

1 **SENATE FLOOR VERSION**

2 March 20, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1295

6 By: Miller of the House

7 and

8 Simpson of the Senate

9 **[information technology expenditures - duties of the**
10 **Information Services Division of the Office of**
11 **Management and Enterprise Services - Oklahoma**
12 **Department of Veterans Affairs - ~~effective date -~~**
13 **emergency]**

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

15 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.12, as
16 last amended by Section 3, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
17 2018, Section 34.12), is amended to read as follows:

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

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

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

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

14 The standards shall, upon adoption, be the minimum requirements

15 applicable to all agencies. These standards shall be compatible

16 with the standards established for the Oklahoma Government

17 Telecommunications Network. Individual agency standards may be more

18 specific than statewide requirements but shall in no case be less

19 than the minimum mandatory standards. Where standards required of

20 an individual agency of the state by agencies of the federal

21 government are more strict than the state minimum standards, such

22 federal requirements shall be applicable;

23 4. Develop and maintain applications for agencies not having

24 the capacity to do so;

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

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

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

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

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

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

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

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

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

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

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

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

17 1. A purchase less than or equal to Five Thousand Dollars
18 (\$5,000.00) if such product is purchased using a state purchase card
19 and the product is listed on either the Approved Hardware or
20 Approved Software list located on the Office of Management and
21 Enterprise Services website; ~~or~~

22 2. A purchase over Five Thousand Dollars (\$5,000.00) and less
23 than or equal to Twenty-five Thousand Dollars (\$25,000.00) if such
24 product is purchased using a state purchase card, the product is

1 listed on an information technology or telecommunications statewide
2 contract, and the product is listed on either the Approved Hardware
3 or Approved Software list located on the Office of Management and
4 Enterprise Services website; or

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

17 If written authorization is not obtained prior to incurring an
18 expenditure or entering into any agreement as required in this
19 subsection or as required in Section 35.4 of this title, the Office
20 of Management and Enterprise Services may not process any claim
21 associated with the expenditure and the provisions of any agreement
22 shall not be enforceable. The provisions of this subsection shall
23 not be applicable to any member of The Oklahoma State System of
24 Higher Education, any public elementary or secondary schools of the

1 state, any technology center school district as defined in Section
2 14-108 of Title 70 of the Oklahoma Statutes, or CompSource Oklahoma.

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

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

15 ~~SECTION 3. It being immediately necessary for the preservation~~
16 ~~of the public peace, health or safety, an emergency is hereby~~
17 ~~declared to exist, by reason whereof this act shall take effect and~~
18 ~~be in full force from and after its passage and approval.~~

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
20 March 20, 2019 - DO PASS AS AMENDED
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