An Act

ENROLLED HOUSE
BILL NO. 2197

By: Deutschendorf of the House

and

Capps of the Senate

An Act relating to technology; amending 62 O.S. 2001, Section 41.5e, which relates to state agency long-range electronic data processing plans; adding accessibility compliance as a component of the long-range plan; requiring the Information Services Division of the Office of State Finance and the Department of Central Services to assure state compliance with certain accessibility standards; requiring state agencies to make information technology accessible; directing the Information Services Division and Department of Central Services to take certain action to assure accessibility; providing for promulgation of rules; providing definitions; creating the Electronic and Information Technology Accessibility Advisory Council; stating purpose of the Advisory Council; establishing membership; providing for appointments, appointment of cochairs, and a quorum; providing for meetings and subcommittees; providing for staffing and assistance; requiring compliance with the Oklahoma Open Meeting Act; providing for travel reimbursement; directing the Director of the Department of Central Services to promulgate rules prescribing an information technology access clause; requiring clause to be included in certain contracts; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 2001, Section 41.5e, is amended to read as follows:

Section 41.5e A. All agencies of the executive branch of this state presently using or contemplating the use of electronic data processing applications, including but not limited to, the use of mainframe computers, minicomputers or microcomputers, word processing equipment, or office automation systems, shall annually submit to the Information Services Division a long-range plan, summarizing the agency's detailed plan, for not less than the ensuing three (3) fiscal years, which shall include as a minimum:

1. An overview of major projects and objectives;

2. Estimated resource requirements including personnel, hardware, and software;

3. Key project dates;

4. Project priorities;

5. Estimated project costs and benefits;

6. Revisions to previous plans;

7. Specific segments which will be included in the agency budget request for the next ensuing fiscal year; ~~and~~

8. An assurance of compliance with state standards on accessibility of information technology for individuals with disabilities developed in accordance with Section 2 of this act; and

9. Such other information as the Information Services Division may require for analysis and consolidation into a statewide plan for electronic data processing.

B. No agency of the executive branch of this state shall enter into any agreement for the acquisition, development, or enhancement of application systems software or for the acquisition of electronic data processing equipment, peripheral devices whether or not connected to such equipment, unless the cost of such acquisition, development, or enhancement has been included in said agency's plan. The Information Services Division upon review of an agency's data processing and telecommunication plan shall submit in writing to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate its findings and recommendations on all proposed new and expanded programs and expenditures for personnel and the purchase or acquisition of equipment, hardware and software or accessories thereto, including but not limited to leases, rentals or lease-purchase, indicating that the associated cost meet or comply with Section 41.5a of this title.

C. The provisions of this section shall not apply to the telecommunications network known as OneNet whether said network is governed or operated by the Oklahoma State Regents for Higher Education or any other state entity assigned responsibility for OneNet.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5t of Title 62, unless there is created a duplication in numbering, reads as follows:

A. The Information Services Division of the Office of State Finance shall work in conjunction with the Department of Central Services to assure state compliance regarding accessibility of information technology for individuals with disabilities based on the provisions of Section 508 of the Workforce Investment Act of 1998.

B. When developing, procuring, maintaining or using information technology, or when administering contracts or grants that include the procurement, development, upgrading, or replacement of information technology each state agency shall ensure, unless an

undue burden would be imposed on the agency, that the information technology allows employees, program participants, and members of the general public access to use of information and data that is comparable to the access by individuals without disabilities.

C. To assure accessibility, the Information Services Division and the Department of Central Services shall:

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

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

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

4. Provide in partnership with Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University, training and technical assistance for state agencies to assure procurement of information technology that meets adopted accessibility standards;

5. Consult with the Oklahoma Department of Rehabilitation Services and individuals with disabilities in accessibility reviews of information technology and in the delivery of training and technical assistance;

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

7. Work with and seek advice from the Electronic and Information Technology Accessibility Advisory Council, created in Section 4 of this act in developing accessibility standards and complaint procedures as required in this section; and

8. Require state agencies to submit evidence of assurance of compliance with state standards on accessibility of information technology for individuals with disabilities developed in accordance with this section. For executive branch state agencies that are required to submit an annual long-range plan pursuant to Section 41.5e of Title 62 of the Oklahoma Statutes evidence of compliance shall be included in that report.

D. The Director of State Finance and the Director of the Department of Central Services shall promulgate rules, as necessary, to implement the provisions of this section.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5t.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

As used in Section 2 through 5 of this act:

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

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

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

4. "State agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding political subdivisions of the state. State agency shall include the Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education and Technology Center school districts; and

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5t.2 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until July 1, 2006, the Electronic and Information Technology Accessibility Advisory Council. The Advisory Council shall study and make recommendations concerning the accessibility for the disabled to publicly produced and provided electronic and information technology and to provide advice and assistance to the Information Services Division of the Office of State Finance on the development of accessibility standards and complaint procedures as provided for in Section 2 of this act.

B. The Advisory Council shall be composed of the following members:

1. One member of the House of Representatives, appointed by the Speaker of the House of Representatives;

2. One member of the Senate, appointed by the President Pro Tempore of the Senate;

3. The chair of the Science and Technology Committee of the House of Representatives;

4. The chair of the Aerospace and Technology Committee of the State Senate;

5. The Director of the Office of State Finance, or a designee;

6. The Director of the Department of Central Services, or a designee;

7. The Director of the Oklahoma Department of Rehabilitation Services, or a designee;

8. The Superintendent of Public Instruction, or a designee;

9. The State Director of the Oklahoma State Department of Career and Technology Education, or a designee;

10. The Director of the Library for the Blind and Physically Handicapped with the Oklahoma Department of Rehabilitation, or a designee;

11. The Director of the Office of Handicapped Concerns, or a designee;

12. A representative of OneNet, the state telecommunications network within the Oklahoma State Regents for Higher Education;

13. The Project Manager for Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University;

14. A representative of state agency web managers appointed by the Governor from a list submitted by a state agency web manager group;

15. A representative of an association representing education technology administrators appointed by the Speaker of the House of Representatives;

16. A representative of an association of distance learning education professionals appointed by the President Pro Tempore of the Senate;

17. Two representatives of corporations or vendors of information or electronic technology hardware or software who are knowledgeable or have experience in the field of assistive technology appointed by the Governor;

18. A representative of a corporation or vendor specializing in assistive technology appointed by the Governor; and

19. Four representatives who are individuals with a disability, one who is blind or visually impaired, one who is deaf or hard of hearing, one with a mobility disability, and one with a cognitive disability and all of whom are users of information or electronic technology appointed by the Governor.

C. Members who were serving on the Electronic and Information Technology Accessibility Task Force as of July 1, 2004, shall automatically be appointed to serve on the Electronic and Information Technology Accessibility Advisory Council after July 1, 2004.

D. The Advisory Council shall:

1. Make recommendation on action, including legislative action, needed to ensure that all electronic and information technology produced, procured, or developed by state agencies are accessible to the disabled;

2. Identify disability accessibility standards that are emerging or fully adopted by national standard organizations;

3. Review and make recommendations on disability accessibility initiatives and legislation undertaken in other states; and

4. Provide advice and assistance to the Information Services Division of the Office of State Finance and the Department of Central Services on the development of accessibility standards and complaint procedures as provided for in Section 2 of this act.

E. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair from among the members of the Advisory Council.

F. A majority of the members of the Advisory Council shall constitute a quorum. A majority of the members present at a meeting may act for the Advisory Council.

G. Meetings of the Advisory Council shall be called by either cochair.

H. Proceedings of all meetings of the Advisory Council shall comply with the provisions of the Oklahoma Open Meeting Act.

I. The Advisory Council may divide into subcommittees in furtherance of its purpose.

J. Staff of the Oklahoma Able Tech, the state assistive technology project located at Oklahoma State University, shall serve as primary staff for the Advisory Council. Appropriate personnel from the Office of State Finance and the Department of Central Services shall also assist with the work of the Advisory Council.

K. The Advisory Council may use the expertise and services of the staffs of the Oklahoma House of Representatives and State Senate and may, as necessary, seek the advice and services of experts in the field as well as other necessary professional and clerical staff.

L. All departments, officers, agencies, and employees of this state shall cooperate with the Advisory Council in fulfilling its duties and responsibilities including, but not limited to, providing any information, records, or reports requested by the Advisory Council.

M. Members of the Advisory Council shall receive no compensation for their service, but shall receive travel reimbursement as follows:

1. Legislative members of the Advisory Council shall be reimbursed for necessary travel expenses incurred in the performance

of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Advisory Council shall be reimbursed by their appointing authorities or respective agencies for necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.7d of Title 74, unless there is created a duplication in numbering, reads as follows:

The Director of the Department of Central Services shall promulgate rules prescribing an information technology access clause which shall require compliance with the accessibility to information technology standards of Section 508 of the Workforce Investment Act of 1998 and as developed pursuant to Section 2 of this act. The clause shall be included in all contracts for the procurement of information technology by, or for the use of, state agencies, as defined in Section 3 of this act, on or after January 1, 2005.

SECTION 6. This act shall become effective July 1, 2004.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 23rd day of February, 2004.

Larry D Roberts
Presiding Officer of the House of Representatives

Passed the Senate the 13th day of April, 2004.

Kent Rogers
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 14th
day of April, **20**04,
at 2:15, **o'clock** P. **M.**

By: Lami Parker

Approved by the Governor of the State of Oklahoma the 20th **day of** April **20**04, **at** 10:17, **o'clock** A. **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 20th
day of April, **20**04,
at 5:30, **o'clock** P. **M.**

By: M. Susan Savage