RBH No. 10455

An Act

ENROLLED HOUSE
BILL NO. 2939

By: Derby of the House

and

Brinkley of the Senate

An Act relating to technology; amending 62 O.S. 2011, Section 34.11.1, as amended by Section 2 of Enrolled House Bill No. 2197 of the 2nd Session of the 53rd Oklahoma Legislature, which relates to the Chief Information Officer; providing for certain powers and duties related to procurement of information and telecommunication technology; allowing the Chief Information Officer to designate certain bidder information confidential; amending 62 O.S. 2011, Section 34.12, which relates to the powers and duties of the Information Services Division; updating statutory citations; deleting certain value limitation on acquisitions; allowing for a designee; modifying the requirement of the Office of State Finance to not process certain claims; amending 62 O.S. 2011, Section 34.21, which relates to authorization and requirements for communication or telecommunication systems; deleting certain value limitations on acquisitions; amending 62 O.S. 2011, Sections 35.5 and 35.8, which relate to the Information Technology Consolidation and Coordination Act; updating statutory language; changing requirement to provide certain services at no cost; allowing the Information Services Division to bill for certain services at certain estimated costs; listing certain included costs; directing the Information Services Division to publish a schedule of costs and enter into certain agreements with agencies; limiting the amount charged; providing for the processing of payments; allowing for vouchers against certain funds; prohibiting the processing of vouchers until the resolution of disputes; prohibiting the transfer of certain duties under the

Oklahoma Open Records Act; requiring state agencies to continue to be responsible for certain records and record keeping duties; allowing certain state employees to continue participation in certain retirement program; requiring elections to be made in writing within certain time period; providing for transfer of certain service credits and contributions; and making certain election irrevocable.

SUBJECT: Technology

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, as amended by Section 2 of Enrolled House Bill No. 2197 of the 2nd Session of the 53rd Oklahoma Legislature, is amended to read as follows:

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

B. Any person appointed to the position of Chief Information Officer shall meet the following eligibility requirements:

1. A baccalaureate degree in Computer Information Systems, Information Systems or Technology Management, Business Administration, Finance, or other similar degree;

2. A minimum of ten (10) years of professional experience with responsibilities for management and support of information systems

and information technology, including seven (7) years of direct management of a major information technology operation;

3. Familiarity with local and wide-area network design, implementation, and operation;

4. Experience with data and voice convergence service offerings;

5. Experience in developing technology budgets;

6. Experience in developing requests for proposal and administering the bid process;

7. Experience managing professional staff, teams, and consultants;

8. Knowledge of telecommunications operations;

9. Ability to develop and set strategic direction for information technology and telecommunications and to manage daily development and operations functions;

10. An effective communicator who is able to build consensus;

11. Ability to analyze and resolve complex issues, both logical and interpersonal;

12. Effective verbal and written communications skills and effective presentation skills, geared toward coordination and education;

13. Ability to negotiate and defuse conflict; and

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

C. The salary and any other expenses for the Chief Information Officer shall be budgeted as a separate line item through the Office of State Finance. The operating expenses of the Information Services Division shall be set by the Chief Information Officer and shall be budgeted as a separate line item through the Office of State Finance. The Office of State Finance shall provide adequate office space, equipment and support necessary to enable the Chief Information Officer to carry out the information technology and

telecommunications duties and responsibilities of the Officer and the Information Services Division.

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

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

a. define the shared service model organization structure and the reporting relationship of the recommended organization,

b. the implementation of an information technology and telecommunications shared services model that defines the statewide infrastructure environment needed by most state agencies that is not specific to individual agencies and the shared applications that are utilized across multiple agencies,

c. define the services that shall be in the shared services model under the control of the Information Services Division of the Office of State Finance,

d. define the roadmap to implement the proposed shared services model. The roadmap shall include recommendations on the transfer, coordination, and modernization of all information technology and telecommunication systems of all the state agencies in the state,

e. recommendations on the reallocation of information technology and telecommunication resources and personnel,

f. recommendations on maximizing the benefits to the state by the alignment and operation of the communications and data transfer network assets known as OneNet,

g. a cost benefit analysis to support the recommendations on the reallocation of information technology and telecommunication resources and personnel,

h. a calculation of the net savings realized through the reallocation and consolidation of information technology and telecommunication resources and personnel after compensating for the cost of contracting with a private consultant as authorized in paragraph 4 of this subsection, implementing the plan of action, and ongoing costs of the Information Services Division of the Office of State Finance, and

i. the information required in subsection B of Section 35.5 of this title.

3. The plan of action report shall be presented to the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the State Senate.

4. The Chief Information Officer may contract with a private consultant or consultants to assist in the assessment and development of the plan of action report as required in this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. Effectively manage the design, implementation and support of complex, highly available infrastructure to ensure optimal performance, on-time delivery of features, and new products, and scalable growth;

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

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

G. Upon receiving approval of the State Governmental Technology Applications Review Board, the Chief Information Officer shall implement the plan of action as set forth in subsection D of this section; provided, the plan of action for the Department of Human Services shall not be implemented until July 1, 2011. The State Governmental Technology Applications Review Board shall provide ongoing oversight of the implementation of the plan of action. Any proposed amendments to the plan of action shall be approved by the

Board prior to adoption. The net savings realized through the reallocation and consolidation of information technology and telecommunication resources and personnel after compensating for the up-front costs and ongoing costs of the Information Services Division of the Office of State Finance which are identified and reported in the plan of action shall be realized no later than July 1, 2012, and shall at a minimum be not less than fifteen percent (15%) of the overall statewide information technology and telecommunications expenditures made by all state agencies during the fiscal year ending June 30, 2009.

H. 1. Beginning on the effective date of appointment, the Chief Information Officer shall act as the Information Technology and Telecommunications Purchasing Director for all state agencies and shall be responsible for the procurement of all information technology and telecommunication software, hardware, equipment, peripheral devices, maintenance, consulting services, high technology systems, and other related information technology, data processing, telecommunication and related peripherals and services for all state agencies. The Chief Information Officer shall establish, implement, and enforce policies and procedures for the procurement of information technology and telecommunication software, hardware, equipment, peripheral devices, maintenance, consulting services, high technology systems, and other related information technology, data processing, telecommunication and related peripherals and services by purchase, lease-purchase, lease with option to purchase, lease and rental for all state agencies. The procurement policies and procedures established by the Chief Information Officer shall be consistent with The Oklahoma Central Purchasing Act and Section 6 of this act.

2. The Chief Information Officer, or any employee or agent of the Chief Information Officer acting within the scope of delegated authority, shall have the same power and authority regarding the procurement of all information and telecommunication technology, equipment, software, products and related peripherals and services for all state agencies as the State Purchasing Director has for all acquisitions used or consumed by state agencies as established in The Oklahoma Central Purchasing Act. Such authority shall, consistent with the authority granted to the State Purchasing Director pursuant to Section 85.10 of Title 74 of the Oklahoma Statutes, include the power to designate financial or proprietary information submitted by a bidder confidential and reject all requests to disclose the information so designated, if the Chief

Information Officer requires the bidder to submit the financial or proprietary information with a bid, proposal, or quotation.

I. The Information Services Division of the Office of State Finance and the Chief Information Officer shall be subject to The Oklahoma Central Purchasing Act for the approval and purchase of equipment and products not related to information and telecommunications technology, equipment, software, products and related peripherals and services and shall also be subject to the requirements of the Public Competitive Bidding Act of 1974, the Oklahoma Lighting Energy Conservation Act and the Public Building Construction and Planning Act when procuring data processing, information technology, telecommunication, and related peripherals and services and when constructing information technology and telecommunication facilities, telecommunication networks and supporting infrastructure. The Chief Information Officer shall be authorized to delegate all or some of the procurement of information technology and telecommunication products and services and construction of facilities and telecommunication networks to another state entity if the Chief Information Officer determines it to be cost-effective and in the best interest of the state. The Chief Information Officer shall have authority to designate information technology and telecommunication contracts as statewide contracts and mandatory statewide contracts pursuant to Section 85.5 of Title 74 of the Oklahoma Statutes. Any contract entered into by a state agency for which the Chief Information Officer has not acted as the Information Technology and Telecommunications Purchasing Director as required in this subsection or subsection H of this section, shall be deemed to be unenforceable and the Office of State Finance shall not process any claim associated with the provisions thereof.

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

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

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

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

N. The Chief Information Officer shall prepare an annual report detailing the ongoing net saving attributable to the reallocation and consolidation of information technology and telecommunication resources and personnel and shall submit the report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

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

SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.12, is amended to read as follows:

Section 34.12 A. The Information Services Division of the Office of State Finance shall:

1. Coordinate information technology planning through analysis 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 plans and information systems plans for the statewide electronic information technology function;

3. Establish and enforce minimum mandatory standards for:

a. information systems planning,

b. systems development methodology,

c. documentation,

d. hardware requirements and compatibility,

e. operating systems compatibility,

f. acquisition of software, hardware and technology-related services,

g. information security and internal controls,

h. data base compatibility,

i. contingency planning and disaster recovery, and

j. imaging systems, copiers, facsimile systems, printers, scanning systems and any associated supplies.

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

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

5. Operate an information technology service center to provide operations and hardware support for agencies requiring such services and for statewide systems;

6. Maintain a directory of the following which have a value of Five Hundred Dollars ($500.00) or more: application systems, systems software, hardware, internal and external information technology, communication or telecommunication equipment owned, leased, or rented for use in communication services for state government, including communication services provided as part of any other total

system to be used by the state or any of its agencies, and studies and training courses in use by all agencies of the state; and facilitate the utilization of the resources by any agency having requirements which are found to be available within any agency of the state;

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

8. Coordinate for the executive branch of state government agency information technology activities, encourage joint projects and common systems, linking of agency systems through the review of agency plans, review and approval of all statewide contracts for software, hardware and information technology consulting services and development of a statewide plan and its integration with the budget process to ensure that developments or acquisitions are consistent with statewide objectives and that proposed systems are justified and cost effective;

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

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

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

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

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

the minimum information security and internal control standards, the Chief Information Officer shall take immediate action to mitigate the noncompliance, including the removal of the agency from the infrastructure of the state until the agency becomes compliant, taking control of the information technology function of the agency until the agency is compliant, and transferring the administration and management of the information technology function of the agency to the Information Services Division or another state agency.

B. No agency of the executive branch of the state shall use state funds for or enter into any agreement for the acquisition of any category of computer hardware, software or any contract for information technology services and equipment ~~exceeding Ten Thousand Dollars ($10,000.00) in value, which shall include the acquisition amount~~, service costs, maintenance costs, or any other costs or fees associated with the acquisition of the services or equipment, without written authorization of the Chief Information Officer or a designee. If written authorization is not obtained prior to incurring an expenditure or entering into any agreement as required in this subsection or as required in Section ~~4~~ 35.4 of this ~~act~~ title, the Office of State Finance ~~shall~~ may not process any claim associated with the expenditure and the provisions of any agreement shall not be enforceable. The provisions of this subsection shall not be applicable to any member of The Oklahoma State System of Higher Education, any public elementary or secondary schools of the state, any technology center school district as defined in Section 14-108 of Title 70 of the Oklahoma Statutes, or CompSource Oklahoma if CompSource Oklahoma is operating pursuant to a pilot program authorized by Sections 3316 and 3317 of Title 74 of the Oklahoma Statutes.

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

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

Section 34.21 A. No agency of the executive branch of the state shall use state funds for or enter into any agreement for the acquisition, development or enhancement of a communication or telecommunication system including voice, data, radio, video, Internet, eGovernment, as referenced in Sections ~~41.5p~~ 34.24 and ~~41.5q~~ 34.25 of this title, printers, scanners, copiers, facsimile systems and associated supplies ~~exceeding Ten Thousand Dollars ($10,000.00) in value, which shall include the acquisition amount~~, service costs, maintenance costs, or any other costs or fees associated with the acquisition of the system or equipment, without written authorization of the Chief Information Officer or a designee. The Chief Information Officer or a designee shall verify that any acquisition, development or enhancement is compatible with the operation of the Oklahoma Government Telecommunications Network.

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

C. State agencies may enter into interagency contracts to share communications and telecommunications resources for mutually beneficial purposes. The contract shall clearly state how its purpose contributes to the development or enhancement or cost reduction of a state network which includes voice, data, radio, video, Internet, eGovernment, or facsimile systems. The contract shall be approved by the Information Services Division before any payments are made.

D. The provisions of subsections A, B and C 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.

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

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

SECTION 4. AMENDATORY 62 O.S. 2011, Section 35.5, is amended to read as follows:

Section 35.5 A. 1. Not later than thirty (30) days after ~~the effective date of this act~~ August 26, 2011, all state agencies shall provide to the Chief Information Officer a list of information technology assets of the agency which are integral to agency-specific applications or functions and a list of information technology positions which are directly associated with the assets. The agency shall further provide the reference to federal or state statutory or constitutional provisions which require it to perform the applications or functions.

2. If the Chief Information Officer disputes the identification of assets or positions provided by a state agency as being integral to agency-specific applications or functions, the Director of State Finance shall make the final determination.

B. Not later than December 1, 2011, and not later than December 1 of each year thereafter, the Chief Information Officer shall modify the assessment required by subsection D of Section 34.11.1 of ~~Title 62 of the Oklahoma Statutes~~ this title to include identification of:

1. All information technology assets of all state agencies, which are not integral to agency-specific applications or functions, and the transfer of which to the Information Services Division of the Office of State Finance and the Chief Information Officer would result in a cost savings to the taxpayers of this state or improved efficiency of state government operations, including all furniture, equipment, vehicles, supplies, records, current and future

liabilities, fund balances, encumbrances, obligations, and indebtedness associated with the information technology assets; and

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

C. The information technology assets and positions identified in the assessment pursuant to subsection B of this section of appropriated state agencies shall be transferred to the Information Services Division of the Office of State Finance subject to the following provisions:

1. Information technology assets identified in the assessment pursuant to the provisions of paragraph 1 of subsection B of this section of appropriated state agencies shall be transferred effective January 1, 2012. The costs of operation, maintenance, licensing and service of the assets shall remain the responsibility of the state agency from which they are transferred until July 1, 2012, unless otherwise agreed to by the state agency and the Division. Appropriate conveyances and other documents shall be executed to effectuate the transfer of the information technology assets and positions to the Information Services Division of the Office of State Finance; and

2. Information technology positions identified in the assessment pursuant to the provisions of paragraph 2 of subsection B of this section of appropriated state agencies shall be transferred effective February 1, 2012. Each state agency shall enter into an agreement with the Division not later than January 1, 2012, for the remainder of fiscal year 2012, specifying the terms of the transfers, including provisions for the Division to provide information technology services to the agency and for the agency to reimburse the Division for the cost of the services. If an agreement cannot be reached, the Director of the Office of State Finance shall be authorized to negotiate the terms of the agreement, which shall then be entered into by the state agency and the Division.

D. 1. For modifications of the assessment required by subsection D of Section 34.11.1 of ~~Title 62 of the Oklahoma Statutes~~

this title made in fiscal year 2013 and subsequent fiscal years, the Chief Information Officer shall identify:

a. the amount of savings to the taxpayers of this state resulting from the provisions of the Information Technology Consolidation and Coordination Act, and

b. any changes in law required or any changes to the amount of state appropriations or other state funds associated with the transfer of the information technology assets or positions.

2. The Chief Information Officer shall recommend changes to the Director of the Office of State Finance and the Governor for inclusion in the next executive budget to be submitted to the Legislature.

E. For fiscal year 2013 and subsequent fiscal years, the Information Services Division shall provide information technology services to each state agency for shared services ~~at no~~ and shall bill agencies for those services at an estimated cost to ~~the agency. The Legislature shall appropriate sufficient funds to the Office of State Finance for the Division to provide the services. The amount of appropriations shall not exceed the amount appropriated to other state agencies for such services prior to the effective date of this act~~ provide the services. The estimated cost shall include the full cost of the services, including materials, depreciation related to capital costs, labor, and administrative expenses of the Information Services Division of the Office of State Finance in connection with the operation of the data center and Division operations and shall include expenses associated with acquiring, installing, and operating information technology infrastructure, hardware and software for use by state agencies. The Information Services Division shall publish a schedule of costs for each information technology service provided and shall enter into an agreement with each state agency for the services that will be provided prior to providing the services. The total amount charged to a state agency for the information technology services shall not exceed the amount appropriated to that agency for such services. State agencies shall process payments as provided for under the agreement entered into with the Information Services Division in a timely manner and when payments are deemed to be delinquent, the Information Services Division may request the Division of Central Accounting and Reporting of the Office of State Finance to create vouchers and process payments to the Information Services Division against the

funds of the delinquent agency. If the state agency for which information technology services were provided disputes the provision of services in accordance with its agreement with the Information Services Division, no voucher shall be processed against the funds of the delinquent agency until the dispute over services has been resolved, at which point a voucher may be processed in accordance with the terms of the dispute resolution.

F. The Information Services Division of the Office of State Finance shall succeed to any contractual rights, easement rights, lease rights, and responsibilities related to the information technology assets that are transferred as provided for in this section and incurred by an appropriated state agency.

SECTION 5. AMENDATORY 62 O.S. 2011, Section 35.8, is amended to read as follows:

Section 35.8 A. Notwithstanding any other provision of law, the provisions of the Information Technology Consolidation and Coordination Act shall operate to maintain or increase security standards and shall not jeopardize confidentiality or compliance with state or federal laws or regulations. The State Governmental Technology Applications Review Board, with the advice of the Oklahoma Integrated Justice Information Systems Steering Committee, shall consider and approve security protocols which shall be followed by the Information Services Division of the Office of State Finance. The Board, in conjunction with the Committee, shall make recommendations to state officers and employees related to continuity of criminal justice information system security protocols.

B. Notwithstanding the provisions of Section ~~5~~ 35.5 of this ~~act~~ title, the transfer of information technology assets and positions of the Department of Public Safety shall occur prior to the transfer of assets and positions of other public safety agencies.

C. Unless otherwise provided for in law, the transfer of information technology assets and positions of any state agency pursuant to the Information Technology Consolidation and Coordination Act shall not act to transfer to the Information Services Division of the Office of State Finance or to the Chief Information Officer the duties of a state agency to keep, maintain and open to any person all records of the agency in compliance with the Oklahoma Open Records Act. Each state agency shall continue to be responsible for records created by, received by, under the

authority of, or coming into the custody, control or possession of the agency including the duty to organize and categorize the records in a retrievable form and the duty to respond to requests for records, even if the records have been transmitted to or stored by the Information Services Division of the Office of State Finance or the Chief Information Officer.

D. State employees who are members of the Teachers' Retirement System of Oklahoma and are transferred pursuant to the Information Technology Consolidation and Coordination Act may elect to continue their participation in the Teachers' Retirement System of Oklahoma in lieu of participating in the Oklahoma Public Employees Retirement System. Any transferred employee who wishes to make such election shall do so in writing within thirty (30) days of the effective date of this act. If any transferred employee has already started participating in the Oklahoma Public Employees Retirement System, the employee may make an election to return to the Teachers' Retirement System of Oklahoma if the election is made in writing within thirty (30) days of the effective date of this act. In the event a transferred employee who has already begun participating in the Oklahoma Public Employees Retirement System elects to return to the Teachers' Retirement System of Oklahoma, the Oklahoma Public Employees Retirement System shall transfer the service credit and contributions to the Teachers' Retirement System of Oklahoma for any credit that accrued after the initial transfer. The election to continue or return to participation in the Teachers' Retirement System of Oklahoma pursuant to this subsection shall be irrevocable and shall be effective until the employment with the Office of State Finance is terminated.

Passed the House of Representatives the 21st day of May, 2012.

_____
Presiding Officer of the House of Representatives

Passed the Senate the 23rd day of May, 2012.

_____
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this_____

day of _____, **20**____,

at_____ **o'clock** _____**M.**

_____

By: _____

Approved by the Governor of the State of Oklahoma the_____**day of**

_____, **20**____, **at**_____ **o'clock** _____**M.**

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this_____

_____**day of**_____, **20**____,

at_____ **o'clock** _____**M.**

_____

By: _____

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March 5, 2012

Representative David Derby
Room 337

Re: Committee Substitute for House Bill No. 2939

Committee Substitute for House Bill No. 2939 allows OTRS participants who are transferred pursuant to the Information Technology Consolidation Act to become participants in OPERS or to elect to continue participating in OTRS.

Committee Substitute for House Bill No. 2939 is a nonfiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

Thomas E. Cummins

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March 29, 2012

Senator Bill Brown
Chair, Senate Committee for Retirement and Insurance
Room 413A

Re: Brinkley amendment to House Bill No. 2939

Brinkley amendment to House Bill No. 2939 allows OTRS participants who are transferred pursuant to the Information Technology Consolidation Act to become participants in OPERS or to elect to continue participating in OTRS. If such participant has already begun to participate in OPERS may elect to return to OTRS with service earned in OPERS transferred to OTRS.

Brinkley amendment to House Bill No. 2939 is a nonfiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

Thomas E. Cummins

Thomas E. Cummins, MAAA

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May 11, 2012

Representative David Derby
Room 337

Re: Conference Committee Substitute for Engrossed House Bill No. 2939
RBH No. 10455

Conference Committee Substitute for Engrossed House Bill No. 2939 allows OTRS participants who are transferred pursuant to the Information Technology Consolidation Act may elect to continue participating in OTRS. Such former OTRS participants who are now participating in OPERS may elect to return to OTRS.

Conference Committee Substitute for Engrossed House Bill No. 2939is a nonfiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

Thomas E. Cummins

Thomas E. Cummins, MAAA

May 11, 2012

Representative David Derby
Room 337

Re: Conference Committee Substitute for Engrossed House Bill No. 2939
RBH No. 10455

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