

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2940

By: Derby

4
5 AS INTRODUCED

6 An Act relating to technology; amending 62 O.S. 2011,
7 Section 34.11.1, which relates to the Chief
8 Information Officer; modifying definition of state
9 agency; amending 62 O.S. 2011, Section 34.16, which
10 relates to the submission of the annual one-year
11 telecommunications and electronic information
12 technology plan; amending 62 O.S. 2011, Section
13 34.21, which relates to authorization for obtaining
14 communications or telecommunications systems;
15 deleting exception for the telecommunications network
16 known as OneNet; amending 62 O.S. 2011, Section 35.3,
17 which relates to the Information Technology
18 Consolidation and Coordination Act; changing
19 definition; requiring the Oklahoma State Regents for
20 Higher Education and OneNet to provide a list of
21 certain information technology assets; specifying
22 certain duty of the Chief Information Officer and
23 Director of the Office of State Finance; requiring
24 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
of the Office of State Finance; providing for
codification; providing an effective date; and
declaring an emergency.

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

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

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

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

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

22 2. A minimum of ten (10) years of professional experience with
23 responsibilities for management and support of information systems
24

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

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

5 4. Experience with data and voice convergence service
6 offerings;

7 5. Experience in developing technology budgets;

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

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

12 8. Knowledge of telecommunications operations;

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

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

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

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

22 13. Ability to negotiate and defuse conflict; and

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

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

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

21 2. Within twelve (12) months of appointment, the first Chief
22 Information Officer shall issue a report setting out a plan of
23 action which will include the following:
24

- 1 a. define the shared service model organization structure
2 and the reporting relationship of the recommended
3 organization,
- 4 b. the implementation of an information technology and
5 telecommunications shared services model that defines
6 the statewide infrastructure environment needed by
7 most state agencies that is not specific to individual
8 agencies and the shared applications that are utilized
9 across multiple agencies,
- 10 c. define the services that shall be in the shared
11 services model under the control of the Information
12 Services Division of the Office of State Finance,
- 13 d. define the roadmap to implement the proposed shared
14 services model. The roadmap shall include
15 recommendations on the transfer, coordination, and
16 modernization of all information technology and
17 telecommunication systems of all the state agencies in
18 the state,
- 19 e. recommendations on the reallocation of information
20 technology and telecommunication resources and
21 personnel,
- 22 f. recommendations on maximizing the benefits to the
23 state by the alignment and operation of the
24

1 communications and data transfer network assets known
2 as OneNet,

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

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

14 i. the information required in subsection B of Section ~~5~~
15 35.5 of this ~~act~~ title.

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

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

23 E. Beginning on the effective date of appointment, the Chief
24 Information Officer shall be authorized to employ personnel, fix the

1 duties and compensation of the personnel, not otherwise prescribed
2 by law, and otherwise direct the work of the personnel in performing
3 the function and accomplishing the purposes of the Information
4 Services Division of the Office of State Finance.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 13. Create and implement a communication plan that disseminates
21 pertinent information to state agencies on standards, policies,
22 procedures, service levels, project status, and other important
23 information to customers of the Information Services Division of the
24

1 Office of State Finance and provide for agency feedback and
2 performance evaluation by customers of the Division;

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

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

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

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

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

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

23

24

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

4 G. Upon receiving approval of the State Governmental Technology
5 Applications Review Board, the Chief Information Officer shall
6 implement the plan of action as set forth in subsection D of this
7 section; provided, the plan of action for the Department of Human
8 Services shall not be implemented until July 1, 2011. The State
9 Governmental Technology Applications Review Board shall provide
10 ongoing oversight of the implementation of the plan of action. Any
11 proposed amendments to the plan of action shall be approved by the
12 Board prior to adoption. The net savings realized through the
13 reallocation and consolidation of information technology and
14 telecommunication resources and personnel after compensating for the
15 up-front costs and ongoing costs of the Information Services
16 Division of the Office of State Finance which are identified and
17 reported in the plan of action shall be realized no later than July
18 1, 2012, and shall at a minimum be not less than fifteen percent
19 (15%) of the overall statewide information technology and
20 telecommunications expenditures made by all state agencies during
21 the fiscal year ending June 30, 2009.

22 H. Beginning on the effective date of appointment, the Chief
23 Information Officer shall act as the Information Technology and
24 Telecommunications Purchasing Director for all state agencies and

1 shall be responsible for the procurement of all information
2 technology and telecommunication software, hardware, equipment,
3 peripheral devices, maintenance, consulting services, high
4 technology systems, and other related information technology, data
5 processing, telecommunication and related peripherals and services
6 for all state agencies. The Chief Information Officer shall
7 establish, implement, and enforce policies and procedures for the
8 procurement of information technology and telecommunication
9 software, hardware, equipment, peripheral devices, maintenance,
10 consulting services, high technology systems, and other related
11 information technology, data processing, telecommunication and
12 related peripherals and services by purchase, lease-purchase, lease
13 with option to purchase, lease and rental for all state agencies.
14 The procurement policies and procedures established by the Chief
15 Information Officer shall be consistent with The Oklahoma Central
16 Purchasing Act.

17 I. The Information Services Division of the Office of State
18 Finance and the Chief Information Officer shall be subject to The
19 Oklahoma Central Purchasing Act for the approval and purchase of
20 equipment and products not related to information and
21 telecommunications technology, equipment, software, products and
22 related peripherals and services and shall also be subject to the
23 requirements of the Public Competitive Bidding Act of 1974, the
24 Oklahoma Lighting Energy Conservation Act and the Public Building

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

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

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

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

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

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

23 O. For purposes of the Oklahoma Information Services Act,
24 unless otherwise provided for, "state agencies" shall include any

1 office, officer, bureau, board, commission, counsel, unit, division,
2 body, authority or institution of the executive branch of state
3 government, whether elected or appointed; provided, except with
4 respect to the provisions of subsection D of this section, the term
5 "state agencies" shall not include institutions within The Oklahoma
6 State System of Higher Education, ~~the Oklahoma State Regents for~~
7 ~~Higher Education and the telecommunications network known as OneNet.~~

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

10 Section 34.16 A. No later than July 1 of each year, all
11 agencies of the executive branch of this state presently using or
12 contemplating the use of telecommunications and electronic
13 information technology applications, including, but not limited to,
14 the use of mainframe computers, minicomputers or microcomputers,
15 word processing equipment, office automation systems, Internet,
16 eGovernment, broadband, Wi-Fi or wireless networking, radio,
17 including the interoperable radio communications system for state
18 agencies, Global Positioning Systems (GPS), or contracts for
19 information technology services and equipment, shall annually submit
20 to the Information Services Division of the Office of State Finance
21 a one-year operations plan, which shall include as a minimum:

- 22 1. An overview of major projects and objectives;
- 23 2. Cost per defined category of hardware, software, services
24 and personnel;

1 3. An assurance of compliance with state standards on
2 accessibility of information technology for individuals with
3 disabilities developed in accordance with Section ~~41.5t~~ 34.28 of
4 this title; and

5 4. Such other information as the Information Services Division
6 may require for analysis and consolidation into a statewide
7 telecommunications and electronic information technology plan.

8 B. No agency of the executive branch of this state shall enter
9 into any agreement for the acquisition, development, or enhancement
10 of application systems software or for the acquisition of electronic
11 information technology equipment or peripheral devices, including
12 Internet and eGovernment, broadband, Wi-Fi or wireless networking,
13 radio, including the interoperable radio communications system for
14 state agencies, Global Positioning Systems (GPS), whether or not
15 connected to such equipment, unless the cost of such acquisition,
16 development, or enhancement has been included in the plan for the
17 agency. The Information Services Division upon review of an
18 information technology and telecommunication plan for the agency,
19 shall submit in either printed or electronic form to the Governor,
20 the Speaker of the House of Representatives, and the President Pro
21 Tempore of the Senate its findings and recommendations on all
22 proposed new and expanded programs and expenditures for personnel
23 and the purchase or acquisition of equipment, hardware, software,
24 accessories, or services thereto, including but not limited to

1 leases, rentals or lease-purchase, indicating that the associated
2 cost meet or comply with Section ~~41.5a~~ 34.12 of this title.

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

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

14 Section 34.21 A. No agency of the executive branch of the
15 state shall use state funds for or enter into any agreement for the
16 acquisition, development or enhancement of a communication or
17 telecommunication system including voice, data, radio, video,
18 Internet, eGovernment, as referenced in Sections ~~41.5p~~ 34.24 and
19 ~~41.5q~~ 34.25 of this title, printers, scanners, copiers, facsimile
20 systems and associated supplies exceeding Ten Thousand Dollars
21 (\$10,000.00) in value, which shall include the acquisition amount,
22 service costs, maintenance costs, or any other costs or fees
23 associated with the acquisition of the system or equipment, without
24 written authorization of the Chief Information Officer or a

1 designee. The Chief Information Officer or a designee shall verify
2 that any acquisition, development or enhancement is compatible with
3 the operation of the Oklahoma Government Telecommunications Network.

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

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

21 ~~D. The provisions of subsections A, B and C of this section~~
22 ~~shall not apply to the telecommunications network known as OneNet~~
23 ~~whether said network is governed or operated by the Oklahoma State~~

24

1 ~~Regents for Higher Education or any other state entity assigned~~
2 ~~responsibility for OneNet.~~

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

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

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

22 Section 35.3 As used in the Information Technology
23 Consolidation and Coordination Act:

24

1 1. "Appropriated state agency" means any state agency that
2 receives funding through the annual legislative appropriations
3 process;

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

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

- 16 a. applications programming,
- 17 b. EDP audit,
- 18 c. data examination,
- 19 d. computer applications,
- 20 e. computer data entry,
- 21 f. computer networking,
- 22 g. computer operations,
- 23 h. computer programming,
- 24 i. computer security,

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

- 1 hh. operating systems specialist,
- 2 ii. systems program manager,
- 3 jj. telecommunications, whether data or voice,
- 4 kk. software training, and
- 5 ll. technology development or support;

6 4. "Nonappropriated state agency" means any state agency that
7 does not receive funding through the annual legislative
8 appropriations process;

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

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

- 16 a. the services and systems specified in subsection A of
17 Section ~~6~~ 35.6 of this ~~act~~ title, and
- 18 b. the programs, services, software or processes
19 specified in subsection B of Section ~~6~~ 35.6 of this
20 ~~act~~ title; and

21 7. "State agency" means any office, elected or appointed
22 officer, bureau, board, commission, counsel, unit, division, body,
23 authority or institution of the executive branch of state
24 government, excluding institutions within The Oklahoma State System

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

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

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

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

20 B. Not later than December 1, 2012, and not later than December
21 1 of each year thereafter, the Chief Information Officer shall
22 modify the assessment required by subsection D of Section 34.11.1 of
23 Title 62 of the Oklahoma Statutes to include identification of:
24

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

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

17 C. The information technology assets and positions of the State
18 Regents and OneNet identified in the assessment pursuant to
19 subsection B of this section shall be transferred to the Information
20 Services Division of the Office of State Finance subject to the
21 following provisions:

22 1. Information technology assets of the State Regents and
23 OneNet identified in the assessment pursuant to the provisions of
24 paragraph 1 of subsection B of this section shall be transferred

1 effective January 1, 2013. The costs of operation, maintenance,
2 licensing and service of the assets shall remain the responsibility
3 of the State Regents and OneNet until July 1, 2013, unless otherwise
4 agreed to by the State Regents and OneNet and the Division.

5 Appropriate conveyances and other documents shall be executed to
6 effectuate the transfer of the information technology assets and
7 positions to the Information Services Division of the Office of
8 State Finance; and

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

22 D. The Information Services Division of the Office of State
23 Finance shall succeed to any contractual rights, easement rights,
24 lease rights, and responsibilities related to the information

1 technology assets that are transferred as provided for in this
2 section and incurred by the State Regents and OneNet.

3 SECTION 6. This act shall become effective July 1, 2012.

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

8

9 53-2-7938 KB 01/18/12

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24