

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 134

By: Simpson of the Senate

and

Hardin (Tommy) of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to information technology  
11 expenditures; amending 62 O.S. 2011, Section 34.12,  
12 as last amended by Section 3, Chapter 384, O.S.L.  
13 2017 (62 O.S. Supp. 2018, Section 34.12), which  
14 relates to duties of the Information Services  
15 Division of the Office of Management and Enterprise  
16 Services; authorizing the Oklahoma Department of  
17 Veterans Affairs to make certain purchases without  
18 regard to certain requirements; providing an  
19 effective date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.12, as  
24 last amended by Section 3, Chapter 384, O.S.L. 2017 (62 O.S. Supp.  
2018, Section 34.12), is amended to read as follows:

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

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

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

5           3. Establish and enforce minimum mandatory standards for:

- 6           a. information systems planning,
- 7           b. systems development methodology,
- 8           c. documentation,
- 9           d. hardware requirements and compatibility,
- 10          e. operating systems compatibility,
- 11          f. acquisition of software, hardware and technology-  
12             related services,
- 13          g. information security and internal controls,
- 14          h. data base compatibility,
- 15          i. contingency planning and disaster recovery, and
- 16          j. imaging systems, copiers, facsimile systems, printers,  
17             scanning systems and any associated supplies.

18           The standards shall, upon adoption, be the minimum requirements  
19 applicable to all agencies. These standards shall be compatible  
20 with the standards established for the Oklahoma Government  
21 Telecommunications Network. Individual agency standards may be more  
22 specific than statewide requirements but shall in no case be less  
23 than the minimum mandatory standards. Where standards required of  
24 an individual agency of the state by agencies of the federal

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

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

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

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

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

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

1 and common systems, linking of agency systems through the review of  
2 agency plans, review and approval of all statewide contracts for  
3 software, hardware and information technology consulting services  
4 and development of a statewide plan and its integration with the  
5 budget process to ensure that developments or acquisitions are  
6 consistent with statewide objectives and that proposed systems are  
7 justified and cost effective;

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

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

15 11. Establish data center user charges for billing costs to  
16 agencies based on the use of all resources;

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

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

1 the Oklahoma State Bureau of Investigation shall enforce the minimum  
2 information security and internal control standards. If the  
3 enforcement team determines that an agency is not in compliance with  
4 the minimum information security and internal control standards, the  
5 Chief Information Officer shall take immediate action to mitigate  
6 the noncompliance, including the removal of the agency from the  
7 infrastructure of the state until the agency becomes compliant,  
8 taking control of the information technology function of the agency  
9 until the agency is compliant, and transferring the administration  
10 and management of the information technology function of the agency  
11 to the Information Services Division or another state agency.

12 B. ~~No~~ Except as otherwise provided by paragraph 3 of this  
13 subsection, no agency of the executive branch of the state shall use  
14 state funds for or enter into any agreement for the acquisition of  
15 any category of computer hardware, software or any contract for  
16 information technology or telecommunication services and equipment,  
17 service costs, maintenance costs, or any other costs or fees  
18 associated with the acquisition of the services or equipment,  
19 without written authorization of the Chief Information Officer or a  
20 designee except the following:

21 1. A purchase less than or equal to Five Thousand Dollars  
22 (\$5,000.00) if such product is purchased using a state purchase card  
23 and the product is listed on either the Approved Hardware or  
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1 Approved Software list located on the Office of Management and  
2 Enterprise Services website; ~~or~~

3 2. A purchase over Five Thousand Dollars (\$5,000.00) and less  
4 than or equal to Twenty-five Thousand Dollars (\$25,000.00) if such  
5 product is purchased using a state purchase card, the product is  
6 listed on an information technology or telecommunications statewide  
7 contract, and the product is listed on either the Approved Hardware  
8 or Approved Software list located on the Office of Management and  
9 Enterprise Services website; or

10 3. The Oklahoma Department of Veterans Affairs may utilize the  
11 provisions of this subsection for purchases of computer hardware or  
12 computer software or any services related to software development,  
13 software modifications or any other services related to the  
14 operation and maintenance of computer hardware or software or both,  
15 or the Department may make such purchases independently of the  
16 requirements of this section without prior approval. The Oklahoma  
17 Department of Veterans Affairs may expend its funds in order to  
18 provide necessary information technology support independently of  
19 the requirements of this section without prior approval and may hire  
20 persons to provide information technology services to the  
21 Department.

22 If written authorization is not obtained prior to incurring an  
23 expenditure or entering into any agreement as required in this  
24 subsection or as required in Section 35.4 of this title, the Office

1 of Management and Enterprise Services may not process any claim  
2 associated with the expenditure and the provisions of any agreement  
3 shall not be enforceable. The provisions of this subsection shall  
4 not be applicable to any member of The Oklahoma State System of  
5 Higher Education, any public elementary or secondary schools of the  
6 state, any technology center school district as defined in Section  
7 14-108 of Title 70 of the Oklahoma Statutes, or CompSource Oklahoma.

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

19 SECTION 2. This act shall become effective July 1, 2019.

20 SECTION 3. It being immediately necessary for the preservation  
21 of the public peace, health or safety, an emergency is hereby  
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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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