

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1304

 By: Derby

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8 COMMITTEE SUBSTITUTE

9 An Act relating to technology; providing for the
10 transfer of all state agency information technology
11 assets to the Information Services Division of the
12 Office of State Finance; describing types of assets;
13 providing for the transfer of certain state agency
14 information technology employees to the Information
15 Services Division of the Office of State Finance;
16 including certain liabilities; stating legislative
17 intent to retain certain pay and benefits; requiring
18 certain conveyances and documents to be executed by a
19 certain date; providing for the transfer of certain
20 monies; providing for the succession of certain
21 rights to the Information Services Division of the
22 Office of State Finance; defining certain terms;
23 prohibiting the expenditure or encumbrance of any
24 funds by state agencies for the procurement of
 certain technologies and services for certain time
 period; allowing exceptions by the Chief Information
 Officer; prohibiting state agencies from initiating
 or implementing certain information technology
 planned projects; allowing exceptions by the Chief
 Information Officer; specifying planned projects;
 defining term; providing for codification; providing
 for noncodification; and declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 34.11.3 of Title 62, unless
4 there is created a duplication in numbering, reads as follows:

5 A. Effective July 1, 2011, all information technology assets of
6 all state agencies shall be transferred to the Information Services
7 Division of the Office of State Finance and the Chief Information
8 Officer, including all furniture, equipment, vehicles, supplies,
9 records, current and future liabilities, fund balances,
10 encumbrances, obligations, and indebtedness associated with the
11 information technology assets.

12 B. All employees of each state agency with job titles and
13 duties that fall within the information technology occupational
14 group on the effective date of this act, including related
15 liabilities for sick leave, annual leave, holidays, unemployment
16 benefits, and workers' compensation benefits accruing prior to July
17 1, 2011, to these personnel shall be transferred to the Information
18 Services Division of the Office of State Finance as of July 1, 2011.
19 It is the intent of the Legislature that, to the extent possible,
20 the Information Services Division of the Office of State Finance
21 ensures that the employees retain pay and benefits, as much as
22 possible, including longevity, dependent insurance benefits,
23 seniority, rights, and other privileges or benefits.

1 C. Appropriate conveyances and other documents shall be
2 executed by January 1, 2012, to effectuate the transfer of the
3 information technology assets owned by each state agency to the
4 Information Services Division of the Office of State Finance.

5 D. Any monies from appropriations, fees, licenses, or other
6 similar types of monies that are for the operations and maintenance
7 of information technology assets that are transferred as provided
8 for in subsection A of this section and accrue in any funds or
9 accounts before July 1, 2011, in the name of or maintained for the
10 benefit of any state agency are transferred to the Information
11 Services Division of the Office of State Finance.

12 E. The Information Services Division of the Office of State
13 Finance shall succeed to any contractual rights, easement rights,
14 lease rights, and responsibilities related to the information
15 technology assets that are transferred as provided for in subsection
16 A of this section and incurred by a state agency.

17 F. For purposes of this section:

18 1. "State agency" means the same as is defined in subsection O
19 of Section 34.11.1 of Title 62 of the Oklahoma Statutes; and

20 2. "Information technology assets" means any equipment or
21 interconnected system or subsystem of equipment that is used in the
22 acquisition, storage, manipulation, management, movement, control,
23 display, switching, interchange, transmission, or reception of data

1 or information. The term shall include computers, ancillary
2 equipment, software, firmware and similar procedures, services,
3 including support services and consulting services, software
4 development, and related resources.

5 SECTION 2. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 A. Beginning on the effective date of this act and until July
8 1, 2011, no state agency shall expend or encumber any funds for the
9 purchase, lease, lease-purchase, lease with option to purchase,
10 rental or to otherwise procure any information technology assets,
11 without the prior written approval of the Chief Information Officer.

12 B. Beginning on the effective date of this act and until July
13 1, 2011, no state agency shall initiate or implement an information
14 technology planned project without the prior written approval of the
15 Chief Information Officer. A planned project shall include any
16 major project or objective included in the operations plan submitted
17 by the agency to the Information Services Division of the Office of
18 State Finance as required pursuant to Section 34.16 of Title 62 of
19 the Oklahoma Statutes.

20 C. "Information technology assets" means any equipment or
21 interconnected system or subsystem of equipment that is used in the
22 acquisition, storage, manipulation, management, movement, control,
23 display, switching, interchange, transmission, or reception of data

1 or information. The term shall include computers, ancillary
2 equipment, software, firmware and similar procedures, services,
3 including support services and consulting services, software
4 development, and related resources.

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

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10 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION, dated
11 02-28-2011 - DO PASS, As Amended.

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