

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2940 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: David Derby

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2940

By: Derby

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to technology; amending 62 O.S. 2011,  
10 Section 34.11.1, which relates to the Chief  
11 Information Officer; modifying definition of state  
12 agency; amending 62 O.S. 2011, Section 34.16, which  
13 relates to the submission of the annual one-year  
14 telecommunications and electronic information  
15 technology plan; amending 62 O.S. 2011, Section  
16 34.21, which relates to authorization for obtaining  
17 communications or telecommunications systems;  
18 deleting exception for the telecommunications network  
19 known as OneNet; amending 62 O.S. 2011, Section 35.3,  
20 which relates to the Information Technology  
21 Consolidation and Coordination Act; changing  
22 definition; requiring the Oklahoma State Regents for  
23 Higher Education and OneNet to provide a list of  
24 certain information technology assets; specifying  
certain duty of the Chief Information Officer and  
Director of the Office of State Finance; requiring  
modification of certain assessment; requiring  
identification of certain information technology  
assets and positions; requiring identified assets and  
positions to be transferred to Information Services  
Division of Office of State Finance; establishing a  
transfer date for certain assets; specifying  
responsibilities for certain costs until certain  
date; requiring execution of certain conveyances and  
documents; establishing a transfer date for certain  
positions; providing for a transfer agreement;  
providing for succession of certain rights and  
responsibilities to the Information Services Division

1 of the Office of State Finance; and providing for  
2 codification.

3  
4  
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, is  
7 amended to read as follows:

8 Section 34.11.1 A. There is hereby created the position of  
9 Chief Information Officer who shall be appointed by the Governor.  
10 The Chief Information Officer, in addition to having authority over  
11 the Information Services Division of the Office of State Finance,  
12 shall also serve as Secretary of Information Technology and  
13 Telecommunications or successor cabinet position and shall have  
14 jurisdictional areas of responsibility related to information  
15 technology and telecommunications systems of all state agencies as  
16 provided for in the Oklahoma Information Services Act. The salary  
17 of the Chief Information Officer shall not be less than One Hundred  
18 Thirty Thousand Dollars (\$130,000.00) or more than One Hundred Sixty  
19 Thousand Dollars (\$160,000.00). The first Chief Information Officer  
20 shall be appointed no later than January 1, 2010.

21 B. Any person appointed to the position of Chief Information  
22 Officer shall meet the following eligibility requirements:  
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- 1        1. A baccalaureate degree in Computer Information Systems,  
2 Information Systems or Technology Management, Business  
3 Administration, Finance, or other similar degree;
- 4        2. A minimum of ten (10) years of professional experience with  
5 responsibilities for management and support of information systems  
6 and information technology, including seven (7) years of direct  
7 management of a major information technology operation;
- 8        3. Familiarity with local and wide-area network design,  
9 implementation, and operation;
- 10       4. Experience with data and voice convergence service  
11 offerings;
- 12       5. Experience in developing technology budgets;
- 13       6. Experience in developing requests for proposal and  
14 administering the bid process;
- 15       7. Experience managing professional staff, teams, and  
16 consultants;
- 17       8. Knowledge of telecommunications operations;
- 18       9. Ability to develop and set strategic direction for  
19 information technology and telecommunications and to manage daily  
20 development and operations functions;
- 21       10. An effective communicator who is able to build consensus;
- 22       11. Ability to analyze and resolve complex issues, both logical  
23 and interpersonal;
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1 12. Effective verbal and written communications skills and  
2 effective presentation skills, geared toward coordination and  
3 education;

4 13. Ability to negotiate and defuse conflict; and

5 14. A self-motivator, independent, cooperative, flexible and  
6 creative.

7 C. The salary and any other expenses for the Chief Information  
8 Officer shall be budgeted as a separate line item through the Office  
9 of State Finance. The operating expenses of the Information  
10 Services Division shall be set by the Chief Information Officer and  
11 shall be budgeted as a separate line item through the Office of  
12 State Finance. The Office of State Finance shall provide adequate  
13 office space, equipment and support necessary to enable the Chief  
14 Information Officer to carry out the information technology and  
15 telecommunications duties and responsibilities of the Officer and  
16 the Information Services Division.

17 D. 1. Within twelve (12) months of appointment, the first  
18 Chief Information Officer shall complete an assessment of the  
19 implementation of the transfer, coordination, and modernization of  
20 all information technology and telecommunication systems of all  
21 state agencies in the state as provided for in the Oklahoma  
22 Information Services Act. The assessment shall include the  
23 information technology and telecommunications systems of all  
24 institutions within The Oklahoma State System of Higher Education,

1 the Oklahoma State Regents for Higher Education and the  
2 telecommunications network known as OneNet.

3 2. Within twelve (12) months of appointment, the first Chief  
4 Information Officer shall issue a report setting out a plan of  
5 action which will include the following:

- 6 a. define the shared service model organization structure  
7 and the reporting relationship of the recommended  
8 organization,
- 9 b. the implementation of an information technology and  
10 telecommunications shared services model that defines  
11 the statewide infrastructure environment needed by  
12 most state agencies that is not specific to individual  
13 agencies and the shared applications that are utilized  
14 across multiple agencies,
- 15 c. define the services that shall be in the shared  
16 services model under the control of the Information  
17 Services Division of the Office of State Finance,
- 18 d. define the roadmap to implement the proposed shared  
19 services model. The roadmap shall include  
20 recommendations on the transfer, coordination, and  
21 modernization of all information technology and  
22 telecommunication systems of all the state agencies in  
23 the state,

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- 1 e. recommendations on the reallocation of information  
2 technology and telecommunication resources and  
3 personnel,
- 4 f. recommendations on maximizing the benefits to the  
5 state by the alignment and operation of the  
6 communications and data transfer network assets known  
7 as OneNet,
- 8 g. a cost benefit analysis to support the recommendations  
9 on the reallocation of information technology and  
10 telecommunication resources and personnel,
- 11 h. a calculation of the net savings realized through the  
12 reallocation and consolidation of information  
13 technology and telecommunication resources and  
14 personnel after compensating for the cost of  
15 contracting with a private consultant as authorized in  
16 paragraph 4 of this subsection, implementing the plan  
17 of action, and ongoing costs of the Information  
18 Services Division of the Office of State Finance, and
- 19 i. the information required in subsection B of Section ~~5~~  
20 35.5 of this ~~act~~ title.

21 3. The plan of action report shall be presented to the  
22 Governor, Speaker of the House of Representatives, and the President  
23 Pro Tempore of the State Senate.  
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1       4. The Chief Information Officer may contract with a private  
2 consultant or consultants to assist in the assessment and  
3 development of the plan of action report as required in this  
4 subsection.

5       E. Beginning on the effective date of appointment, the Chief  
6 Information Officer shall be authorized to employ personnel, fix the  
7 duties and compensation of the personnel, not otherwise prescribed  
8 by law, and otherwise direct the work of the personnel in performing  
9 the function and accomplishing the purposes of the Information  
10 Services Division of the Office of State Finance.

11       F. Beginning on the effective date of the appointment of the  
12 first Chief Information Officer, the Information Services Division  
13 of the Office of State Finance shall be responsible for the  
14 following duties:

15       1. Formulate and implement the information technology strategy  
16 for all state agencies;

17       2. Define, design, and implement a shared services statewide  
18 infrastructure and application environment for information  
19 technology and telecommunications for all state agencies;

20       3. Direct the development and operation of a scalable  
21 telecommunications infrastructure that supports data and voice  
22 communications reliability, integrity, and security;

23       4. Supervise the applications development process for those  
24 applications that are utilized across multiple agencies;



1           5. Provide direction for the professional development of  
2 information technology staff of state agencies and oversee the  
3 professional development of the staff of the Information Services  
4 Division of the Office of State Finance;

5           6. Evaluate all technology and telecommunication investment  
6 choices for all state agencies;

7           7. Create a plan to ensure alignment of current systems, tools,  
8 and processes with the strategic information technology plan for all  
9 state agencies;

10          8. Set direction and provide oversight for the support and  
11 continuous upgrading of the current information technology and  
12 telecommunication infrastructure in the state in support of enhanced  
13 reliability, user service levels, and security;

14          9. Direct the development, implementation, and management of  
15 appropriate standards, policies and procedures to ensure the success  
16 of state information technology and telecommunication initiatives;

17          10. Recruit, hire and transfer the required technical staff in  
18 the Information Services Division of the Office of State Finance to  
19 support the services provided by the Division and the execution of  
20 the strategic information technology plan;

21          11. Establish, maintain, and enforce information technology and  
22 telecommunication standards;

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1       12. Delegate, coordinate, and review all work to ensure quality  
2 and efficient operation of the Information Services Division of the  
3 Office of State Finance;

4       13. Create and implement a communication plan that disseminates  
5 pertinent information to state agencies on standards, policies,  
6 procedures, service levels, project status, and other important  
7 information to customers of the Information Services Division of the  
8 Office of State Finance and provide for agency feedback and  
9 performance evaluation by customers of the Division;

10       14. Develop and implement training programs for state agencies  
11 using the shared services of the Information Services Division of  
12 the Office of State Finance and recommend training programs to state  
13 agencies on information technology and telecommunication systems,  
14 products and procedures;

15       15. Provide counseling, performance evaluation, training,  
16 motivation, discipline, and assign duties for employees of the  
17 Information Services Division of the Office of State Finance;

18       16. Approve the purchasing of all information technology and  
19 telecommunication products and services for all state agencies;

20       17. Develop and enforce an overall infrastructure architecture  
21 strategy and associated roadmaps for desktop, network, server,  
22 storage, and statewide management systems for state agencies;

23       18. Effectively manage the design, implementation and support  
24 of complex, highly available infrastructure to ensure optimal

1 performance, on-time delivery of features, and new products, and  
2 scalable growth;

3 19. Define and implement a governance model for requesting  
4 services and monitoring service level metrics for all shared  
5 services; and

6 20. Create the budget for the Information Services Division of  
7 the Office of State Finance to be submitted to the Legislature each  
8 year.

9 G. Upon receiving approval of the State Governmental Technology  
10 Applications Review Board, the Chief Information Officer shall  
11 implement the plan of action as set forth in subsection D of this  
12 section; provided, the plan of action for the Department of Human  
13 Services shall not be implemented until July 1, 2011. The State  
14 Governmental Technology Applications Review Board shall provide  
15 ongoing oversight of the implementation of the plan of action. Any  
16 proposed amendments to the plan of action shall be approved by the  
17 Board prior to adoption. The net savings realized through the  
18 reallocation and consolidation of information technology and  
19 telecommunication resources and personnel after compensating for the  
20 up-front costs and ongoing costs of the Information Services  
21 Division of the Office of State Finance which are identified and  
22 reported in the plan of action shall be realized no later than July  
23 1, 2012, and shall at a minimum be not less than fifteen percent  
24 (15%) of the overall statewide information technology and

1 telecommunications expenditures made by all state agencies during  
2 the fiscal year ending June 30, 2009.

3 H. Beginning on the effective date of appointment, the Chief  
4 Information Officer shall act as the Information Technology and  
5 Telecommunications Purchasing Director for all state agencies and  
6 shall be responsible for the procurement of all information  
7 technology and telecommunication software, hardware, equipment,  
8 peripheral devices, maintenance, consulting services, high  
9 technology systems, and other related information technology, data  
10 processing, telecommunication and related peripherals and services  
11 for all state agencies. The Chief Information Officer shall  
12 establish, implement, and enforce policies and procedures for the  
13 procurement of information technology and telecommunication  
14 software, hardware, equipment, peripheral devices, maintenance,  
15 consulting services, high technology systems, and other related  
16 information technology, data processing, telecommunication and  
17 related peripherals and services by purchase, lease-purchase, lease  
18 with option to purchase, lease and rental for all state agencies.  
19 The procurement policies and procedures established by the Chief  
20 Information Officer shall be consistent with The Oklahoma Central  
21 Purchasing Act.

22 I. The Information Services Division of the Office of State  
23 Finance and the Chief Information Officer shall be subject to The  
24 Oklahoma Central Purchasing Act for the approval and purchase of

1 equipment and products not related to information and  
2 telecommunications technology, equipment, software, products and  
3 related peripherals and services and shall also be subject to the  
4 requirements of the Public Competitive Bidding Act of 1974, the  
5 Oklahoma Lighting Energy Conservation Act and the Public Building  
6 Construction and Planning Act when procuring data processing,  
7 information technology, telecommunication, and related peripherals  
8 and services and when constructing information technology and  
9 telecommunication facilities, telecommunication networks and  
10 supporting infrastructure. The Chief Information Officer shall be  
11 authorized to delegate all or some of the procurement of information  
12 technology and telecommunication products and services and  
13 construction of facilities and telecommunication networks to another  
14 state entity if the Chief Information Officer determines it to be  
15 cost-effective and in the best interest of the state. The Chief  
16 Information Officer shall have authority to designate information  
17 technology and telecommunication contracts as statewide contracts  
18 and mandatory statewide contracts pursuant to Section 85.5 of Title  
19 74 of the Oklahoma Statutes. Any contract entered into by a state  
20 agency for which the Chief Information Officer has not acted as the  
21 Information Technology and Telecommunications Purchasing Director as  
22 required in this subsection or subsection H of this section, shall  
23 be deemed to be unenforceable and the Office of State Finance shall  
24 not process any claim associated with the provisions thereof.

1 J. The Chief Information Officer shall establish and implement  
2 charges and a system to assess the charges to state agencies for  
3 their use of shared information technology and telecommunication  
4 services subject to the approval of the State Governmental  
5 Technology Applications Review Board.

6 K. The Chief Information Officer shall establish, implement,  
7 and enforce policies and procedure for the development and  
8 procurement of an interoperable radio communications system for  
9 state agencies. The Chief Information Officer shall work with local  
10 governmental entities in developing the interoperable radio  
11 communications system.

12 L. The Chief Information Officer shall develop and implement a  
13 plan to utilize open source technology and products for the  
14 information technology and telecommunication systems of all state  
15 agencies.

16 M. All state agencies and authorities of this state and all  
17 officers and employees of those entities shall work and cooperate  
18 with and lend assistance to the Chief Information Officer and the  
19 Information Services Division of the Office of State Finance and  
20 provide any and all information requested by the Chief Information  
21 Officer.

22 N. The Chief Information Officer shall prepare an annual report  
23 detailing the ongoing net saving attributable to the reallocation  
24 and consolidation of information technology and telecommunication

1 resources and personnel and shall submit the report to the Governor,  
2 the Speaker of the House of Representatives, and the President Pro  
3 Tempore of the Senate.

4 O. For purposes of the Oklahoma Information Services Act,  
5 unless otherwise provided for, "state agencies" shall include any  
6 office, officer, bureau, board, commission, counsel, unit, division,  
7 body, authority or institution of the executive branch of state  
8 government, whether elected or appointed; provided, except with  
9 respect to the provisions of subsection D of this section, the term  
10 "state agencies" shall not include institutions within The Oklahoma  
11 State System of Higher Education, ~~the Oklahoma State Regents for~~  
12 ~~Higher Education and the telecommunications network known as OneNet.~~

13 SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.16, is  
14 amended to read as follows:

15 Section 34.16 A. No later than July 1 of each year, all  
16 agencies of the executive branch of this state presently using or  
17 contemplating the use of telecommunications and electronic  
18 information technology applications, including, but not limited to,  
19 the use of mainframe computers, minicomputers or microcomputers,  
20 word processing equipment, office automation systems, Internet,  
21 eGovernment, broadband, Wi-Fi or wireless networking, radio,  
22 including the interoperable radio communications system for state  
23 agencies, Global Positioning Systems (GPS), or contracts for  
24 information technology services and equipment, shall annually submit

1 to the Information Services Division of the Office of State Finance  
2 a one-year operations plan, which shall include as a minimum:

3 1. An overview of major projects and objectives;  
4 2. Cost per defined category of hardware, software, services  
5 and personnel;

6 3. An assurance of compliance with state standards on  
7 accessibility of information technology for individuals with  
8 disabilities developed in accordance with Section ~~41.5~~ 34.28 of  
9 this title; and

10 4. Such other information as the Information Services Division  
11 may require for analysis and consolidation into a statewide  
12 telecommunications and electronic information technology plan.

13 B. No agency of the executive branch of this state shall enter  
14 into any agreement for the acquisition, development, or enhancement  
15 of application systems software or for the acquisition of electronic  
16 information technology equipment or peripheral devices, including  
17 Internet and eGovernment, broadband, Wi-Fi or wireless networking,  
18 radio, including the interoperable radio communications system for  
19 state agencies, Global Positioning Systems (GPS), whether or not  
20 connected to such equipment, unless the cost of such acquisition,  
21 development, or enhancement has been included in the plan for the  
22 agency. The Information Services Division upon review of an  
23 information technology and telecommunication plan for the agency,  
24 shall submit in either printed or electronic form to the Governor,



1 the Speaker of the House of Representatives, and the President Pro  
2 Tempore of the Senate its findings and recommendations on all  
3 proposed new and expanded programs and expenditures for personnel  
4 and the purchase or acquisition of equipment, hardware, software,  
5 accessories, or services thereto, including but not limited to  
6 leases, rentals or lease-purchase, indicating that the associated  
7 cost meet or comply with Section ~~41.5a~~ 34.12 of this title.

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

13 ~~D.~~ The provisions of this section shall not apply to CompSource  
14 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot  
15 program authorized by Sections 3316 and 3317 of Title 74 of the  
16 Oklahoma Statutes.

17 SECTION 3. AMENDATORY 62 O.S. 2011, Section 34.21, is  
18 amended to read as follows:

19 Section 34.21 A. No agency of the executive branch of the  
20 state shall use state funds for or enter into any agreement for the  
21 acquisition, development or enhancement of a communication or  
22 telecommunication system including voice, data, radio, video,  
23 Internet, eGovernment, as referenced in Sections ~~41.5p~~ 34.24 and  
24 ~~41.5q~~ 34.25 of this title, printers, scanners, copiers, facsimile

1 systems and associated supplies exceeding Ten Thousand Dollars  
2 (\$10,000.00) in value, which shall include the acquisition amount,  
3 service costs, maintenance costs, or any other costs or fees  
4 associated with the acquisition of the system or equipment, without  
5 written authorization of the Chief Information Officer or a  
6 designee. The Chief Information Officer or a designee shall verify  
7 that any acquisition, development or enhancement is compatible with  
8 the operation of the Oklahoma Government Telecommunications Network.

9 B. No agency of the executive branch of the state shall enter  
10 into any agreement for the acquisition, development or enhancement  
11 of a communication or telecommunication system or service including  
12 voice, data, radio, video, Internet, eGovernment, printers,  
13 scanners, copiers, and facsimile systems, unless the cost of such  
14 addition, change, improvement or development has been included in  
15 the statewide communications plan of the Information Services  
16 Division of the Office of State Finance, as said plan may have been  
17 amended or revised.

18 C. State agencies may enter into interagency contracts to share  
19 communications and telecommunications resources for mutually  
20 beneficial purposes. The contract shall clearly state how its  
21 purpose contributes to the development or enhancement or cost  
22 reduction of a state network which includes voice, data, radio,  
23 video, Internet, eGovernment, or facsimile systems. The contract  
24

1 shall be approved by the Information Services Division before any  
2 payments are made.

3 ~~D. The provisions of subsections A, B and C of this section~~  
4 ~~shall not apply to the telecommunications network known as OneNet~~  
5 ~~whether said network is governed or operated by the Oklahoma State~~  
6 ~~Regents for Higher Education or any other state entity assigned~~  
7 ~~responsibility for OneNet.~~

8 ~~E.~~ The provisions of this section shall not apply to CompSource  
9 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot  
10 program authorized by Sections 3316 and 3317 of Title 74 of the  
11 Oklahoma Statutes.

12 ~~F.~~ E. No state agency shall use state funds or enter into any  
13 agreement for the acquisition, development or enhancement of a  
14 public safety communication system unless the request is consistent  
15 with the Statewide Communications Interoperability Plan and the  
16 public safety communications standards issued by the Oklahoma Office  
17 of Homeland Security. Agencies interested in acquiring, developing  
18 or enhancing a public safety communications system shall submit a  
19 proposal to the Oklahoma Office of Homeland Security. The Oklahoma  
20 Office of Homeland Security shall issue a proposal review which  
21 summarizes whether the proposal is consistent with the Statewide  
22 Communications Interoperability Plan and the technology standards  
23 issued. The proposal review shall be submitted to the requesting  
24 agency and to the Chief Information Officer.

1 SECTION 4. AMENDATORY 62 O.S. 2011, Section 35.3, is  
2 amended to read as follows:

3 Section 35.3 As used in the Information Technology  
4 Consolidation and Coordination Act:

5 1. "Appropriated state agency" means any state agency that  
6 receives funding through the annual legislative appropriations  
7 process;

8 2. "Information technology assets" means any equipment or  
9 interconnected system or subsystem of equipment that is used in the  
10 acquisition, storage, manipulation, management, movement, control,  
11 display, switching, interchange, transmission, or reception of data  
12 or information. The term shall include computers, ancillary  
13 equipment, software, firmware and similar procedures, services,  
14 including support services and consulting services, software  
15 development, and related resources, and shall further include  
16 telecommunications fiber networks used for conveying electronic  
17 communication or information systems to multiple physical locations;

18 3. "Information technology position" means a classified or  
19 unclassified position in the following functional areas:

- 20 a. applications programming,
- 21 b. EDP audit,
- 22 c. data examination,
- 23 d. computer applications,
- 24 e. computer data entry,

- 1 f. computer networking,
- 2 g. computer operations,
- 3 h. computer programming,
- 4 i. computer security,
- 5 j. computer software design,
- 6 k. web applications,
- 7 l. database analysis,
- 8 m. data management analysis,
- 9 n. database development,
- 10 o. database programming,
- 11 p. software design/development,
- 12 q. help desk,
- 13 r. imaging,
- 14 s. systems analysis,
- 15 t. systems application planning,
- 16 u. systems application,
- 17 v. systems administration,
- 18 w. systems coordination,
- 19 x. systems integration,
- 20 y. systems operation,
- 21 z. systems planning/development,
- 22 aa. systems programming,
- 23 bb. systems engineering,
- 24 cc. systems service specialist,

- 1 dd. systems support,
- 2 ee. network administration,
- 3 ff. network management,
- 4 gg. network technical,
- 5 hh. operating systems specialist,
- 6 ii. systems program manager,
- 7 jj. telecommunications, whether data or voice,
- 8 kk. software training, and
- 9 ll. technology development or support;

10 4. "Nonappropriated state agency" means any state agency that  
11 does not receive funding through the annual legislative  
12 appropriations process;

13 5. "Planned project" includes any major project or objective  
14 included in the operations plan submitted by the agency to the  
15 Information Services Division of the Office of State Finance as  
16 required pursuant to Section 34.16 of ~~Title 62 of the Oklahoma~~  
17 ~~Statutes~~ this title;

18 6. "Shared services" means those state agency functions which  
19 are or could be provided through:

- 20 a. the services and systems specified in subsection A of  
21 Section ~~6~~ 35.6 of this ~~act~~ title, and
- 22 b. the programs, services, software or processes  
23 specified in subsection B of Section ~~6~~ 35.6 of this  
24 ~~act~~ title; and

1       7. "State agency" means any office, elected or appointed  
2 officer, bureau, board, commission, counsel, unit, division, body,  
3 authority or institution of the executive branch of state  
4 government, excluding institutions within The Oklahoma State System  
5 of Higher Education, ~~the Oklahoma State Regents for Higher Education~~  
6 ~~and the telecommunications network known as OneNet.~~

7       SECTION 5.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 35.10 of Title 62, unless there  
9 is created a duplication in numbering, reads as follows:

10       A. 1. Not later than thirty (30) days after the effective date  
11 of this act, the Oklahoma State Regents for Higher Education and the  
12 telecommunications network known as OneNet shall provide to the  
13 Chief Information Officer a list of information technology assets of  
14 the State Regents and OneNet which are integral to agency-specific  
15 applications or functions and a list of information technology  
16 positions which are directly associated with the assets. The State  
17 Regents and OneNet shall further provide the reference to federal or  
18 state statutory or constitutional provisions which require it to  
19 perform the applications or functions.

20       2. If the Chief Information Officer disputes the identification  
21 of assets or positions provided by the State Regents and OneNet as  
22 being integral to agency-specific applications or functions, the  
23 Director of State Finance shall make the final determination.

24

1 B. Not later than December 1, 2012, and not later than December  
2 1 of each year thereafter, the Chief Information Officer shall  
3 modify the assessment required by subsection D of Section 34.11.1 of  
4 Title 62 of the Oklahoma Statutes to include identification of:

5 1. All information technology assets of the State Regents and  
6 OneNet, which are not integral to agency-specific applications or  
7 functions, and the transfer of which to the Information Services  
8 Division of the Office of State Finance and the Chief Information  
9 Officer would result in a cost savings to the taxpayers of this  
10 state or improved efficiency of state government operations,  
11 including all furniture, equipment, vehicles, supplies, records,  
12 current and future liabilities, fund balances, encumbrances,  
13 obligations, and indebtedness associated with the information  
14 technology assets; and

15 2. All information technology positions associated with the  
16 information technology assets identified pursuant to paragraph 1 of  
17 this subsection. The assessment shall identify the amount of  
18 compensation and related liabilities for accrued sick leave, annual  
19 leave, holidays, unemployment benefits, and workers' compensation  
20 benefits for the positions.

21 C. The information technology assets and positions of the State  
22 Regents and OneNet identified in the assessment pursuant to  
23 subsection B of this section shall be transferred to the Information  
24



1 Services Division of the Office of State Finance subject to the  
2 following provisions:

3 1. Information technology assets of the State Regents and  
4 OneNet identified in the assessment pursuant to the provisions of  
5 paragraph 1 of subsection B of this section shall be transferred  
6 effective January 1, 2013. The costs of operation, maintenance,  
7 licensing and service of the assets shall remain the responsibility  
8 of the State Regents and OneNet until July 1, 2013, unless otherwise  
9 agreed to by the State Regents and OneNet and the Division.

10 Appropriate conveyances and other documents shall be executed to  
11 effectuate the transfer of the information technology assets and  
12 positions to the Information Services Division of the Office of  
13 State Finance; and

14 2. Information technology positions of the State Regents and  
15 OneNet identified in the assessment pursuant to the provisions of  
16 paragraph 2 of subsection B of this section shall be transferred  
17 effective February 1, 2013. The State Regents and OneNet shall  
18 enter into an agreement with the Division not later than January 1,  
19 2013, for the remainder of fiscal year 2013, specifying the terms of  
20 the transfers, including provisions for the Division to provide  
21 information technology services to the State Regents and OneNet and  
22 for the State Regents and OneNet to reimburse the Division for the  
23 cost of the services. If an agreement cannot be reached, the  
24 Director of the Office of State Finance shall be authorized to

1 negotiate the terms of the agreement, which shall then be entered  
2 into by the State Regents and OneNet and the Division.

3 D. The Information Services Division of the Office of State  
4 Finance shall succeed to any contractual rights, easement rights,  
5 lease rights, and responsibilities related to the information  
6 technology assets that are transferred as provided for in this  
7 section and incurred by the State Regents and OneNet.

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