

1 ENGROSSED SENATE
2 BILL NO. 134

By: Simpson and Rosino of the
Senate

3 and

4 Hardin (Tommy) of the House

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

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

18 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.12, as
19 last amended by Section 3, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
20 2018, Section 34.12), is amended to read as follows:

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

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

2. Develop a statewide information technology plan with annual
modifications to include, but not be limited to, individual agency

1 plans and information systems plans for the statewide electronic
2 information technology function;

3 3. Establish and enforce minimum mandatory standards for:

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

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

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

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

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

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

21 8. Coordinate for the executive branch of state government
22 agency information technology activities, encourage joint projects
23 and common systems, linking of agency systems through the review of
24 agency plans, review and approval of all statewide contracts for

1 software, hardware and information technology consulting services
2 and development of a statewide plan and its integration with the
3 budget process to ensure that developments or acquisitions are
4 consistent with statewide objectives and that proposed systems are
5 justified and cost effective;

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

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

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

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

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

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

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

19 1. A purchase less than or equal to Five Thousand Dollars
20 (\$5,000.00) if such product is purchased using a state purchase card
21 and the product is listed on either the Approved Hardware or
22 Approved Software list located on the Office of Management and
23 Enterprise Services website; ~~or~~

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

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

20 If written authorization is not obtained prior to incurring an
21 expenditure or entering into any agreement as required in this
22 subsection or as required in Section 35.4 of this title, the Office
23 of Management and Enterprise Services may not process any claim
24 associated with the expenditure and the provisions of any agreement

1 shall not be enforceable. The provisions of this subsection shall
2 not be applicable to any member of The Oklahoma State System of
3 Higher Education, any public elementary or secondary schools of the
4 state, any technology center school district as defined in Section
5 14-108 of Title 70 of the Oklahoma Statutes, or CompSource Oklahoma.

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

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

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.
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1 Passed the Senate the 6th day of March, 2019.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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9 Presiding Officer of the House
10 of Representatives