19 62 O.S. 2011, Sections 35.3, as amended by Section
20 413, Chapter 304, O.S.L. 2012, 35.4, 35.5, as amended
21 by Section 4, Chapter 292, O.S.L. 2012, 35.6, as
22 amended by Section 415, Chapter 304, O.S.L. 2012,
23 35.8, as last amended by Section 5, Chapter 292,
24 O.S.L. 2012 and 35.9, as amended by Section 418,
Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012,
Sections 35.3, 35.5, 35.6, 35.8 and 35.9), which
relate to the Information Technology Consolidation
and Coordination Act; deleting certain definition;
deleting obsolete language; deleting requirement for
written approval of a planned project; adding
information to be included in certain assessment;
modifying process for transferring identified
information technology assets and positions; deleting
requirement to identify certain information when
modifying the assessment; changing type of services
provided by the Information Services Division;
deleting limitation on the amount of charges for
certain services; requiring certain aggregated costs
to be budgeted annually; modifying 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 and
85.7c, Section 6, Chapter 106, O.S.L. 2012 and

1 Section 7, Chapter 106, O.S.L. 2012 (74 O.S. Supp.
2 2012, Sections 85.7h and 85.7i), which relate to The
3 Oklahoma Central Purchasing Act; deleting certain
4 definitions; changing responsibility for high
5 technology system acquisitions to the Chief
6 Information Officer; modifying certain definition;
7 removing the Chief Information Officer from certain
8 consideration process for approving software
9 acquisitions; allowing public agencies to utilize
10 certain contracts in lieu of certain bidding
11 procedures; modifying definition of a public agency;
12 amending 74 O.S. 2011, Sections 3104, 3105 and
13 3106.1, which relate to state publications; modifying
14 requirement to file and distribute state agency
15 reports; changing information to be included on state
16 agency reports; adding publication paragraph to be
17 included on electronically filed reports; modifying
18 duties of state agency publications officer; deleting
19 deposit requirement; repealing 62 O.S. 2011, Section
20 34.11.6, as amended by Section 343, Chapter 304,
21 O.S.L. 2012 (62 O.S. Supp. 2012, Section 34.11.6),
22 which relates to the Oklahoma State Government
23 Payroll Processing One-stop Initiative; repealing 62
24 O.S. 2011, Section 34.16, as amended by Section 348,
Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section
34.16), which relates to state agency annual one-year
operations plans; repealing 62 O.S. 2011, Section
34.17, as amended by Section 349, Chapter 304, O.S.L.
2012 (62 O.S. Supp. 2012, Section 34.17), which
relates to the duties of the Office of Management and
Enterprise Services; repealing 62 O.S. 2011, Section
34.18, as amended by Section 350, Chapter 304, O.S.L.
2012 (62 O.S. Supp. 2012, Section 34.18), which
relates to notification of availability of
applications of Integrated Central Systems; repealing
74 O.S. 2011, Section 85.7d, as amended by Section
740, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2012,
Section 85.7d), which relates to information
technology contracts; repealing 74 O.S. 2011, Section
85.9D, as amended by Section 744, Chapter 304, O.S.L.
2012 (74 O.S. Supp. 2012, Section 85.9D), which
relates to coordination of computer contract
purchases; providing for recodification; providing an
effective date; and declaring an emergency.

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

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

4 Section 1500. A. The county clerk of each county or an
5 employee of that office so designated by the county clerk shall be
6 the county purchasing agent. Provided, in counties having a county
7 budget board created pursuant to the County Budget Act, the board
8 may, upon an affirmative vote of a majority of all the board members
9 then in office, appoint a county purchasing agent. In the event the
10 board does not appoint a county purchasing agent, the county clerk
11 or an employee of that office so designated by the county clerk
12 shall be the county purchasing agent. The county purchasing agent
13 shall be under the general supervision and direction of the
14 appointing authority.

15 B. All persons serving as county purchasing agents on July 1,
16 1989, shall attend training seminars sponsored by the Oklahoma
17 Cooperative Extension Service prior to July 1, 1990. The training
18 seminars will cover the terminology, concepts, customs and practices
19 of the sellers of supplies, materials ~~and~~, equipment and information
20 technology and telecommunications goods commonly purchased for the
21 county. All county purchasing agents appointed after July 1, 1989,
22 shall attend the training seminars within one (1) year of their
23 appointment.

24

1 C. The county purchasing agent shall be authorized necessary
2 assistants to carry out the duties and responsibilities provided by
3 law and as may be delegated by the appointing authority. Provided,
4 the employment of such assistants shall be upon the approval of the
5 appointing authority. The salary of the county purchasing agent and
6 assistants shall be fixed by the appointing authority. Provided, if
7 the county clerk is the county purchasing agent, the salary of the
8 county clerk shall remain as provided by law.

9 D. The county purchasing agent shall, at the expense of the
10 county, be authorized adequate office space, furnishings, equipment
11 and supplies to carry out the duties and responsibilities of the
12 county purchasing agent as provided by law and as may be delegated
13 by the appointing authority. Provided, the acquisition of such
14 furnishings, equipment and supplies shall be upon the approval of
15 the appointing authority, and the acquisition of office space shall
16 be upon the approval of the board of county commissioners.

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

19 Section 1500.1 A. Except as otherwise provided by Section 1500
20 et seq. of ~~Title 19 of the Oklahoma Statutes~~ this title, the county
21 purchasing agent shall have the authority to develop, implement and
22 promote policies and procedures that allow the procurement of
23 materials and equipment through contracts that are flexible, value
24

1 based and are in the best interests of the state and its political
2 subdivisions.

3 B. Except as otherwise provided, the county purchasing agent
4 shall have the authority to use electronic commerce for the
5 solicitation, notification, and other purchasing processes. For
6 purposes of this subsection, "electronic commerce" means the use of
7 electronic methods to enable solicitations, supplier response,
8 notice of contract award, county acquisition processes, or any other
9 function to make an acquisition.

10 C. Counties shall have the authority to conduct a procurement
11 ~~transaction for the procurement of materials, equipment, or services~~
12 by electronic means subject to the provisions of the Uniform
13 Electronic Transactions Act.

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

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

19 a. prescribe a uniform identification system for all
20 supplies, materials and equipment of a county used in
21 the construction and maintenance of roads and bridges,
22 and

23 b. create and administer an inventory system for all:
24

- 1 (1) equipment of a county having an original cost of
2 Five Hundred Dollars (\$500.00) or more for use in
3 the construction and maintenance of roads and
4 bridges, and
5 (2) supplies and materials of a county purchased in
6 lots of Five Hundred Dollars (\$500.00) or more
7 for use in the construction and maintenance of
8 roads and bridges.

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

10 2. a. In counties having a county budget board created
11 pursuant to ~~Sections~~ Section 1402 et seq. of ~~Title 19~~
12 ~~of the Oklahoma Statutes~~ this title, said board may,
13 upon an affirmative vote of a majority of all the
14 board members then in office, appoint a county road
15 and bridge inventory officer who shall be employed by
16 the county and shall have such duties as are provided
17 in subparagraphs a and b of paragraph 1 of this
18 subsection. In the event the board does not appoint a
19 county road and bridge inventory officer the board of
20 county commissioners or designee shall be the county
21 road and bridge inventory officer. The appointed
22 county road and bridge inventory officer shall be
23 under the general supervision and direction of the
24 appointing authority.

1 b. The appointed county road and bridge inventory officer
2 shall be authorized necessary assistants to carry out
3 the duties and responsibilities provided by law and as
4 may be delegated by the appointing authority.

5 Provided, the employment of such assistants shall be
6 upon the approval of the appointing authority. The
7 salary of the county road and bridge inventory officer
8 and assistants shall be fixed by the appointing
9 authority.

10 c. The appointed county road and bridge inventory officer
11 shall, at the expense of the county, be authorized
12 adequate office space, furnishings, equipment and
13 supplies to carry out the duties and responsibilities
14 of the county road and bridge inventory officer as
15 provided by law and as may be delegated by the
16 appointing authority. Provided, the acquisition of
17 such furnishings, equipment and supplies shall be upon
18 the approval of the appointing authority and the
19 acquisition of office space shall be upon the approval
20 of the board of county commissioners.

21 B. The board of county commissioners shall:

22 1. Prescribe a uniform identification system for all supplies,
23 materials ~~and,~~ equipment and information technology and
24

1 telecommunication goods of a county not used in the construction and
2 maintenance of roads and bridges; and

3 2. Create and administer an inventory system for all:

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

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

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

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

17 Section 1504. A. A receiving officer shall receive all
18 ~~supplies, materials and equipment~~ purchased, lease-purchased or
19 rented ~~by his~~ items procured for the department and shall identify
20 such items received in a manner prescribed by the county road and
21 bridge inventory officer or board of county commissioners or
22 designee. The receiving officer shall also maintain a record of all
23 ~~supplies, materials and equipment~~ such items received, disbursed,
24 stored and consumed by ~~his~~ the department.

1 B. The receiving officer shall comply with receiving procedures
2 provided by law.

3 SECTION 5. AMENDATORY 19 O.S. 2011, Section 1505, as
4 last amended by Section 74, Chapter 304, O.S.L. 2012 (19 O.S. Supp.
5 2012, Section 1505), is amended to read as follows:

6 Section 1505. The following procedures shall be used by
7 counties for the requisition, purchase, lease-purchase, rental, and
8 receipt of supplies, materials, ~~and equipment~~ and information
9 technology and telecommunication goods and services for the
10 maintenance, operation, and capital expenditures of county
11 government unless otherwise provided for by law.

12 A. The procedure for requisitioning items for county offices
13 shall be as follows:

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

18 2. The requesting department shall retain a copy of the
19 requisition and forward the original requisition and a copy to the
20 county purchasing agent; and

21 3. Upon receipt of the requisition, the county purchasing
22 agent, within two (2) working days, shall begin the bidding and
23 purchasing process as provided for in this section. Nothing in this
24 section shall prohibit the transfer of supplies, materials, or

1 equipment between county departments upon a written agreement
2 between county officers.

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

7 1. The county purchasing agent shall request written
8 recommendations from all county officers pertaining to needed or
9 commonly used supplies, materials, ~~and~~ equipment and information
10 technology and telecommunication goods and services. From such
11 recommendations and available requisition, purchase, or inventory
12 records, the county purchasing agent shall prepare a list of items
13 needed or commonly used by county officers. The county purchasing
14 agent shall request from the Purchasing Division or from the
15 Information Services Division in the case of information technology
16 and telecommunication goods and services of the Office of Management
17 and Enterprise Services all contracts quoting the price the state is
18 paying for the items. The county purchasing agent shall either
19 request the Purchasing Division or the Information Services Division
20 of the Office of Management and Enterprise Services, as applicable,
21 to make the purchase for the county or the county purchasing agent
22 shall solicit bids for unit prices on the items for periods of not
23 to exceed twelve (12) months in the manner described in paragraph 2
24 of this subsection. If the county purchasing agent receives a

1 requisition for an item for which the county purchasing agent does
2 not have a current bid, the county purchasing agent shall request
3 from the Purchasing Division or the Information Services Division of
4 the Office of Management and Enterprise Services, as applicable, all
5 contracts quoting the price the state is paying for the item. The
6 county purchasing agent shall either request the Purchasing Division
7 or the Information Services Division of the Office of Management and
8 Enterprise Services, as applicable, to make the purchase for the
9 county or the county purchasing agent shall solicit bids in the
10 manner described in paragraph 2 of this subsection. Nothing in this
11 paragraph shall prohibit bids from being taken on an item currently
12 on a twelve-month bid list, at any time deemed necessary by the
13 county purchasing agent. Whenever the county purchasing agent deems
14 it necessary to take a bid on an item currently on a twelve-month
15 bid list, the reason for the bid shall be entered into the minutes
16 of the board of county commissioners;

17 2. Bids shall be solicited by mailing a notice to all persons
18 or firms who have made a written request of the county purchasing
19 agent that they be notified of such bid solicitation and to all
20 other persons or firms who might reasonably be expected to submit
21 bids. Notice of solicitation of bids shall also be published one
22 time in a newspaper of general circulation in the county. Notices
23 shall be mailed and published at least ten (10) days prior to the
24 date on which the bids are opened. Proof of the mailing shall be

1 made by the affidavit of the person mailing the request for bids and
2 shall be made a part of the official records of the county
3 purchasing agent. Whenever any prospective supplier or vendor
4 dealing in or listing for sale any particular item or article
5 required to be purchased or acquired by sealed bids fails to enter
6 or offer a sealed bid for three successive bid solicitations, the
7 name of the supplier or vendor may be dropped from the mailing lists
8 of the board of county commissioners;

9 3. The sealed bids received from vendors and the state contract
10 price received from the ~~Purchasing~~ applicable Division of the Office
11 of Management and Enterprise Services shall be given to the county
12 clerk by the county purchasing agent. The county clerk shall
13 forward the sealed bids and state contract price, if any, to the
14 board of county commissioners;

15 4. The board of county commissioners, in an open meeting, shall
16 open the sealed bids and compare them to the state contract price.
17 The board of county commissioners shall select the lowest and best
18 bid based upon, if applicable, the availability of material and
19 transportation cost to the job site within thirty (30) days of the
20 meeting. For any special item not included on the list of needed or
21 commonly used items, the requisitioning official shall review the
22 bids and submit a written recommendation to the board before final
23 approval. The board of county commissioners shall keep a written
24 record of the meeting as required by law, and any time the lowest

1 bid was not considered to be the lowest and best bid, the reason for
2 such conclusion shall be recorded. Whenever the board of county
3 commissioners rejects the written recommendation of the
4 requisitioning official pertaining to a special item, the reasons
5 for the rejection shall be entered in their minutes and stated in a
6 letter to the requisitioning official and county purchasing agent;

7 5. The county purchasing agent shall notify the successful
8 bidders and shall maintain a copy of the notification. The county
9 purchasing agent shall prepare and maintain a vendors list
10 specifying the successful bidders and shall notify each county
11 officer of the list. The county purchasing agent may remove any
12 vendor from such list who refuses to provide goods or services as
13 provided by contract if the removal is authorized by the board of
14 county commissioners. The county purchasing agent may make
15 purchases from the successful bidders for a price at or below the
16 bid price. If a vendor who is the low bidder cannot or will not
17 sell goods or services as required by a county bid contract, the
18 county purchasing agent may purchase from the next low bidder or
19 take quotations as provided in paragraph 6 of this subsection,
20 provided, however, such purchase does not exceed Ten Thousand
21 Dollars (\$10,000.00); and

22 6. When bids have been solicited as provided for by law and no
23 bids have been received, the procedure shall be as follows:
24

- 1 a. the county purchasing agent shall determine if
2 potential vendors are willing to commit to a firm
3 price for a reduced period of time, and, if such is
4 the case, the bid procedure described in this
5 subsection shall be followed, or
6 b. if vendors are not willing to commit to a firm price
7 for a reduced period, the purchasing agent shall
8 solicit and record at least three quotes of current
9 prices available to the county and authorize the
10 purchase of goods or services based on the lowest and
11 best quote as it becomes necessary to acquire such
12 goods or services. The quotes shall be recorded on a
13 form prescribed by the State Auditor and Inspector and
14 shall be attached to the purchase order and filed with
15 the county clerk's copy of the purchase order. Any
16 time the lowest quote was not considered to be the
17 lowest and best quote, the reason for this conclusion
18 shall be recorded by the county purchasing agent and
19 transmitted to the county clerk, or
20 c. if three quotes are not available, a memorandum to the
21 county clerk from the county purchasing agent shall
22 describe the basis upon which a purchase is
23 authorized. The memorandum shall state the reasons
24 why the price for such a purchase is the lowest and

1 best under the circumstances. The county clerk shall
2 then attach the memorandum to the county clerk's copy
3 of the purchase order and file both in the office of
4 the county clerk.

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

9 1. The county purchasing agent shall prepare a purchase order
10 in quadruplicate and submit it with a copy of the requisition to the
11 county clerk;

12 2. The county clerk shall then encumber the amount stated on
13 the purchase order and assign a sequential number to the purchase
14 order;

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

18 I hereby certify that the amount of this encumbrance has been
19 entered against the designated appropriation accounts and that this
20 encumbrance is within the authorized available balance of said
21 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 exact amount of
3 the indebtedness sought to be incurred at the time of recording the
4 encumbrance, an estimated amount may be used. No purchase order
5 shall be valid unless signed by the county purchasing agent and
6 certified by the county clerk; and

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

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

19 a. the county purchasing agent shall prepare a purchase
20 order in quadruplicate and submit it with a copy of
21 the requisition to the county clerk,

22 b. the county clerk shall then encumber the amount stated
23 on the purchase order and assign a sequential number
24 to the purchase order,

1 c. if there is an unencumbered balance in the
2 appropriation made for that purpose by the county
3 excise board, the county clerk shall so certify in the
4 following form:

5 I hereby certify that the amount of this encumbrance
6 has been entered against the designated appropriation
7 accounts and that this encumbrance is within the
8 authorized available balance of said appropriation.

9 Dated this _____ day of _____, 20__.

10 _____
11 County Clerk/Deputy

12 of _____ County.

13 In instances where it is impossible to ascertain the
14 exact amount of the indebtedness sought to be incurred
15 at the time of recording the encumbrance, an estimated
16 amount may be used. No purchase order shall be valid
17 unless signed by the county purchasing agent and
18 certified by the county clerk, and

19 d. the county clerk shall file a copy of the purchase
20 order and return the original purchase order and two
21 copies to the county purchasing agent who shall file a
22 copy, retain the other copy for the county road and
23 bridge inventory officer if the purchase order is for
24 the purchase of equipment, supplies, or materials for

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

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

- 8 a. the purchasing agent shall cause such items being sold
9 to be appraised in the manner determined in Section
10 421.1 of this title,
- 11 b. the county purchasing agent shall prepare a purchase
12 order in quadruplicate and submit it with a copy of
13 the requisition to the county clerk,
- 14 c. the county clerk shall then encumber the amount of the
15 appraised value and any additional funds obligated by
16 the county on the purchase order and assign a
17 sequential number to the purchase order,
- 18 d. the county clerk shall certify that the amount of the
19 encumbrance is equal to the appraised value of the
20 item being sold plus any additional funds obligated by
21 the county. In effect the recording of the
22 encumbrance is an estimate that is authorized by law.
23 No purchase order shall be valid unless signed by the
24

1 county purchasing agent and certified by the county
2 clerk,

3 e. the county clerk shall file a copy of the purchase
4 order and return the original purchase order and two
5 copies to the county purchasing agent who shall file a
6 copy, retain a copy for the county road and bridge
7 inventory officer if the purchase order is for the
8 purchase of equipment, supplies or materials for the
9 construction or maintenance of roads and bridges, and
10 submit the original purchase order to the receiving
11 officer of the requesting department, and

12 f. a purchase shall not be bid until such time that the
13 appraised item or items are sold. Any item or items
14 purchased shall not exceed the appraised value plus
15 any additional funds obligated by the county or the
16 actual selling price of the item or items, whichever
17 is the lesser amount.

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

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

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

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

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

6 5. The receiving officer shall complete a receiving report in
7 quadruplicate which shall state the quantity and quality of goods
8 delivered. The receiving report form shall be prescribed by the
9 State Auditor and Inspector. The person delivering the goods shall
10 acknowledge the delivery by signature, noting the date and time;

11 6. The receiving officer shall file the original receiving
12 report and submit:

- 13 a. the original purchase order and a copy of the
- 14 receiving report to the county purchasing agent, and
- 15 b. a copy of the receiving report with the delivery
- 16 documentation to the county clerk;

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

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

22 9. The invoice shall state the name and address of the vendor
23 and must be sufficiently itemized to clearly describe each item
24 purchased, the unit price when applicable, the number or volume of

1 each item purchased, the total price, the total purchase price, and
2 the date of the purchase;

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

- 5 a. requisition,
- 6 b. purchase order,
- 7 c. invoice with noncollusion affidavit as required by
- 8 law,
- 9 d. receiving report, and
- 10 e. delivery document.

11 The documents shall be available for public inspection during
12 regular business hours; and

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

16 F. The following procedures are for the processing of purchase
17 orders:

18 1. Purchase orders may be allowed and paid at the first meeting
19 of the board of county commissioners five (5) business days after
20 presentation for payment, provided that purchase orders for the
21 salaries of the county officers and their full-time assistants,
22 deputies and employees may be allowed and paid immediately after
23 filing;

24

1 2. The board of county commissioners shall consider the
2 purchase orders so presented and act upon the purchase orders, by
3 allowing in full or in part or by holding for further information or
4 disallowing the same. The disposition of purchase orders shall be
5 indicated by the board of county commissioners, showing the amounts
6 allowed or disallowed and shall be signed by at least two members of
7 the board of county commissioners. Any claim held over for further
8 information shall be acted upon by allowing or disallowing same at
9 any future meeting of the board held within seventy-five (75) days
10 from the date of filing of the purchase order. Any purchase order
11 not acted upon within the seventy-five (75) days from the date of
12 filing shall be deemed to have been disallowed, but such
13 disallowance shall not prevent the refiling of the purchase order at
14 the proper time; and

15 3. Whenever any allowance, either in whole or in part, is made
16 upon any purchase order presented to the board of county
17 commissioners and is accepted by the person making the claim, such
18 allowance shall be a full settlement of the entire purchase order
19 and provided that the cashing of warrant shall be considered as
20 acceptance by the claimant.

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

23 1. For consumable road or bridge items or materials, a
24 quarterly report of the road and bridge projects completed during

1 such period shall be prepared and kept on file by the consuming
2 department. The quarterly report may be prepared and kept
3 electronically by the consuming department. The report shall
4 contain a record of the date, the place, and the purpose for the use
5 of the road or bridge items or materials. For purposes of
6 identifying county bridges, the board of county commissioners shall
7 number each bridge subject to its jurisdiction; and

8 2. For disposal of all equipment and information technology and
9 telecommunication goods which originally cost more than Five Hundred
10 Dollars (\$500.00), resolution of disposal shall be submitted by the
11 officer on a form prescribed by the State Auditor and Inspector's
12 Office to the board of county commissioners. The approval of the
13 resolution of disposal shall be entered into the minutes of the
14 board.

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

19 I. The procedures provided for in this section shall not apply
20 when a county officer certifies that an emergency exists requiring
21 an immediate expenditure of funds. Such an expenditure of funds
22 shall not exceed Five Thousand Dollars (\$5,000.00). The county
23 officer shall give the county purchasing agent a written explanation
24 of the emergency. The county purchasing agent shall attach the

1 written explanation to the purchase order. The purchases shall be
2 paid by attaching a properly itemized invoice, as described in this
3 section, to a purchase order which has been prepared by the county
4 purchasing agent and submitting them to the county clerk for filing,
5 encumbering, and consideration for payment by the board of county
6 commissioners.

7 SECTION 6. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
8 last amended by Section 1, Chapter 292, O.S.L. 2012 (62 O.S. Supp.
9 2012, Section 34.11.1), is amended to read as follows:

10 Section 34.11.1 A. There is hereby created the position of
11 Chief Information Officer who shall be appointed by the Governor.
12 The Chief Information Officer, in addition to having authority over
13 the Information Services Division of the Office of ~~State Finance~~
14 Management and Enterprise Services, shall also serve as Secretary of
15 Information Technology and Telecommunications or successor cabinet
16 position and shall have jurisdictional areas of responsibility
17 related to information technology and telecommunications systems of
18 all state agencies as provided for in ~~the Oklahoma Information~~
19 ~~Services Act~~ state law. The salary of the Chief Information Officer
20 shall not be less than One Hundred Thirty Thousand Dollars
21 (\$130,000.00) or more than One Hundred Sixty Thousand Dollars
22 (\$160,000.00). ~~The first Chief Information Officer shall be~~
23 ~~appointed no later than January 1, 2010.~~

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

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

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

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

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

14 5. Experience in developing technology budgets;

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

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

19 8. Knowledge of telecommunications operations;

20 9. Ability to develop and set strategic direction for
21 information technology and telecommunications and to manage daily
22 development and operations functions;

23 10. An effective communicator who is able to build consensus;
24

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

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

6 13. Ability to negotiate and defuse conflict; and

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

9 C. The salary and any other expenses for the Chief Information
10 Officer shall be budgeted as a separate line item through the Office
11 of ~~State Finance~~ Management and Enterprise Services. The operating
12 expenses of the Information Services Division shall be set by the
13 Chief Information Officer and shall be budgeted as a separate line
14 item through the Office of ~~State Finance~~ Management and Enterprise
15 Services. The Office of ~~State Finance~~ Management and Enterprise
16 Services shall provide adequate office space, equipment and support
17 necessary to enable the Chief Information Officer to carry out the
18 information technology and telecommunications duties and
19 responsibilities of the Chief Information Officer and the
20 Information Services Division.

21 D. 1. Within twelve (12) months of appointment, the first
22 Chief Information Officer shall complete an assessment, which shall
23 be modified annually pursuant to Section 35.5 of this title, of the
24 implementation of the transfer, coordination, and modernization of

1 all information technology and telecommunication systems of all
2 state agencies in the state as provided for in the Oklahoma
3 Information Services Act. The assessment shall include the
4 information technology and telecommunications systems of all
5 institutions within The Oklahoma State System of Higher Education,
6 the Oklahoma State Regents for Higher Education and the
7 telecommunications network known as OneNet.

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

- 11 a. define the shared service model organization structure
12 and the reporting relationship of the recommended
13 organization,
- 14 b. the implementation of an information technology and
15 telecommunications shared services model that defines
16 the statewide infrastructure environment needed by
17 most state agencies that is not specific to individual
18 agencies and the shared applications that are utilized
19 across multiple agencies,
- 20 c. define the services that shall be in the shared
21 services model under the control of the Information
22 Services Division of the Office of ~~State Finance~~
23 Management and Enterprise Services,

24

- 1 d. define the roadmap to implement the proposed shared
2 services model. The roadmap shall include
3 recommendations on the transfer, coordination, and
4 modernization of all information technology and
5 telecommunication systems of all the state agencies in
6 the state,
- 7 e. recommendations on the reallocation of information
8 technology and telecommunication resources and
9 personnel,
- 10 f. recommendations on maximizing the benefits to the
11 state by the alignment and operation of the
12 communications and data transfer network assets known
13 as OneNet,
- 14 g. a cost benefit analysis to support the recommendations
15 on the reallocation of information technology and
16 telecommunication resources and personnel,
- 17 h. a calculation of the net savings realized through the
18 reallocation and consolidation of information
19 technology and telecommunication resources and
20 personnel after compensating for the cost of
21 contracting with a private consultant as authorized in
22 paragraph 4 of this subsection, implementing the plan
23 of action, and ongoing costs of the Information
24

Services Division of the Office of ~~State Finance~~
Management and Enterprise Services, and

i. the information required in subsection B of Section
35.5 of this title.

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

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

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

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

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

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

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

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

9 5. Provide direction for the professional development of
10 information technology staff of state agencies and oversee the
11 professional development of the staff of the Information Services
12 Division of the Office of ~~State Finance~~ Management and Enterprise
13 Services;

14 6. Evaluate all technology and telecommunication investment
15 choices for all state agencies;

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

19 8. Set direction and provide oversight for the support and
20 continuous upgrading of the current information technology and
21 telecommunication infrastructure in the state in support of enhanced
22 reliability, user service levels, and security;

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

4 10. Recruit, hire and transfer the required technical staff in
5 the Information Services Division of the Office of ~~State Finance~~
6 Management and Enterprise Services to support the services provided
7 by the Division and the execution of the strategic information
8 technology plan;

9 11. Establish, maintain, and enforce information technology and
10 telecommunication standards;

11 12. Delegate, coordinate, and review all work to ensure quality
12 and efficient operation of the Information Services Division of the
13 Office of ~~State Finance~~ Management and Enterprise Services;

14 13. Create and implement a communication plan that disseminates
15 pertinent information to state agencies on standards, policies,
16 procedures, service levels, project status, and other important
17 information to customers of the Information Services Division of the
18 Office of ~~State Finance~~ Management and Enterprise Services and
19 provide for agency feedback and performance evaluation by customers
20 of the Division;

21 14. Develop and implement training programs for state agencies
22 using the shared services of the Information Services Division of
23 the Office of ~~State Finance~~ Management and Enterprise Services and
24

1 recommend training programs to state agencies on information
2 technology and telecommunication systems, products and procedures;

3 15. Provide counseling, performance evaluation, training,
4 motivation, discipline, and assign duties for employees of the
5 Information Services Division of the Office of ~~State Finance~~
6 Management and Enterprise Services;

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

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

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

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

19 20. Create the budget for the Information Services Division of
20 the Office of ~~State Finance~~ Management and Enterprise Services to be
21 submitted to the Legislature each year.

22 G. ~~Upon receiving approval of the State Governmental Technology~~
23 ~~Applications Review Board, the Chief Information Officer shall~~
24 ~~implement the plan of action as set forth in subsection D of this~~

~~section; provided, the plan of action for the Department of Human Services shall not be implemented until July 1, 2011. The State Governmental Technology Applications Review Board shall provide ongoing oversight of the implementation of the plan of action required in subsection D of this section. Any proposed amendments to the plan of action shall be approved by the Board prior to adoption. The net savings realized through the reallocation and 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 State Finance 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

1 for all state agencies. The Chief Information Officer shall
2 establish, implement, and enforce policies and procedures for the
3 procurement of information technology and telecommunication
4 software, hardware, equipment, peripheral devices, maintenance,
5 consulting services, high technology systems, and other related
6 information technology, data processing, telecommunication and
7 related peripherals and services by purchase, lease-purchase, lease
8 with option to purchase, lease and rental for all state agencies.
9 The procurement policies and procedures established by the Chief
10 Information Officer shall be consistent with The Oklahoma Central
11 Purchasing Act ~~and Section 6 of this act.~~

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

1 requests to disclose the information so designated, if the Chief
2 Information Officer requires the bidder to submit the financial or
3 proprietary information with a bid, proposal, or quotation.

4 I. The Information Services Division of the Office of ~~State~~
5 ~~Finance~~ Management and Enterprise Services and the Chief Information
6 Officer shall be subject to The Oklahoma Central Purchasing Act for
7 the approval and purchase of equipment and products not related to
8 information and telecommunications technology, equipment, software,
9 products and related peripherals and services and shall also be
10 subject to the requirements of the Public Competitive Bidding Act of
11 1974, the Oklahoma Lighting Energy Conservation Act and the Public
12 Building Construction and Planning Act when procuring data
13 processing, information technology, telecommunication, and related
14 peripherals and services and when constructing information
15 technology and telecommunication facilities, telecommunication
16 networks and supporting infrastructure. The Chief Information
17 Officer shall be authorized to delegate all or some of the
18 procurement of information technology and telecommunication products
19 and services and construction of facilities and telecommunication
20 networks to another state entity if the Chief Information Officer
21 determines it to be cost-effective and in the best interest of the
22 state. The Chief Information Officer shall have authority to
23 designate information technology and telecommunication contracts as
24 statewide contracts and mandatory statewide contracts pursuant to

1 Section 85.5 of Title 74 of the Oklahoma Statutes and to negotiate
2 consolidation contracts, enterprise agreements and high technology
3 systems contracts in lieu of or in conjunction with bidding
4 procedures to reduce acquisition costs. Any contract entered into
5 by a state agency for which the Chief Information Officer has not
6 acted as the Information Technology and Telecommunications
7 Purchasing Director as required in this subsection or subsection H
8 of this section, shall be deemed to be unenforceable and the Office
9 of ~~State Finance~~ Management and Enterprise Services shall not
10 process any claim associated with the provisions thereof.

11 ~~J. The Chief Information Officer shall establish and implement~~
12 ~~charges and a system to assess the charges to state agencies for~~
13 ~~their use of shared information technology and telecommunication~~
14 ~~services subject to the approval of the State Governmental~~
15 ~~Technology Applications Review Board.~~

16 ~~K.~~ The Chief Information Officer shall establish, implement,
17 and enforce policies and procedure for the development and
18 procurement of an interoperable radio communications system for
19 state agencies. The Chief Information Officer shall work with local
20 governmental entities in developing the interoperable radio
21 communications system.

22 ~~L.~~ K. The Chief Information Officer shall develop and implement
23 a plan to utilize open source technology and products for the
24

1 information technology and telecommunication systems of all state
2 agencies.

3 ~~M.~~ L. All state agencies and authorities of this state and all
4 officers and employees of those entities shall work and cooperate
5 with and lend assistance to the Chief Information Officer and the
6 Information Services Division of the Office of ~~State Finance~~
7 Management and Enterprise Services and provide any and all
8 information requested by the Chief Information Officer.

9 ~~N.~~ M. The Chief Information Officer shall prepare an annual
10 report detailing the ongoing net saving attributable to the
11 reallocation and consolidation of information technology and
12 telecommunication resources and personnel and shall submit the
13 report to the Governor, the Speaker of the House of Representatives,
14 and the President Pro Tempore of the Senate.

15 ~~O.~~ N. For purposes of the Oklahoma Information Services Act,
16 unless otherwise provided for, "state agencies" shall include any
17 office, officer, bureau, board, commission, counsel, unit, division,
18 body, authority or institution of the executive branch of state
19 government, whether elected or appointed; provided, except with
20 respect to the provisions of subsection D of this section, the term
21 "state agencies" shall not include institutions within The Oklahoma
22 State System of Higher Education, the Oklahoma State Regents for
23 Higher Education and the telecommunications network known as OneNet.

24 O. As used in this section:

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

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

7 3. "Enterprise agreement" means an agreement for information
8 technology or telecommunication goods and services with a supplier
9 who manufactures, develops and designs products and provides
10 services that are used by one or more state agencies.

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

13 Section 34.11.2 A. There is hereby established the Oklahoma
14 State Government 2.0 Initiative.

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

19 C. The board shall establish open technology standards and a
20 schedule by which state agencies, boards, commissions and public
21 trusts having the State of Oklahoma as a beneficiary shall utilize
22 these standards to provide citizens with web-based interactivity to
23 state government services. Whenever possible these standards shall
24 match commonly used standards by other government entities.

1 D. The board shall set a schedule by which state agencies,
2 boards, commissions and public trusts having the State of Oklahoma
3 as a beneficiary shall publish and update convenience information
4 sets which shall be accessible through standardized application
5 programming interfaces and published in standardized formats
6 including but not limited to eXtensible Markup Language (XML) and
7 Comma Separated Value (CSV) formats. The board shall establish
8 application programming interface standards which enable access to
9 convenience information sets. The schedule shall place an emphasis
10 on first making accessible convenience information sets most
11 commonly requested in open records requests. A directory and link
12 to all available convenience information sets shall be prominently
13 featured on the portal system referenced in Section 34.24 of this
14 title and if possible linked to the "data.ok.gov" web portal.

15 E. The board may conduct events and contests to provide
16 recognition of software application development provided that the
17 application being recognized utilizes standards established in this
18 section to the benefit of the citizens of Oklahoma.

19 F. The board shall establish an application process through
20 which applicants can request the scheduled implementation of
21 application programming interfaces, creation of open technology
22 standards and publication of convenience information sets pursuant
23 to the provisions of this section. Instructions regarding the
24

1 application process shall be prominently featured on the portal
2 system referenced in Section 34.24 of this title.

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

6 ~~H. The board shall implement standardized policies by which
7 state agencies may accept terms of service related to liability
8 issues for the usage of social media services, contracts for
9 technology products and technology service contracts provided the
10 liability clause in the terms of service or contract contains
11 standard language including a liability agreement which is
12 considered customary or largely similar to terms of service agreed
13 to or contracts entered into by other government entities and
14 private sector enterprises.~~

15 ~~I.~~ The board shall promulgate performance information metrics
16 and guidelines which shall be used to establish criteria which
17 govern participation in the "State Government Employee Performance
18 Transparency Pilot Program". The board shall set a schedule for the
19 publication of performance information metrics through the
20 "data.ok.gov" website.

21 ~~I.~~ I. For the purposes of this section, "open technology
22 standards" are widely accepted standards and mechanisms for the web-
23 based connectivity and asynchronous communication between software
24 programs. "Application programming interface" is a standardized

1 interface enabling a standard form of connectivity between
2 convenience information sets and software programs, "performance
3 information metrics" are sets of information which reflect the
4 performance of state employees and state agencies, and "convenience
5 information sets" are sets of information which are subject to
6 public access under the Oklahoma Open Records Act and which do not
7 contain personally identifiable information.

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

10 Section 34.11.7 A. The State Governmental Technology
11 Applications Review Board shall establish performance reporting
12 metrics for each state employee who begins participating in telework
13 following the effective date of this act. These reports shall be
14 published through the "data.ok.gov" website.

15 B. Prior to the lease, purchase, rental or issuance of bonds
16 for the use of additional office space, a state agency
17 shall receive certification from the State Governmental Technology
18 Applications Review Board that no the lease, purchase, rental or
19 issuance of bonds is necessary, after considering the extent to
20 which state employee jobs in that agency can be performed through
21 telework.

22 C. The Oklahoma Healthcare Authority shall authorize one
23 division of employees to participate in a telework pilot program
24 pursuant to the terms of this section.

1 D. For the purposes of this section, "performance reporting
2 metrics" shall mean a set of criteria which demonstrates the
3 quantity and quality of work. "Telework" shall mean work which is
4 performed outside of the traditional on-site work environment.

5 SECTION 9. AMENDATORY 62 O.S. 2011, Section 34.12, as
6 amended by Section 2, Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012,
7 Section 34.12), is amended to read as follows:

8 Section 34.12 A. The Information Services Division of the
9 Office of ~~State Finance~~ Management and Enterprise Services shall:

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

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

16 3. Establish and enforce minimum mandatory standards for:

- 17 a. information systems planning,
- 18 b. systems development methodology,
- 19 c. documentation,
- 20 d. hardware requirements and compatibility,
- 21 e. operating systems compatibility,
- 22 f. acquisition of software, hardware and technology-
- 23 related services,
- 24 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;

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

6. Maintain a directory of the following which have a value of Five Hundred Dollars (\$500.00) or more: application systems, systems software, hardware, internal and external information technology, communication or telecommunication equipment owned, leased, or rented for use in communication services for state government, including communication services provided as part of any other total

1 system to be used by the state or any of its agencies, and studies
2 and training courses in use by all agencies of the state; and
3 facilitate the utilization of the resources by any agency having
4 requirements which are found to be available within any agency of
5 the state;

6 7. Assist agencies in the acquisition and utilization of
7 information technology systems and hardware to effectuate the
8 maximum benefit for the provision of services and accomplishment of
9 the duties and responsibilities of agencies of the state;

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

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

22 10. Establish operations review procedures for information
23 technology installations operated by agencies of the state for
24

1 independent assessment of productivity, efficiency, cost
2 effectiveness, and security;

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

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

7 13. In conjunction with the Oklahoma Office of Homeland
8 Security, enforce the minimum information security and internal
9 control standards established by the Information Services Division.

10 An enforcement team consisting of the Chief Information Officer of
11 the Information Services Division or a designee, a representative of
12 the Oklahoma Office of Homeland Security, and a representative of
13 the Oklahoma State Bureau of Investigation shall enforce the minimum
14 information security and internal control standards. If the
15 enforcement team determines that an agency is not in compliance with
16 the minimum information security and internal control standards, the
17 Chief Information Officer shall take immediate action to mitigate
18 the noncompliance, including the removal of the agency from the
19 infrastructure of the state until the agency becomes compliant,
20 taking control of the information technology function of the agency
21 until the agency is compliant, and transferring the administration
22 and management of the information technology function of the agency
23 to the Information Services Division or another state agency.

1 B. No agency of the executive branch of the state shall use
2 state funds for or enter into any agreement for the acquisition of
3 any category of computer hardware, software or any contract for
4 information technology or telecommunication services and equipment,
5 service costs, maintenance costs, or any other costs or fees
6 associated with the acquisition of the services or equipment,
7 without written authorization of the Chief Information Officer or a
8 designee. If written authorization is not obtained prior to
9 incurring an expenditure or entering into any agreement as required
10 in this subsection or as required in Section 35.4 of this title, the
11 Office of ~~State Finance~~ Management and Enterprise Services may not
12 process any claim associated with the expenditure and the provisions
13 of any agreement shall not be enforceable. The provisions of this
14 subsection shall not be applicable to any member of The Oklahoma
15 State System of Higher Education, any public elementary or secondary
16 schools of the state, any technology center school district as
17 defined in Section 14-108 of Title 70 of the Oklahoma Statutes, or
18 CompSource Oklahoma ~~if CompSource Oklahoma is operating pursuant to~~
19 ~~a pilot program authorized by Sections 3316 and 3317 of Title 74 of~~
20 ~~the Oklahoma Statutes.~~

21 C. The Chief Information Officer and Information Services
22 Division of the Office of ~~State Finance~~ Management and Enterprise
23 Services and all agencies of the executive branch of the state shall
24 not be required to disclose, directly or indirectly, any information

1 of a state agency which is declared to be confidential or privileged
2 by state or federal statute or the disclosure of which is restricted
3 by agreement with the United States or one of its agencies, nor
4 disclose information technology system details that may permit the
5 access to confidential information or any information affecting
6 personal security, personal identity, or physical security of state
7 assets.

8 SECTION 10. AMENDATORY 62 O.S. 2011, Section 34.13, as
9 amended by Section 346, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
10 2012, Section 34.13), is amended to read as follows:

11 Section 34.13 The Information Services Division of the Office
12 of Management and Enterprise Services shall, at the end of each
13 month, render a statement of charges to all state agencies to which
14 it has furnished processing services for the direct costs of the
15 Data Service Center of the Information Services Division, which
16 shall be timely paid. In total, the charges shall not exceed the
17 direct costs of the Data Service Center of the Information Services
18 Division. Systems analysts and programming services costs shall be
19 recovered directly from the agency for which the service was
20 rendered, as agreed to by that agency, and shall not be prorated to
21 agencies not receiving such services. If the charges or programming
22 services costs are not timely paid by a state agency, the
23 Information Services Division may request the Division of Central
24 Accounting and Reporting of the Office of Management and Enterprise

1 Services to create vouchers and process payments to the Information
2 Services Division against the funds of the delinquent agency. All
3 amounts so collected shall be deposited in the State Treasury to the
4 credit of the General Revenue Fund.

5 SECTION 11. AMENDATORY 62 O.S. 2011, Section 34.19, as
6 amended by Section 351, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
7 2012, Section 34.19), is amended to read as follows:

8 Section 34.19 A. The Information Services Division of the
9 Office of Management and Enterprise Services is directed, authorized
10 and empowered to enter into contracts for, to establish criteria for
11 and manage the installation, maintenance and administration of a
12 central communication or intercommunication system for and upon
13 behalf of this state. The installation shall fulfill communication
14 or intercommunications requirements of this state and its agencies
15 located in the Capitol and those buildings situated on the Capitol
16 grounds, known as the "Capitol Complex" in Oklahoma City, Oklahoma,
17 the state-owned building known as the "Tulsa Capitol Building" in
18 Tulsa, Oklahoma, buildings which house state agencies located within
19 four (4) miles of the Capitol Complex, and any location used for the
20 administration of the information technology and telecommunication
21 infrastructure and security for the state.

22 B. The Information Services Division shall render a statement
23 of charges at the end of each month to all state agencies to which
24 it has furnished communications services for the direct cost

1 ~~sustained, provided that,~~ which shall timely be paid. If the
2 charges are not timely paid by a state agency, the Information
3 Services Division may request the Division of Central Accounting and
4 Reporting of the Office of Management and Enterprise Services to
5 create vouchers and process payments to the Information Services
6 Division against the funds of the delinquent agency. The following
7 provisions shall apply to the charges:

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

16 2. The Information Services Division is to be reimbursed by the
17 state or any of its agencies for actual cost incurred for equipment
18 installation or modification or for toll charges for use of
19 telephone, telegraph, teletype, data communications, Internet,
20 eGovernment, as referenced in Sections 34.24 and 34.25 of this
21 title, or other form or forms of communication or intercommunication
22 incurred by the state or by any agency.

23 C. No telephone, teletype, switchboard, line, cable system,
24 data communication system, Internet, eGovernment, or systems of

1 communication or intercommunication are to be installed in any
2 building or buildings owned, rented, leased or otherwise held by
3 this state or its agencies at locations described in subsection A of
4 this section without written order of the Chief Information Officer
5 or a designee. Provided, however, that acquisition and installation
6 of such equipment in the Legislature shall be subject to the final
7 approval of the Speaker of the House of Representatives or the
8 President Pro Tempore of the Senate as appropriate.

9 SECTION 12. AMENDATORY 62 O.S. 2011, Section 34.21, as
10 amended by Section 3, Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012,
11 Section 34.21), is amended to read as follows:

12 Section 34.21 A. No agency of the executive branch of the
13 state shall use state funds for or enter into any agreement for the
14 acquisition, development or enhancement of a communication or
15 telecommunication system including voice, data, radio, video,
16 Internet, eGovernment, as referenced in Sections 34.24 and 34.25 of
17 this title, printers, scanners, copiers, facsimile systems and
18 associated supplies, service costs, maintenance costs, or any other
19 costs or fees associated with the acquisition of the system or
20 equipment, without written authorization of the Chief Information
21 Officer or a designee. The Chief Information Officer or a designee
22 shall verify that any acquisition, development or enhancement is
23 compatible with the operation of the Oklahoma Government
24 Telecommunications Network.

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

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

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

23 E. The provisions of this section shall not apply to CompSource
24 Oklahoma ~~if CompSource Oklahoma is operating pursuant to a pilot~~

1 ~~program authorized by Sections 3316 and 3317 of Title 74 of the~~
2 ~~Oklahoma Statutes.~~

3 F. No state agency shall use state funds or enter into any
4 agreement for the acquisition, development or enhancement of a
5 public safety communication system unless the request is consistent
6 with the Statewide Communications Interoperability Plan and the
7 public safety communications standards issued by the Oklahoma Office
8 of Homeland Security. Agencies interested in acquiring, developing
9 or enhancing a public safety communications system shall submit a
10 proposal to the Oklahoma Office of Homeland Security. The Oklahoma
11 Office of Homeland Security shall issue a proposal review which
12 summarizes whether the proposal is consistent with the Statewide
13 Communications Interoperability Plan and the technology standards
14 issued. The proposal review shall be submitted to the requesting
15 agency and to the Chief Information Officer.

16 SECTION 13. AMENDATORY 62 O.S. 2011, Section 34.24.1, as
17 amended by Section 357, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
18 2012, Section 34.24.1), is amended to read as follows:

19 Section 34.24.1 A. Except as ~~otherwise provided by this~~
20 ~~section, as of July 1, 2010~~ exempted pursuant to Section 34.27 of
21 this title, each state agency, board, commission or other entity
22 organized within the executive department of state government
23 responsible for licensing or permitting shall utilize the portal
24 system to allow for a link to a web-based application and renewal

1 application for any license or permit issued by that agency. Access
2 to the online renewal systems shall be featured prominently on the
3 portal system.

4 B. Each entity responsible for licensing or permitting shall
5 make available to the Office of Management and Enterprise Services
6 on a yearly basis a report describing the number of licenses issued,
7 license renewals and permits issued as well as an estimate of the
8 amount of savings incurred by the entity as a result of the online
9 licensing and permitting process.

10 C. The Office of Management and Enterprise Services shall make
11 available to the public a copy of each report submitted in
12 accordance with the requirements of subsection B of this section by
13 placing the report on the website defined in Section 46 of this
14 title.

15 ~~D. The Director of the Office of Management and Enterprise~~
16 ~~Services may exempt a specific license or permit from the~~
17 ~~requirements of this section should he find compelling evidence that~~
18 ~~the issuance of the license or permit requires the provision of~~
19 ~~information that cannot be provided through an online licensing or~~
20 ~~permitting process and when the failure of the applicant to provide~~
21 ~~the information would create a significant risk to the integrity of~~
22 ~~the license or permit. The Director of the Office of Management and~~
23 ~~Enterprise Services shall document any exemptions issued pursuant to~~
24 ~~the provisions of this subsection and describe the compelling~~

1 ~~evidence justifying the need for the exemptions in a report to be~~
2 ~~provided to the Governor, Speaker of the Oklahoma House of~~
3 ~~Representatives and Speaker Pro Tempore of the State Senate. The~~
4 ~~exception provided for in this subsection shall not apply to license~~
5 ~~renewals pursuant to the Oklahoma Vehicle License and Registration~~
6 ~~Act of Title 47 of the Oklahoma Statutes.~~

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

11 ~~F.~~ E. Nothing in this section shall apply to driver license
12 renewal applications.

13 SECTION 14. AMENDATORY 62 O.S. 2011, Section 34.25, as
14 amended by Section 358, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
15 2012, Section 34.25), is amended to read as follows:

16 Section 34.25 A. ~~Subject to review and adoption as outlined in~~
17 ~~Section 34.27 of this title, a~~ A state agency, board, commission, or
18 authority ~~is hereby authorized to charge a convenience~~ may obtain
19 reimbursement of a merchant fee for incurred in connection with any
20 electronic or online transaction. ~~A convenience fee shall apply to~~
21 ~~electronic or online transactions only and shall not apply when~~
22 ~~accessing information provided through state government websites.~~
23 ~~If a state entity sets a convenience fee for electronic or online~~
24 ~~transactions, the fee shall be reviewed by the State Governmental~~

1 ~~Internet Applications Review Board as provided for in Section 34.27~~
2 ~~of this title.~~

3 B. Subject to review and approval as provided by Section 34.27
4 of this title, unless otherwise permitted by law, a state agency,
5 board, commission or authority may charge a convenience fee for a
6 manual transaction. Each state entity shall keep a record of how
7 the convenience fee has been determined and shall file the record
8 with the Information Services Division of the Office of Management
9 and Enterprise Services. A state agency, board, commission, or
10 authority may periodically adjust a convenience fee as needed upon
11 review and ~~adoption~~ approval as provided for in Section 34.27 of
12 this title.

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

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

22 2. "Convenience fee" shall mean a fee charged to partially
23 compensate for costs incurred as a result of providing for a manual
24 transaction; 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 15. AMENDATORY 62 O.S. 2011, Section 34.27, as
5 amended by Section 360, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
6 2012, Section 34.27), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

23 2. Monitoring all portal systems and applications for portal
24 systems created by state agencies, boards, commissions, or

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

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

19 4. Providing ongoing oversight of implementation of the plan of
20 action developed by the Chief Information Officer pursuant to
21 Section 34.11.1 of this title and approving any amendments to the
22 plan of action;

23 ~~4.~~ 5. Approving charges to state agencies established by the
24 ~~Chief Information Officer~~ Services Division pursuant to Section

1 ~~34.11.1~~ 35.5 of this title for ~~their use of~~ shared information
2 ~~technology and telecommunications services~~ as defined in Section
3 35.3 of this title; and

4 ~~5.~~ 6. Functioning in an advisory capacity to the Chief
5 Information Officer; ~~and~~

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

12 SECTION 16. AMENDATORY 62 O.S. 2011, Section 34.28, as
13 amended by Section 361, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
14 2012, Section 34.28), is amended to read as follows:

15 Section 34.28 A. The Information Services Division of the
16 Office of Management and Enterprise Services shall work to assure
17 state compliance regarding accessibility of information technology
18 for individuals with disabilities based on the provisions of Section
19 508 of the Workforce Investment Act of 1998.

20 B. When developing, procuring, maintaining or using information
21 technology, or when administering contracts or grants that include
22 the procurement, development, upgrading, or replacement of
23 information technology each state agency shall ensure, unless an
24 undue burden would be imposed on the agency, that the information

1 technology allows employees, program participants, and members of
2 the general public access to use of information and data that is
3 comparable to the access by individuals without disabilities.

4 C. To assure accessibility, the Information Services Division
5 shall:

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

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

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

19 ~~3.~~ 4. Review and evaluate accessibility of information
20 technology commonly purchased by state agencies, and provide
21 accessibility reports on such products to those responsible for
22 purchasing decisions;

23 ~~4.~~ 5. Provide in partnership with Oklahoma Able Tech, the state
24 assistive technology program located at Oklahoma State University,

1 training and technical assistance for state agencies to assure
2 procurement of information technology that meets adopted
3 accessibility standards;

4 ~~5~~ 6. Consult with the State Department of Rehabilitation
5 Services and individuals with disabilities in accessibility reviews
6 of information technology and in the delivery of training and
7 technical assistance;

8 ~~6~~ 7. Establish complaint procedures, consistent with Section
9 508 of the Workforce Development Act of 1998, to be used by an
10 individual who alleges that a state agency fails to comply with the
11 provisions of this section;

12 ~~7~~ 8. Work with and seek advice from the Electronic and
13 Information Technology Accessibility Advisory Council, created in
14 Section 34.30 of this title in developing accessibility standards
15 and complaint procedures as required in this section; and

16 ~~8~~ 9. Require state agencies to submit evidence of assurance of
17 compliance with state standards on accessibility of information
18 technology for individuals with disabilities developed in accordance
19 with this section. ~~For executive branch state agencies that are~~
20 ~~required to submit an annual operating plan pursuant to Section~~
21 ~~34.16 of this title evidence of compliance shall be included in that~~
22 ~~report.~~

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

4 SECTION 17. AMENDATORY 62 O.S. 2011, Section 34.29, is
5 amended to read as follows:

6 Section 34.29 As used in Sections ~~41.5t~~ 34.28 through ~~41.5t.2~~
7 34.30 of this title:

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

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

14 3. "Information technology" means any electronic information
15 equipment or interconnected system that is used in the acquisition,
16 storage, manipulation, management, movement, control, display,
17 switching, interchange, transmission, or reception of data or
18 information, including audio, graphic, and text;

19 4. "State agency" means any office, officer, bureau, board,
20 counsel, court, commission, institution, unit, division, body or
21 house of the executive or judicial branches of the state government,
22 whether elected or appointed, excluding political subdivisions of
23 the state. State agency shall include the Oklahoma State Regents
24 for Higher Education, the institutions, centers, or other

1 constituent agencies of The Oklahoma State System of Higher
2 Education, the State Board of Career and Technology Education and
3 Technology Center school districts; and

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

7 SECTION 18. AMENDATORY 62 O.S. 2011, Section 35.3, as
8 amended by Section 413, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
9 2012, Section 35.3), is amended to read as follows:

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

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

15 2. "Information technology assets" means any equipment or
16 interconnected system or subsystem of equipment that is used in the
17 acquisition, storage, manipulation, management, movement, control,
18 display, switching, interchange, transmission, or reception of data
19 or information. The term shall include computers, ancillary
20 equipment, software, firmware and similar procedures, services,
21 including support services and consulting services, software
22 development, and related resources, and shall further include
23 telecommunications fiber networks used for conveying electronic
24 communication or information systems to multiple physical locations;

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

- 3 a. applications programming,
- 4 b. EDP audit,
- 5 c. data examination,
- 6 d. computer applications,
- 7 e. computer data entry,
- 8 f. computer networking,
- 9 g. computer operations,
- 10 h. computer programming,
- 11 i. computer security,
- 12 j. computer software design,
- 13 k. web applications,
- 14 l. database analysis,
- 15 m. data management analysis,
- 16 n. database development,
- 17 o. database programming,
- 18 p. software design/development,
- 19 q. help desk,
- 20 r. imaging,
- 21 s. systems analysis,
- 22 t. systems application planning,
- 23 u. systems application,
- 24 v. systems administration,

- w. systems coordination,
- x. systems integration,
- y. systems operation,
- z. systems planning/development,
- aa. systems programming,
- bb. systems engineering,
- cc. systems service specialist,
- dd. systems support,
- ee. network administration,
- ff. network management,
- gg. network technical,
- hh. operating systems specialist,
- ii. systems program manager,
- jj. telecommunications, whether data or voice,
- kk. software training, and
- ll. technology development or support;

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

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

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

3 a. the services and systems specified in subsection A of
4 Section 35.6 of this title, and

5 b. the programs, services, software or processes
6 specified in subsection B of Section 35.6 of this
7 title; and

8 ~~7.~~ 6. "State agency" means any office, elected or appointed
9 officer, bureau, board, commission, counsel, unit, division, body,
10 authority or institution of the executive branch of state
11 government, excluding institutions within The Oklahoma State System
12 of Higher Education, the Oklahoma State Regents for Higher Education
13 and the telecommunications network known as OneNet.

14 SECTION 19. AMENDATORY 62 O.S. 2011, Section 35.4, is
15 amended to read as follows:

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

21 ~~B. Beginning on the effective date of this act, no state agency~~
22 ~~shall initiate or implement an information technology planned~~
23 ~~project without the prior written approval of the Chief Information~~
24 ~~Officer.~~

SECTION 20. AMENDATORY 62 O.S. 2011, Section 35.5, as amended by Section 4, Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012, Section 35.5), is amended to read as follows:

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

2. If the Chief Information Officer disputes the identification of assets or positions provided by a state agency as being integral to agency-specific applications or functions, the Director of ~~State Finance~~ the Office of Management and Enterprise Services shall make the final determination.

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

1. All information technology assets of all state agencies, which are not integral to agency-specific applications or functions,

1 and the transfer of which to the Information Services Division of
2 the Office of ~~State Finance~~ Management and Enterprise Services and
3 the Chief Information Officer would result in a cost savings to the
4 taxpayers of this state or improved efficiency of state government
5 operations, including all furniture, equipment, vehicles, supplies,
6 records, current and future liabilities, fund balances,
7 encumbrances, obligations, and indebtedness associated with the
8 information technology assets; ~~and~~

9 2. All information technology positions associated with the
10 information technology assets identified pursuant to paragraph 1 of
11 this subsection. The assessment shall identify the amount of
12 compensation and related liabilities for accrued sick leave, annual
13 leave, holidays, unemployment benefits, and workers' compensation
14 benefits for the positions;

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

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

21 C. The information technology assets and positions of each
22 appropriated state agency identified ~~in the assessment~~ pursuant to
23 ~~subsection B of this section of appropriated state agencies~~ shall be
24 transferred as part of the consolidation of information technology

1 operations of the state agency to the Information Services Division
2 ~~of the Office of State Finance subject to the following provisions:~~

3 ~~1. Information technology assets identified in the assessment~~
4 ~~pursuant to the provisions of paragraph 1 of subsection B of this~~
5 ~~section of appropriated state agencies shall be transferred~~
6 ~~effective January 1, 2012~~ Management and Enterprise Services when
7 determined by the Information Services Division. The costs of
8 operation, maintenance, licensing and service of the information
9 technology assets shall remain the responsibility of the state
10 agency from which ~~they~~ the assets are transferred until ~~July 1, 2012~~
11 the state agency information technology operations are consolidated
12 in the Information Services Division, unless otherwise agreed to by
13 the state agency and the Information Services Division. Appropriate
14 conveyances and other documents shall be executed to effectuate the
15 transfer of the information technology assets and positions to the
16 Information Services Division of the Office of State Finance; ~~and~~

17 ~~2. Information technology positions identified in the~~
18 ~~assessment pursuant to the provisions of paragraph 2 of subsection B~~
19 ~~of this section of appropriated state agencies shall be transferred~~
20 ~~effective February 1, 2012. Each state agency shall enter into an~~
21 ~~agreement with the Division not later than January 1, 2012, for the~~
22 ~~remainder of fiscal year 2012, specifying the terms of the~~
23 ~~transfers, including provisions for the Division to provide~~
24 ~~information technology services to the agency and for the agency to~~

1 ~~reimburse the Division for the cost of the services. If an~~
2 ~~agreement cannot be reached, the Director of the Office of State~~
3 ~~Finance shall be authorized to negotiate the terms of the agreement,~~
4 ~~which shall then be entered into by the state agency and the~~
5 ~~Division.~~

6 D. 1. ~~For modifications of the assessment required by~~
7 ~~subsection D of Section 34.11.1 of this title made in fiscal year~~
8 ~~2013 and subsequent fiscal years, the Chief Information Officer~~
9 ~~shall identify:~~

- 10 a. ~~the amount of savings to the taxpayers of this state~~
11 ~~resulting from the provisions of the Information~~
12 ~~Technology Consolidation and Coordination Act, and~~
13 b. ~~any changes in law required or any changes to the~~
14 ~~amount of state appropriations or other state funds~~
15 ~~associated with the transfer of the information~~
16 ~~technology assets or positions.~~

17 2. ~~The Chief Information Officer shall recommend changes to the~~
18 ~~Director of the Office of State Finance~~ Management and Enterprise
19 Services and the Governor for inclusion in the next executive budget
20 to be submitted to the Legislature.

21 E. ~~For fiscal year 2013 and subsequent fiscal years, the The~~
22 ~~Information Services Division shall provide information technology~~
23 shared services to each state agency ~~for shared services~~ and shall
24 bill agencies for those shared services at an estimated cost to

1 provide the shared services. The estimated cost shall include the
2 full cost of the services, including materials, depreciation related
3 to capital costs, labor, and administrative expenses of the
4 Information Services Division of the Office of ~~State Finance~~
5 Management and Enterprise Services in connection with the operation
6 of the data center and Information Services Division operations and
7 shall include expenses associated with acquiring, installing, and
8 operating information technology and telecommunications
9 infrastructure, hardware and software for use by state agencies.
10 The Information Services Division shall publish a schedule of costs
11 for each ~~information technology~~ available shared service ~~provided~~
12 and shall enter into an agreement with each state agency for the
13 shared services that will be provided ~~prior to providing the~~
14 ~~services. The total amount charged to a state agency for the~~
15 ~~information technology services shall not exceed the amount~~
16 ~~appropriated to that agency for such services~~ to the agency. The
17 aggregated cost of shared services to be provide to each state
18 agency shall be budgeted annually as a separate line item through
19 each state agency. State agencies shall process request for
20 payments as provided for under the agreement entered into with the
21 Information Services Division in a timely manner ~~and when.~~ If
22 payments are deemed to be delinquent for shared services provided to
23 a state agency, the Information Services Division may request the
24 Division of Central Accounting and Reporting of the Office of ~~State~~

1 ~~Finance~~ Management and Enterprise Services to create vouchers and
2 process payments to the Information Services Division against the
3 funds of the delinquent state agency. If the state agency for which
4 ~~information technology~~ shared services were provided disputes the
5 provision of shared services in accordance with its agreement with
6 the Information Services Division, no voucher shall be processed
7 against the funds of the delinquent agency until the dispute over
8 shared services has been resolved, at which point a voucher may be
9 processed in accordance with the terms of the dispute resolution.

10 F. The Information Services Division of the Office of ~~State~~
11 ~~Finance~~ Management and Enterprise Services shall succeed to any
12 contractual rights, easement rights, lease rights, and other similar
13 rights and responsibilities related to the information technology
14 assets that are transferred as provided for in this section and
15 incurred by an appropriated state agency.

16 SECTION 21. AMENDATORY 62 O.S. 2011, Section 35.6, as
17 amended by Section 415, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
18 2012, Section 35.6), is amended to read as follows:

19 Section 35.6 A. ~~On July 1, 2011, all~~ All appropriated and
20 nonappropriated state agencies shall be required to use the
21 following information technology services and systems operated and
22 maintained by the Office of Management and Enterprise Services for
23 all agency functions:
24

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

3 2. Networking services;

4 3. Communication or intercommunication systems;

5 4. Electronic mail systems; and

6 5. Data and network security systems.

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

14 1. Payroll;

15 2. Employee leave system;

16 3. Human resources;

17 4. Accounts receivable;

18 5. Accounts payable;

19 6. Purchasing system;

20 7. Budgeting system;

21 8. Enterprise Learning Management (ELM);

22 9. Budget request system;

23 10. Asset management; and

1 11. Projects, grants and contracts, which includes federal
2 billing.

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

5 SECTION 22. AMENDATORY 62 O.S. 2011, Section 35.8, as
6 last amended by Section 5, Chapter 292, O.S.L. 2012 (62 O.S. Supp.
7 2012, Section 35.8), is amended to read as follows:

8 Section 35.8 A. Notwithstanding any other provision of law,
9 the provisions of the Information Technology Consolidation and
10 Coordination Act shall operate to maintain or increase security
11 standards and shall not jeopardize confidentiality or compliance
12 with state or federal laws or regulations. The State Governmental
13 Technology Applications Review Board, with the advice of the
14 Oklahoma Integrated Justice Information Systems Steering Committee,
15 shall consider and approve security protocols which shall be
16 followed by employees of the Information Services Division of the
17 Office of ~~State Finance~~ Management and Enterprise Services who are
18 assigned to service law enforcement agencies. The Board, in
19 conjunction with the Committee, shall make recommendations to state
20 officers and employees related to continuity of criminal justice
21 information system security protocols.

22 B. Notwithstanding the provisions of Section 35.5 of this
23 title, the transfer of information technology assets and positions
24

1 of the Department of Public Safety shall occur prior to the transfer
2 of assets and positions of other public safety agencies.

3 C. Unless otherwise provided for in law, the transfer of
4 information technology assets and positions of any state agency
5 pursuant to the Information Technology Consolidation and
6 Coordination Act shall not act to transfer to the Information
7 Services Division of the Office of ~~State Finance~~ Management and
8 Enterprise Services or to the Chief Information Officer the duties
9 of a state agency to keep, maintain and open to any person all
10 records of the agency in compliance with the Oklahoma Open Records
11 Act. Each state agency shall continue to be responsible for records
12 created by, received by, under the authority of, or coming into the
13 custody, control or possession of the agency including the duty to
14 organize and categorize the records in a retrievable form and the
15 duty to respond to requests for records, even if the records have
16 been transmitted to or stored by the Information Services Division
17 of the Office of ~~State Finance~~ Management and Enterprise Services or
18 the Chief Information Officer.

19 D. State employees who are members of the Teachers' Retirement
20 System of Oklahoma and are transferred pursuant to the Information
21 Technology Consolidation and Coordination Act may elect to continue
22 their participation in the Teachers' Retirement System of Oklahoma
23 in lieu of participating in the Oklahoma Public Employees Retirement
24 System. Any transferred employee who wishes to make such election

1 shall do so in writing within thirty (30) days of the effective date
2 of this act. If any transferred employee has already started
3 participating in the Oklahoma Public Employees Retirement System,
4 the employee may make an election to return to the Teachers'
5 Retirement System of Oklahoma if the election is made in writing
6 within thirty (30) days of the effective date of this act. In the
7 event a transferred employee who has already begun participating in
8 the Oklahoma Public Employees Retirement System elects to return to
9 the Teachers' Retirement System of Oklahoma, the Oklahoma Public
10 Employees Retirement System shall transfer the service credit and
11 contributions to the Teachers' Retirement System of Oklahoma for any
12 credit that accrued after the initial transfer. The election to
13 continue or return to participation in the Teachers' Retirement
14 System of Oklahoma pursuant to this subsection shall be irrevocable
15 and shall be effective until the employment with the Office of ~~State~~
16 ~~Finance~~ Management and Enterprise Services is terminated.

17 SECTION 23. AMENDATORY 62 O.S. 2011, Section 35.9, as
18 amended by Section 418, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
19 2012, Section 35.9), is amended to read as follows:

20 Section 35.9 In addition to any other reporting requirements
21 required by law, the Chief Information Officer shall submit
22 quarterly progress reports to the Director of the Office of
23 Management and Enterprise Services, the Speaker of the House of
24 Representatives and the President Pro Tempore of the Senate. The

1 reports shall be submitted not later than January 31, April 30, July
2 31 and October 31 of each year and shall include, but not be limited
3 to, the following information:

4 1. The status of the ~~development~~ implementation of the plan of
5 action required in paragraph 2 of subsection D of Section 34.11.1 of
6 this title;

7 2. ~~After the plan of action is presented to the Governor, the~~
8 ~~Speaker of the House of Representatives and the President Pro~~
9 ~~Tempore of the Senate as required in paragraph 3 of subsection D of~~
10 ~~Section 34.11.1 of this title, the status of implementation of the~~
11 ~~plan of action;~~

12 3. A list of information technology assets and positions
13 transferred to the Information Services Division of the Office of
14 Management and Enterprise Services pursuant to the provisions of
15 subsection C of Section 35.5 of this title;

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

20 3. After July 1, 2012, and until the information technology
21 consolidation is completed, an annual reduction of three percent
22 (3%) in operational information technology and telecommunications
23 expenditures ~~made~~ realized in the aggregate by all consolidated

1 state agencies ~~during the fiscal year ending June 30, 2009, as set~~
2 ~~forth in subsection C of Section 34.11.1 of this title;~~

3 ~~5.~~ 4. A list of all state agencies which are not using the
4 shared services as required in Section 35.6 of this title;

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

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

9 SECTION 24. AMENDATORY 65 O.S. 2011, Section 3-114, is
10 amended to read as follows:

11 Section 3-114. A. Every agency except institutions of higher
12 education, but specifically including any board of regents for
13 higher education, which issues a state publication shall immediately
14 ~~deposit~~ file the publication electronically, in compliance with
15 provision of any applicable section of Title 62 of the Oklahoma
16 Statutes that is related to submission of state publications. If a
17 state publication cannot be filed electronically, a maximum of
18 twenty-five copies shall be deposited with the Publications
19 Clearinghouse; ~~provided, the provisions of this section shall not~~
20 ~~apply to a publication which is published in an electronic format~~
21 ~~and made available to the public on the website of the issuing~~
22 ~~agency. Any agency issuing a publication which is published in an~~
23 ~~electronic format shall notify the Publications Clearinghouse and~~
24 ~~provide and maintain a link to the electronic version of the~~

1 publication in lieu of the electronic filing and the agency shall
2 include an explanation of the reason the document cannot be filed
3 electronically.

4 B. Upon failure of an agency to comply with the provisions of
5 this section, the Director of the Department of Libraries shall
6 forward a written notice of the failure to the chief administrative
7 officer of the agency. The notice shall state a reasonable time,
8 not to exceed thirty (30) days, in which the agency shall fully
9 comply. Further failure to comply shall be reported in writing to
10 the Speaker of the House of Representatives, the President Pro
11 Tempore of the Senate, and the Attorney General. The Attorney
12 General shall immediately institute mandamus proceedings to secure
13 compliance by the agency.

14 SECTION 25. AMENDATORY 74 O.S. 2011, Section 85.2, is
15 amended to read as follows:

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

18 1. "Acquisition" means items, products, materials, supplies,
19 services, and equipment a state agency acquires by purchase, lease-
20 purchase, lease with option to purchase, or rental pursuant to The
21 Oklahoma Central Purchasing Act unless the items, products,
22 supplies, services, or equipment are exempt pursuant to The Oklahoma
23 Central Purchasing Act;

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

- 3 a. the acquisition's operational cost a state agency
4 would incur,
- 5 b. the quality of the acquisition, or its technical
6 competency,
- 7 c. the reliability of the bidder's delivery and
8 implementation schedules,
- 9 d. the acquisition's facilitation of data transfer and
10 systems integration,
- 11 e. the acquisition's warranties and guarantees and the
12 bidder's return policy,
- 13 f. the bidder's financial stability,
- 14 g. the acquisition's adherence to the state agency's
15 planning documents and announced strategic program
16 direction,
- 17 h. the bidder's industry and program experience and
18 record of successful past performance with
19 acquisitions of similar scope and complexity,
- 20 i. the anticipated acceptance by user groups, and
21 j. the acquisition's use of proven development
22 methodology, and innovative use of current
23 technologies that lead to quality results;

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

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

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

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

12 7. "Chief administrative officer" means an individual
13 responsible for directing the administration of a state agency. The
14 term does not mean one or all of the individuals that make policy
15 for a state agency;

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

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

21 10. "Contract" means a mutually binding legal relationship
22 obligating the seller to furnish an acquisition and the buyer to pay
23 for it. It includes all types of commitments that obligate a state
24 agency to an expenditure of funds or action that, unless otherwise

1 authorized, is in writing. In addition to bilateral instruments,
2 contracts include, but are not limited to:

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

9 ~~11.~~ 10. "Contract modification" means any written change in the
10 terms of the contract;

11 ~~12.~~ 11. "Contracting" means purchasing, renting, leasing, or
12 otherwise obtaining acquisitions from private sources. Contracting
13 includes description, but not determination, of acquisitions
14 required, selection and solicitation of sources, preparation and
15 award of contracts, and contract administration;

16 ~~13.~~ 12. "Contractor" means an individual or business entity
17 entering into a contract for goods and/or services with the state as
18 a result of a solicitation;

19 ~~14.~~ 13. "Electronic commerce" means the use of electronic
20 methods to enable solicitation, supplier response, notice of
21 contract award, state agency acquisition processes, or any other
22 function to make an acquisition;

23 ~~15.~~ 14. "Electronic payment mechanism" means a method of
24 electronic payment for authorized acquisitions;

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

4 ~~17.~~ 15. "Environmentally preferable products and services
5 (EPPS)" means acquisitions that best meet the requirements as
6 defined in the solicitation for human health and the environment;

7 ~~18.~~ 16. "Equipment" means personal property a state agency
8 acquires for its use which is an item or product and shall include
9 all personal property used or consumed by a state agency that is not
10 included within the category of materials and supplies;

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

14 ~~20.~~ 17. "Item" or "product" means some quantity or kind of such
15 supplies, materials or equipment;

16 ~~21.~~ 18. "Local governmental entity" means any unit of local
17 government including, but not limited to, any school district,
18 county, or municipality of this state;

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

- 21 a. the lowest total purchase price,
22 b. the quality and reliability of the product, and
23
24

1 c. the consistency of the proposed acquisition with the
2 state agency's planning documents and announced
3 strategic program direction;

4 ~~23.~~ 20. "Materials" or "supplies" includes all property except
5 real property or equipment that a state agency acquires for its use
6 or consumption;

7 ~~24.~~ 21. "Multistate contract" or "multigovernmental contract"
8 means an agreement entered into between two or more entities of
9 government for acquisitions pursuant to a single contract;

10 ~~25.~~ 22. "Nonprofessional services" means services which are
11 predominantly physical or manual in character and may involve the
12 supplying of products;

13 ~~26.~~ 23. "Political subdivision" means local governmental
14 entities and such other entities specified as political subdivisions
15 pursuant to The Governmental Tort Claims Act;

16 ~~27.~~ 24. "Open market contract" means a contract for a one-time
17 acquisition not exceeding the acquisition amount requiring
18 competitive bid pursuant to Section 85.7 of this title;

19 ~~28.~~ 25. "Professional services" means services which are
20 predominantly mental or intellectual in character rather than
21 physical or manual and which do not involve the supplying of
22 products. Professional services include services to support or
23 improve state agency policy development, decision making,
24 management, administration, or the operation of management systems;

1 ~~29.~~ 26. "Purchase order" means an offer by a state agency to
2 make an acquisition utilizing simplified procedures;

3 ~~30.~~ 27. "Requisition" means a written request by a state agency
4 for an acquisition;

5 ~~31.~~ 28. "Services" or "contractual services" means direct
6 engagement of the time and effort of a contractor for the primary
7 purpose of performing an identifiable task rather than for the
8 furnishing of an end item of supply;

9 ~~32.~~ 29. "Sole brand acquisition" means an acquisition that by
10 specification restricts the acquisition to one manufacturer or brand
11 name;

12 ~~33.~~ 30. "Sole source acquisition" means an acquisition which,
13 by specification, restricts the acquisition to one supplier;

14 ~~34.~~ 31. "Solicitation" means a request or invitation by the
15 State Purchasing Director or a state agency for a supplier to submit
16 a priced offer to sell acquisitions to the state. A solicitation
17 may be an invitation to bid, request for proposal, or a request for
18 quotation;

19 ~~35.~~ 32. "Split purchase" means dividing a known quantity or
20 failing to consolidate a known quantity of an acquisition for the
21 purpose of evading a competitive bidding requirement;

22 ~~36.~~ 33. "State agency" includes any office, officer, bureau,
23 board, counsel, court, commission, institution, unit, division, body
24 or house of the executive or judicial branches of the state

1 government, whether elected or appointed, excluding only political
2 subdivisions of the state;

3 ~~37.~~ 34. "State purchase card" means an electronic transaction
4 device used for making acquisitions;

5 ~~38.~~ 35. "State Purchasing Director" or "Director of Central
6 Purchasing" includes any employee or agent of the State Purchasing
7 Director, acting within the scope of delegated authority;

8 ~~39.~~ 36. "Statewide contract" means a contract for specific
9 acquisitions for a specified period with a provision allowing the
10 agencies and local governmental entities to place orders as the
11 acquisitions are needed for delivery during the period specified;
12 and

13 ~~40.~~ 37. "Supplier" or "vendor" means an individual or business
14 entity that sells or desires to sell acquisitions to state agencies.

15 SECTION 26. AMENDATORY 74 O.S. 2011, Section 85.7c, is
16 amended to read as follows:

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

20 1. Provide documentation of the projected schedule of
21 recommended or required upgrades or improvements to the high
22 technology system over a projected three-year period following the
23 targeted purchase date; or
24

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

5 For purposes of this subsection, vendors shall provide
6 documentation required for all entities which will be utilized in
7 satisfying any phase.

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

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

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

15 3. The state agency obtains from the vendor proposing to supply
16 the acquisition documentation that any required or recommended
17 upgrade will enhance or is necessary for the performance of the
18 state agency duties and responsibilities; or

19 4. The vendor provides documentation that the vendor will no
20 longer supply assistance to the state agency for the purpose of
21 maintenance of the high technology system and the state agency
22 documents that the functions performed by the high technology system
23 are necessary for the performance of the state agency duties and
24 responsibilities.

1 C. ~~The State Purchasing Director~~ Chief Information Officer or
2 the procurement officer of state agencies not subject to ~~the~~ The
3 Oklahoma Central Purchasing Act shall not process any state agency
4 request for a high technology system acquisition unless the proposed
5 vendor provides documentation that complies with subsections A or B
6 of this section.

7 D. ~~The State Purchasing Director~~ Chief Information Officer
8 shall provide such advice and assistance as may be required in order
9 for state agencies to comply with the provisions of this section.
10 For purposes of this section, "state agency" shall include all state
11 agencies, whether or not the agency is subject to ~~the~~ The Oklahoma
12 Central Purchasing Act or not any other law related to procurement
13 of goods and services.

14 SECTION 27. AMENDATORY Section 6, Chapter 106, O.S.L.
15 2012 (74 O.S. Supp. 2012, Section 85.7h), is amended to read as
16 follows:

17 Section 85.7h A. For the purposes of this section, "open
18 source software" means software that guarantees the user of the
19 software use of the software for any purpose, allows unrestricted
20 access to the respective source code, enables the use of the
21 internal mechanisms and arbitrary portions of the software with the
22 ability to adapt them to the needs of the user, provides the freedom
23 to make and distribute copies of the software, and guarantees the
24 right to modify the software with the freedom to distribute

1 modifications of the new resulting software under the same license
2 as the original software. "Open standards" means specifications for
3 the encoding and transfer of computer data that is free for all to
4 implement and use in perpetuity, with no royalty or fee, has no
5 restrictions on the use of data stored in the format, has no
6 restrictions on the creation of software that stores, transmits,
7 receives, or accesses data codified in such way, has a specification
8 available for all to read, in a human-readable format, written in
9 commonly accepted technical language, is documented, so that anyone
10 can write software that can read and interpret the complete
11 semantics of any data file stored in the data format, allows any
12 file written in that format to be identified as adhering or not
13 adhering to the format, and provides that any encryption or
14 obfuscation algorithms are usable in a royalty-free,
15 nondiscriminatory manner in perpetuity, and are documented so that
16 anyone in possession of the appropriate encryption key or keys or
17 other data necessary to recover the original data is able to write
18 software to access the data. "Proprietary software" means software
19 that does not fulfill all of the guarantees provided by open source
20 software.

21 B. Prior to approving software acquisition requests, the Chief
22 ~~Information Officer shall require that the purchasing entity has~~
23 shall considered whether proprietary or open source software offers
24 the most cost-effective software solution for the agency, based on

1 consideration of all associated acquisition, support, maintenance,
2 and training costs.

3 C. Whenever possible the Chief Information Officer or
4 purchasing entity shall avoid approving requests for the acquisition
5 of products that do not comply with open standards for
6 interoperability or data storage.

7 SECTION 28. AMENDATORY Section 7, Chapter 106, O.S.L.
8 2012 (74 O.S. Supp. 2012, Section 85.7i), is amended to read as
9 follows:

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

21 SECTION 29. AMENDATORY 74 O.S. 2011, Section 3104, is
22 amended to read as follows:

23 Section 3104. Every agency, board, department, commission, or
24 institution of this state shall ~~deposit a maximum of twenty-five~~

1 ~~copies of~~ submit its annual, semiannual, or biennial reports ~~with~~
2 ~~the Publications Clearinghouse of the Department of Libraries for~~
3 ~~distribution and depository system purposes~~ as required by the
4 provisions of Section 3-114 of Title 65 of the Oklahoma Statutes ~~and~~
5 ~~shall distribute said reports only to legislators and other parties~~
6 ~~specifically requesting said reports.~~ The Publications
7 Clearinghouse shall notify the members of the Legislature of the
8 ~~receipt~~ submission of said reports.

9 SECTION 30. AMENDATORY 74 O.S. 2011, Section 3105, is
10 amended to read as follows:

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

15 1. Name of the issuing agency, department, board, commission or
16 institution;

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

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

22 4. ~~Name~~ If applicable, the name of the printing firm doing the
23 printing; and

24

1 5. Assurance of compliance with Section 3-114 of Title 65 of
2 the Oklahoma Statutes.

3 B. The information shall be set forth in a separate paragraph
4 and shall conform as nearly as practical to the following applicable
5 format:

6 1. If the publication is printed:

7 "This publication, printed by (name of printing firm) is
8 issued by (here list the agency, department, board,
9 commission or institution) as authorized by _____.
10 _____ copies have been prepared and distributed at a cost
11 of \$ _____. Copies have been deposited with the
12 Publications Clearinghouse of the Oklahoma Department of
13 Libraries."; or

14 2. If the publication is located online:

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

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

1 SECTION 31. AMENDATORY 74 O.S. 2011, Section 3106.1, is
2 amended to read as follows:

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

8 B. Each publications officer of a state agency shall have the
9 duty to ~~provide the Publications Clearinghouse with copies of all~~
10 ~~state publications of the agency~~ submit publications, upon release,
11 in compliance with Section 3-114 of Title 65 of the Oklahoma
12 Statutes, to compile and forward to the Publications Clearinghouse
13 required lists of the state publications of the agency, and to
14 provide other related information which may be requested by the
15 Publications Clearinghouse for the collection of state publications
16 and the depository library system.

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

21 D. The publications officer shall notify the Publications
22 Clearinghouse of the production of audiotapes, videotapes, films,
23 filmstrips, slides, or other audiovisual publications. Every state
24 agency shall preserve one copy of each audiovisual publication or

1 the publications officer shall deposit one copy of each audiovisual
2 publication with the Publications Clearinghouse for preservation.

3 ~~E.~~ D. Every state agency including all institutions of higher
4 education shall provide to the Publications Clearinghouse a complete
5 list of its state publications published or submitted online during
6 the prior calendar year in accordance with the rules of the
7 Publications Clearinghouse.

8 SECTION 32. RECODIFICATION 74 O.S. 2011, Section 85.7c,
9 as amended by Section 26 of this act, shall be recodified as Section
10 34.12.1 of Title 62 of the Oklahoma Statutes, unless there is
11 created a duplication in numbering.

12 SECTION 33. RECODIFICATION Section 6, Chapter 106,
13 O.S.L. 2012 (74 O.S. Supp. 2012, Section 85.7h), as amended by
14 Section 27 of this act, shall be recodified as Section 34.31.1 of
15 Title 62 of the Oklahoma Statutes, unless there is created a
16 duplication in numbering.

17 SECTION 34. RECODIFICATION Section 7, Chapter 106,
18 O.S.L. 2012 (74 O.S. Supp. 2012, Section 85.7i), as amended by
19 Section 28 of this act, shall be recodified as Section 34.31.2 of
20 Title 62 of the Oklahoma Statutes, unless there is created a
21 duplication in numbering.

22 SECTION 35. RECODIFICATION 74 O.S. 2011, Section 85.9E,
23 as amended by Section 745, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
24 2012, Section 85.9E), shall be recodified as Section 34.20.1 of

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

3 SECTION 36. REPEALER 62 O.S. 2011, Section 34.11.6, as
4 amended by Section 343, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
5 2012, Section 34.11.6), is hereby repealed.

6 SECTION 37. REPEALER 62 O.S. 2011, Section 34.16, as
7 amended by Section 348, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
8 2012, Section 34.16), is hereby repealed.

9 SECTION 38. REPEALER 62 O.S. 2011, Section 34.17, as
10 amended by Section 349, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
11 2012, Section 34.17), is hereby repealed.

12 SECTION 39. REPEALER 62 O.S. 2011, Section 34.18, as
13 amended by Section 350, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
14 2012, Section 34.18), is hereby repealed.

15 SECTION 40. REPEALER 74 O.S. 2011, Section 85.7d, as
16 amended by Section 740, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
17 2012, Section 85.7d), is hereby repealed.

18 SECTION 41. REPEALER 74 O.S. 2011, Section 85.9D, as
19 amended by Section 744, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
20 2012, Section 85.9D), is hereby repealed.

21 SECTION 42. This act shall become effective July 1, 2013.

22 SECTION 43. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24

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

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4 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
5 02/18/2013 - DO PASS, As Amended and Coauthored.
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