

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 320

By: Bergstrom

AS INTRODUCED

An Act relating to state government; defining levels of certain incidents; amending 74 O.S. 2021, Section 63, which relates to the Office of Management and Enterprise Services; modifying powers and authority of the Office of Management and Enterprise Services; defining requirements for reporting certain incidents to certain state agency; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 63.7 of Title 74, unless there is created a duplication in numbering, reads as follows:

The level of severity of a cybersecurity incident shall be defined pursuant to the National Cyber Incident Response Plan of the United States Department of Homeland Security as follows:

1. Level 5 is an emergency-level incident within the specified jurisdiction that poses an imminent threat to wide-scale critical infrastructure services; national, state, or municipal security; or the lives of the country's, state's, or municipality's residents;

1 2. Level 4 is a severe-level incident that is likely to result
2 in a significant impact in the affected jurisdiction to public
3 health or safety; the national, state, or municipal economic or
4 physical security; or civil liberties;

5 3. Level 3 is a high-level incident that is likely to result in
6 a demonstrable impact in the affected jurisdiction to public health
7 or safety; national, state, or municipal economic or physical
8 security; civil liberties; or public confidence;

9 4. Level 2 is a medium-level incident that may impact public
10 health or safety; national, state, or municipal economic or physical
11 security; civil liberties; or public confidence; and

12 5. Level 1 is a low-level incident that is unlikely to impact
13 public health or safety; national, state, or municipal economic or
14 physical security; civil liberties; or public confidence.

15 SECTION 2. AMENDATORY 74 O.S. 2021, Section 63, is
16 amended to read as follows:

17 Section 63. A. The Office of Management and Enterprise
18 Services shall have power to promulgate rules not inconsistent with
19 the laws of this state.

20 B. The Office of Management and Enterprise Services shall have
21 charge of the construction, repair, maintenance, insurance, and
22 operation of all buildings owned, used, or occupied by or on behalf
23 of the state including buildings owned by the Oklahoma Capitol
24 Improvement Authority where such services are carried out by

1 contract with the Authority, except as otherwise provided by law.
2 Whenever feasible, the Office of Management and Enterprise Services
3 may utilize the Construction Division of the Department of
4 Corrections for the construction and repair of buildings for the
5 Department of Corrections.

6 C. The Director of the Office of Management and Enterprise
7 Services shall have authority to purchase all material and perform
8 all other duties necessary in the construction, repair, and
9 maintenance of all buildings under its management or control, shall
10 make all necessary contracts by or on behalf of the state for any
11 buildings or rooms rented for the use of the state or any of the
12 officers thereof, and shall have charge of the arrangement and
13 allotment of space in such buildings among the different state
14 officers except as otherwise provided by law.

15 D. The Office of Management and Enterprise Services shall not
16 have any authority or responsibility for buildings, rooms or space
17 under the management or control of the University Hospitals
18 Authority.

19 E. The Office of Management and Enterprise Services shall have
20 the custody and control of all state property, and all other
21 property managed or used by the state, except military stores and
22 such property under the control of the State Banking Department and
23 the two houses of the State Legislature, shall procure all necessary
24 insurance thereon against loss and shall allot the use of the

1 property to the several offices of the state, and prescribe where
2 the property shall be kept for public use.

3 F. The Office of Management and Enterprise Services shall keep
4 an accurate account of all property purchased for the state or any
5 of the departments or officers thereof, except that purchased for
6 and by the two houses of the State Legislature. The two houses
7 shall have the exclusive use, care, and custody of their respective
8 chambers, committee rooms, furniture, and property, and shall keep
9 their respective records of said furniture and property.

10 G. The Office of Management and Enterprise Services shall not
11 have any authority or responsibility for property purchased for or
12 under the management or control of the University Hospitals
13 Authority except as expressly provided by law.

14 H. The Office of Management and Enterprise Services shall not
15 have any authority or responsibility for property purchased for or
16 under the management or control of CompSource Oklahoma if CompSource
17 Oklahoma is operating pursuant to a pilot program authorized by
18 Sections 3316 and 3317 of this title.

19 I. The Office of Management and Enterprise Services shall have
20 the responsibility to assess and track all levels of cybersecurity
21 incidents occurring within state agencies, counties, municipalities,
22 and political subdivisions as defined in Section 1 of this act.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 63.8 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 The cybersecurity incident reporting process shall specify the
5 information that shall be reported by a state agency, county,
6 municipality, or political subdivision, to the Office of Management
7 and Enterprise Services following a cybersecurity or ransomware
8 incident, which, at a minimum, shall include the following:

9 1. A summary of the facts surrounding the cybersecurity
10 incident or ransomware incident;

11 2. The date on which the state agency most recently backed up
12 its data, the physical location of the backup, if the backup was
13 affected, and if the backup was created using cloud computing;

14 3. The types of data compromised by the cybersecurity incident
15 or ransomware incident;

16 4. The estimated fiscal impact of the cybersecurity incident or
17 ransomware incident; and

18 5. In the case of a ransomware incident, the details of the
19 ransom demanded.

20 SECTION 4. This act shall become effective November 1, 2023.

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