

05/16/2011 11:45:36 AM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1304

By: Derby of the House and Jolley of the Senate

Title: Technology; providing for transfer of all state agency information technology assets to the Information Services Division of the Office of State Finance; codification; noncodification; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1 and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Banz

Gary W. Banz

Brumbaugh

David Brumbaugh

Cockroft

Dorman

Faught

George Faught

Hamilton

Hilliard

Moore

J. H. Moore

Murphey

Joan W. Murphey

Quinn

Marty Quinn

Stiles

Alan Stiles

Walker

Ernest D. Walker

Watson

John Watson

HB1304 CCR A

SENATE CONFEREES

Ballenger

Branan

Brinkley

Burrage

Crain

Ford

Halligan

Ivester

Jolley

Justice

Marlatt

Mazzei

Myers

Newberry

Nichols

Paddack

Rice

Stanislawski

Sykes

Wilson

Wyrick

[Handwritten signatures and initials over horizontal lines]

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1304

By: Derby of the House

and

Jolley and Brinkley of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to technology; creating the Information Technology Consolidation and Coordination Act; providing short title; stating legislative intent; defining terms; prohibiting state agency expenditure or encumbrance of funds for certain purpose without certain approval; prohibiting the initiation or implementation of information technology planned projects without certain approval; requiring state agencies to provide a list of 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 of certain state agencies 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; requiring Chief Information Officer to identify savings and changes in law or appropriations and recommend such changes to Director of the Office of State Finance and Governor; providing for provision of information technology services to state agencies; providing for succession of certain rights and responsibilities to the Information Services

1 Division of the Office of State Finance; requiring
2 appropriated and nonappropriated state agencies to
3 use certain information technology services, systems,
4 programs, software and processes; prohibiting the use
5 of duplicative programs, services, software or
6 processes; providing for enforcement authority;
7 allowing state agencies to apply for an exemption or
8 deadline extension from the Information Technology
9 Consolidation and Coordination Act; specifying
10 grounds for an exemption or extension; requiring
11 written documentation; providing procedures for
12 making final determination; requiring the maintenance
13 of or increase in security standards and compliance
14 with certain laws; providing for approval of and
15 compliance with certain security protocols; providing
16 for continuity of certain security protocols;
17 providing for order of transfer of assets and
18 positions of public safety agencies; requiring Chief
19 Information Officer to submit certain quarterly
20 progress reports; specifying contents of the reports;
21 amending Section 2, Chapter 451, O.S.L. 2009, as
22 renumbered by Section 24, Chapter 451, O.S.L. 2009
23 and 62 O.S. 2001, Section 41.5a, as renumbered by
24 Section 64, Chapter 441, O.S.L. 2009 and as last
amended by Section 34, Chapter 2, O.S.L. 2010 (62
O.S. Supp. 2010, Sections 34.11.1 and 34.12), which
relate to the Chief Information Officer and the
Information Services Division; modifying information
required in certain report; clarifying language;
making certain contracts unenforceable and
prohibiting processing of associated claims; amending
62 O.S. 2001, Section 41.5s, as renumbered by Section
64, Chapter 441, O.S.L. 2009 and as last amended by
Section 16, Chapter 451, O.S.L. 2009 (62 O.S. Supp.
2010, Section 34.27), which relates to the State
Governmental Technology Applications Review Board;
modifying membership; updating statutory citations;
amending Section 1, Chapter 507, O.S.L. 2004, as
amended by Section 13, Chapter 178, O.S.L. 2009 (57
O.S. Supp. 2010, Section 508.2c), which relates to
the Oklahoma Integrated Justice Information Systems
Steering Committee; modifying membership and duties;
providing for codification; 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 35.1 of Title 62, unless there
4 is created a duplication in numbering, reads as follows:

5 Sections 2 through 9 of this act shall be known and may be cited
6 as the "Information Technology Consolidation and Coordination Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 35.2 of Title 62, unless there
9 is created a duplication in numbering, reads as follows:

10 It is the intent of the Legislature, through enactment of the
11 Information Technology Consolidation and Coordination Act, to:

12 1. Reform and consolidate the information technology structure,
13 operations and purchasing procedures of the state to ensure that
14 state government promotes and encourages private sector growth in a
15 competitive global economy;

16 2. Move state government forward with respect to electronic
17 purchasing, billing and payment services, and other transactions, to
18 ensure that the state delivers essential public services to its
19 citizens in the most efficient manner at the lowest possible cost to
20 taxpayers;

21 3. Streamline and consolidate systems for financial and
22 administrative services, with particular emphasis on combining the
23 seventy-six financial systems, twenty-two unique employee time and
24 record-keeping systems, seventeen types of document imaging systems,

1 thirty data center locations and one hundred twenty-nine electronic
2 mail and smart phone services used by the state; and

3 4. Coordinate and require central approval of state agency
4 information technology purchases and projects to enable the Chief
5 Information Officer to assess the needs and capabilities of state
6 agencies.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 35.3 of Title 62, unless there
9 is created a duplication in numbering, reads as follows:

10 As used in the Information Technology Consolidation and
11 Coordination Act:

12 1. "Appropriated state agency" means any state agency that
13 receives funding through the annual legislative appropriations
14 process;

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

- 1 3. "Information technology position" means a classified or
2 unclassified position in the following functional areas:
- 3 a. applications programming,
 - 4 b. EDP audit,
 - 5 c. data examination,
 - 6 d. computer applications,
 - 7 e. computer data entry,
 - 8 f. computer networking,
 - 9 g. computer operations,
 - 10 h. computer programming,
 - 11 i. computer security,
 - 12 j. computer software design,
 - 13 k. web applications,
 - 14 l. database analysis,
 - 15 m. data management analysis,
 - 16 n. database development,
 - 17 o. database programming,
 - 18 p. software design/development,
 - 19 q. help desk,
 - 20 r. imaging,
 - 21 s. systems analysis,
 - 22 t. systems application planning,
 - 23 u. systems application,
 - 24 v. systems administration,

1 w. systems coordination,
2 x. systems integration,
3 y. systems operation,
4 z. systems planning/development,
5 aa. systems programming,
6 bb. systems engineering,
7 cc. systems service specialist,
8 dd. systems support,
9 ee. network administration,
10 ff. network management,
11 gg. network technical,
12 hh. operating systems specialist,
13 ii. systems program manager,
14 jj. telecommunications, whether data or voice,
15 kk. software training, and
16 ll. technology development or support;

17 4. "Nonappropriated state agency" means any state agency that
18 does not receive funding through the annual legislative
19 appropriations process;

20 5. "Planned project" includes any major project or objective
21 included in the operations plan submitted by the agency to the
22 Information Services Division of the Office of State Finance as
23 required pursuant to Section 34.16 of Title 62 of the Oklahoma
24 Statutes;

1 6. "Shared services" means those state agency functions which
2 are or could be provided through;

3 a. the services and systems specified in subsection A of
4 Section 6 of this act, and

5 b. the programs, services, software or processes
6 specified in subsection B of Section 6 of this act;
7 and

8 7. "State agency" means any office, elected or appointed
9 officer, bureau, board, commission, counsel, unit, division, body,
10 authority or institution of the executive branch of state
11 government, excluding institutions within The Oklahoma State System
12 of Higher Education, the Oklahoma State Regents for Higher Education
13 and the telecommunications network known as OneNet.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 35.4 of Title 62, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Beginning on the effective date of this act, no state agency
18 shall expend or encumber any funds for the purchase, lease, lease-
19 purchase, lease with option to purchase, rental or other procurement
20 of any information technology assets without the prior written
21 approval of the Chief Information Officer.

22 B. Beginning on the effective date of this act, no state agency
23 shall initiate or implement an information technology planned
24

1 project without the prior written approval of the Chief Information
2 Officer.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 35.5 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, all state agencies shall provide to the Chief
8 Information Officer a list of information technology assets of the
9 agency which are integral to agency-specific applications or
10 functions and a list of information technology positions which are
11 directly associated with the assets. The agency shall further
12 provide the reference to federal or state statutory or
13 constitutional provisions which require it to perform the
14 applications or functions.

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

19 B. Not later than December 1, 2011, and not later than December
20 1 of each year thereafter, the Chief Information Officer shall
21 modify the assessment required by subsection D of Section 34.11.1 of
22 Title 62 of the Oklahoma Statutes to include identification of:

23 1. All information technology assets of all state agencies,
24 which are not integral to agency-specific applications or functions,

1 and the transfer of which to the Information Services Division of
2 the Office of State Finance and the Chief Information Officer would
3 result in a cost savings to the taxpayers of this state or improved
4 efficiency of state government operations, including all furniture,
5 equipment, vehicles, supplies, records, current and future
6 liabilities, fund balances, encumbrances, obligations, and
7 indebtedness associated with the information technology assets; and

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

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

19 1. Information technology assets identified in the assessment
20 pursuant to the provisions of paragraph 1 of subsection B of this
21 section of appropriated state agencies shall be transferred
22 effective January 1, 2012. The costs of operation, maintenance,
23 licensing and service of the assets shall remain the responsibility
24 of the state agency from which they are transferred until July 1,

1 2012, unless otherwise agreed to by the state agency and the
2 Division. Appropriate conveyances and other documents shall be
3 executed to effectuate the transfer of the information technology
4 assets and positions to the Information Services Division of the
5 Office of State Finance; and

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

19 D. 1. For modifications of the assessment required by
20 subsection D of Section 34.11.1 of Title 62 of the Oklahoma Statutes
21 made in fiscal year 2013 and subsequent fiscal years, the Chief
22 Information Officer shall identify:
23
24

- 1 a. the amount of savings to the taxpayers of this state
2 resulting from the provisions of the Information
3 Technology Consolidation and Coordination Act, and
4 b. any changes in law required or any changes to the
5 amount of state appropriations or other state funds
6 associated with the transfer of the information
7 technology assets or positions.

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

12 E. For fiscal year 2013 and subsequent fiscal years, the
13 Information Services Division shall provide information technology
14 services to each state agency for shared services at no cost to the
15 agency. The Legislature shall appropriate sufficient funds to the
16 Office of State Finance for the Division to provide the services.
17 The amount of appropriations shall not exceed the amount
18 appropriated to other state agencies for such services prior to the
19 effective date of this act.

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 35.6 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. On July 1, 2011, all appropriated and nonappropriated state agencies shall be required to use the following information technology services and systems operated and maintained by the Office of State Finance for all agency functions:

1. Data Service Center of the Divisions;
2. Networking services;
3. Communication or intercommunication systems;
4. Electronic mail systems; and
5. Data and network security systems.

B. On July 1, 2011, all appropriated and nonappropriated state agencies shall be required to exclusively use the following programs, services, software and processes provided through the Integrated Central Financial System known as CORE and as implemented by the Office of State Finance and shall not utilize any programs, services, software or processes that are duplicative of the following:

1. Payroll;
2. Employee leave system;
3. Human resources;
4. Accounts receivable;
5. Accounts payable;

6. Purchasing system;
7. Budgeting system;
8. Enterprise Learning Management (ELM);
9. Budget request system;
10. Asset management; and
11. Projects, grants and contracts, which includes federal billing.

C. The Chief Information Officer shall have the authority to enforce the provisions of this section.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 35.7 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. A state agency may apply to the Chief Information Officer for an exemption from any provisions of the Information Technology Consolidation and Coordination Act or for an extension of any deadline specified in the Act, if it determines that compliance with the provisions of the Act would:

1. Cause it to be in violation of federal law or regulations or in violation of any provision of the Oklahoma Constitution or statutes;

2. Result in a loss of federal funds to the state; or

3. Create an impediment to the performance of a unique agency function that is not duplicated by another state agency and is required by the Oklahoma Statutes or Constitution or by federal law.

1 B. Any state agency applying for an exemption or extension
2 pursuant to this section shall provide written documentation of the
3 circumstances to the Chief Information Officer. After reviewing the
4 documentation, the Chief Information Officer shall grant or deny the
5 application. If the state agency disputes the decision of the Chief
6 Information Officer, the Director of the Office of State Finance
7 shall make the final determination as to whether the exemption or
8 extension will be granted.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 35.8 of Title 62, unless there
11 is created a duplication in numbering, reads as follows:

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

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

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 35.9 of Title 62, unless there
7 is created a duplication in numbering, reads as follows:

8 In addition to any other reporting requirements required by law,
9 the Chief Information Officer shall submit quarterly progress
10 reports to the Director of the Office of State Finance, the Speaker
11 of the House of Representatives and the President Pro Tempore of the
12 Senate. The reports shall be submitted not later than January 31,
13 April 30, July 31 and October 31 of each year and shall include, but
14 not be limited to, the following information:

15 1. The status of the development of the plan of action required
16 in paragraph 2 of subsection D of Section 34.11.1 of Title 62 of the
17 Oklahoma Statutes;

18 2. After the plan of action is presented to the Governor, the
19 Speaker of the House of Representatives and the President Pro
20 Tempore of the Senate as required in paragraph 3 of subsection D of
21 Section 34.11.1 of Title 62 of the Oklahoma Statutes, the status of
22 implementation of the plan of action;

23 3. A list of information technology assets and positions
24 transferred to the Information Services Division of the Office of

1 State Finance pursuant to the provisions of subsection C of Section
2 5 of this act;

3 4. The amount of net savings realized through the reallocation
4 and consolidation of resources and personnel and a comparison to the
5 standard of not less than fifteen percent (15%) of the overall
6 statewide information technology and telecommunications expenditures
7 made by all state agencies during the fiscal year ending June 30,
8 2009, as set forth in subsection G of Section 34.11.1 of Title 62 of
9 the Oklahoma Statutes;

10 5. A list of all state agencies which are not using the shared
11 services as required in Section 6 of this act;

12 6. A list of all exemptions or extensions granted pursuant to
13 the provisions of Section 7 of this act; and

14 7. Any other information as deemed appropriate by the Chief
15 Information Officer.

16 SECTION 10. AMENDATORY Section 2, Chapter 451, O.S.L.
17 2009, as renumbered by Section 24, Chapter 451, O.S.L. 2009 (62 O.S.
18 Supp. 2010, Section 34.11.1), is amended to read as follows:

19 Section 34.11.1 A. There is hereby created the position of
20 Chief Information Officer who shall be appointed by the Governor.
21 The Chief Information Officer, in addition to having authority over
22 the Information Services Division of the Office of State Finance,
23 shall also serve as Secretary of Information Technology and
24 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 ~~request~~ requests for ~~proposals~~ proposal and administering the bid process;

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

3 8. Knowledge of telecommunications operations;

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

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

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

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

13 13. Ability to negotiate and defuse conflict; and

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

16 C. The salary and any other expenses for the Chief Information
17 Officer shall be budgeted as a separate line item through the Office
18 of State Finance. The operating expenses of the Information
19 Services Division shall be set by the Chief Information Officer and
20 shall be budgeted as a separate line item through the Office of
21 State Finance. The Office of State Finance shall provide adequate
22 office space, equipment and support necessary to enable the Chief
23 Information Officer to carry out the information technology and
24

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

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

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

- 16 a. define the shared service model organization structure
17 and the reporting relationship of the recommended
18 organization,
- 19 b. the implementation of an information technology and
20 telecommunications shared services model that defines
21 the statewide infrastructure environment needed by
22 most state agencies that is not specific to individual
23 agencies and the shared applications that are utilized
24 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, ~~and~~
- 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 5 of this act.

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;

- 1 2. Define, design, and implement a shared services statewide
2 infrastructure and application environment for information
3 technology and telecommunications for all state agencies;
- 4 3. Direct the development and operation of a scalable
5 telecommunications infrastructure that supports data and voice
6 communications reliability, integrity, and security;
- 7 4. Supervise the applications development process for those
8 applications that are utilized across multiple agencies;
- 9 5. Provide direction for the professional development of
10 information technology staff of state agencies and oversee the
11 professional development of the staff of the Information Services
12 Division of the Office of State Finance;
- 13 6. Evaluate all technology and telecommunication investment
14 choices for all state agencies;
- 15 7. Create a plan to ensure alignment of current systems, tools,
16 and processes with the strategic information technology plan for all
17 state agencies;
- 18 8. Set direction and provide oversight for the support and
19 continuous upgrading of the current information technology and
20 telecommunication infrastructure in the state in support of enhanced
21 reliability, user service levels, and security;
- 22 9. Direct the development, implementation, and management of
23 appropriate standards, policies and procedures to ensure the success
24 of state information technology and telecommunication initiatives;

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

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

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

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

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

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

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

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

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

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

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

16 G. Upon receiving approval of the State Governmental Technology
17 Applications Review Board, the Chief Information Officer shall
18 implement the plan of action as set forth in subsection D of this
19 section; provided, the plan of action for the Department of Human
20 Services shall not be implemented until July 1, 2011. The State
21 Governmental Technology Applications Review Board shall provide
22 ongoing oversight of the implementation of the plan of action. Any
23 proposed amendments to the plan of action shall be approved by the
24 Board prior to adoption. The net savings realized through the

1 reallocation and consolidation of information technology and
2 telecommunication resources and personnel after compensating for the
3 up-front costs and ongoing costs of the Information Services
4 Division of the Office of State Finance which are identified and
5 reported in the plan of action shall be realized no later than ~~two~~
6 ~~(2) years from the appointment date of the Chief Information Officer~~
7 July 1, 2012, and shall at a minimum be not less than fifteen
8 percent (15%) of the overall statewide information technology and
9 telecommunications expenditures made by all state agencies during
10 the fiscal year ending June 30, 2009.

11 H. Beginning on the effective date of appointment, the Chief
12 Information Officer shall act as the Information Technology and
13 Telecommunications Purchasing Director for all state agencies and
14 shall be responsible for the procurement of all information
15 technology and telecommunication software, hardware, equipment,
16 peripheral devices, maintenance, consulting services, high
17 technology systems, and other related information technology, data
18 processing, telecommunication and related peripherals and services
19 for all state agencies. The Chief Information Officer shall
20 establish, implement, and enforce policies and procedures for the
21 procurement of information technology and telecommunication
22 software, hardware, equipment, peripheral devices, maintenance,
23 consulting services, high technology systems, and other related
24 information technology, data processing, telecommunication and

1 related peripherals and services by purchase, lease-purchase, lease
2 with option to purchase, lease and rental for all state agencies.
3 The procurement policies and procedures established by the Chief
4 Information Officer shall be consistent with The Oklahoma Central
5 Purchasing Act.

6 I. The Information Services Division of the Office of State
7 Finance and the Chief Information Officer shall be subject to The
8 Oklahoma Central Purchasing Act for the approval and purchase of
9 equipment and products not related to information and
10 telecommunications technology, equipment, software, products and
11 related peripherals and services and shall also be subject to the
12 requirements of the Public Competitive Bidding Act of 1974, the
13 Oklahoma Lighting Energy Conservation Act and the Public Building
14 Construction and Planning Act when procuring data processing,
15 information technology, telecommunication, and related peripherals
16 and services and when constructing information technology and
17 telecommunication facilities, telecommunication networks and
18 supporting infrastructure. The Chief Information Officer shall be
19 authorized to delegate all or some of the procurement of information
20 technology and telecommunication products and services and
21 construction of facilities and telecommunication networks to another
22 state entity if the Chief Information Officer determines it to be
23 cost-effective and in the best interest of the state. The Chief
24 Information Officer shall have authority to designate information

1 technology and telecommunication contracts as statewide contracts
2 and mandatory statewide contracts pursuant to Section 85.5 of Title
3 74 of the Oklahoma Statutes. Any contract entered into by a state
4 agency for which the Chief Information Officer has not acted as the
5 Information Technology and Telecommunications Purchasing Director as
6 required in this subsection or subsection H of this section, shall
7 be deemed to be unenforceable and the Office of State Finance shall
8 not process any claim associated with the provisions thereof.

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

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

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

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

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

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

22 SECTION 11. AMENDATORY 62 O.S. 2001, Section 41.5a, as
23 renumbered by Section 64, Chapter 441, O.S.L. 2009, and as last
24

1 amended by Section 34, Chapter 2, O.S.L. 2010 (62 O.S. Supp. 2010,
2 Section 34.12), is amended to read as follows:

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

5 1. Coordinate information technology planning through analysis
6 of the long-term information technology plans for each agency;

7 2. Develop a statewide information technology plan with annual
8 modifications to include, but not be limited to, individual agency
9 plans and information systems plans for the statewide electronic
10 information technology function;

11 3. Establish and enforce minimum mandatory standards for:

- 12 a. information systems planning,
 - 13 b. systems development methodology,
 - 14 c. documentation,
 - 15 d. hardware requirements and compatibility,
 - 16 e. operating systems compatibility,
 - 17 f. acquisition of software, hardware and technology-
18 related services,
 - 19 g. information security and internal controls,
 - 20 h. data base compatibility,
 - 21 i. contingency planning and disaster recovery, and
 - 22 j. imaging systems, copiers, facsimile systems, printers,
23 scanning systems and any associated supplies.
- 24

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

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

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

15 6. Maintain a directory of the following which have a value of
16 Five Hundred Dollars (\$500.00) or more: application systems, systems
17 software, hardware, internal and external information technology,
18 communication or telecommunication equipment owned, leased, or
19 rented for use in communication services for state government,
20 including communication services provided as part of any other total
21 system to be used by the state or any of its agencies, and studies
22 and training courses in use by all agencies of the state; and
23 facilitate the utilization of the resources by any agency having
24

1 requirements which are found to be available within any agency of
2 the state;

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

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

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

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

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

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

3 13. In conjunction with the Oklahoma Office of Homeland
4 Security, enforce the minimum information security and internal
5 control standards established by the Information Services Division.
6 An enforcement team consisting of the Chief Information Officer of
7 the Information Services Division or a designee, a representative of
8 the Oklahoma Office of Homeland Security, and a representative of
9 the Oklahoma State Bureau of Investigation shall enforce the minimum
10 information security and internal control standards. If the
11 enforcement team determines that an agency is not in compliance with
12 the minimum information security and internal control standards, the
13 Chief Information Officer shall take immediate action to mitigate
14 the noncompliance, including the removal of the agency from the
15 infrastructure of the state until the agency becomes compliant,
16 taking control of the information technology function of the agency
17 until the agency is compliant, and transferring the administration
18 and management of the information technology function of the agency
19 to the Information Services Division or another state agency.

20 B. No agency of the executive branch of the state shall use
21 state funds for or enter into any agreement for the acquisition of
22 any category of computer hardware, software or any contract for
23 information technology services and equipment exceeding Ten Thousand
24 Dollars (\$10,000.00) in value, which shall include the acquisition

1 amount, service costs, maintenance costs, or any other costs or fees
2 associated with the acquisition of the services or equipment,
3 without written authorization of the Chief Information Officer. If
4 written authorization is not obtained prior to incurring an
5 expenditure or entering into any agreement as required in this
6 subsection or as required in Section 4 of this act, the Office of
7 State Finance shall not process any claim associated with the
8 expenditure and the provisions of any agreement shall not be
9 enforceable. The provisions of this subsection shall not be
10 applicable to any member of The Oklahoma State System of Higher
11 Education, any public elementary or secondary schools of the state,
12 any technology center school district as defined in Section 14-108
13 of Title 70 of the Oklahoma Statutes, or CompSource Oklahoma if
14 CompSource Oklahoma is operating pursuant to a pilot program
15 authorized by Sections 3316 and 3317 of Title 74 of the Oklahoma
16 Statutes.

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

1 information or any information affecting personal security, personal
2 identity, or physical security of state assets.

3 SECTION 12. AMENDATORY 62 O.S. 2001, Section 41.5s, as
4 renumbered by Section 64, Chapter 441, O.S.L. 2009, and as last
5 amended by Section 16, Chapter 451, O.S.L. 2009 (62 O.S. Supp. 2010,
6 Section 34.27), is amended to read as follows:

7 Section 34.27 A. There is hereby established the State
8 Governmental Technology Applications Review Board. The Board shall
9 review and make recommendations to the Information Services Division
10 of the Office of State Finance concerning state governmental
11 Internet-based electronic or online transactions or applications
12 being provided by state agencies, boards, commissions, or
13 authorities for use by the public, provide oversight for
14 implementation of the plan of action developed by the Chief
15 Information Officer and advise the Chief Information Officer.

16 B. The State Governmental Technology Applications Review Board
17 shall be composed of the following members:

- 18 1. The Director of the Office of State Finance or a designee;
- 19 2. Four representatives from different state agencies, boards,
20 commissions, or authorities to be appointed by the Governor, at
21 least one of which shall be employed by a law enforcement agency;
- 22 3. Two members who are not state government employees to be
23 appointed by the Speaker of the House of Representatives; and
24

1 4. Two members who are not state government employees to be
2 appointed by the President Pro Tempore of the Senate.

3 C. Members of the Board shall serve for terms of two (2) years.
4 The Board shall select a chair from among its members.

5 D. Members of the Board shall not receive compensation for
6 serving on the Board, but shall be reimbursed for travel expenses
7 incurred in the performance of their duties by their respective
8 agencies or appointing authority in accordance with the State Travel
9 Reimbursement Act.

10 E. The Board shall have the duty and responsibility of:

11 1. Reviewing a schedule of convenience fees, as is defined in
12 Section ~~41.54~~ 34.25 of this title, and all convenience fees and
13 changes in fees charged by state agencies, boards, commissions, or
14 authorities for electronic or online transactions, and making
15 recommendations pertaining to convenience fees to the Information
16 Services Division prior to its adoption by rule of such fees,
17 changes to fees, or fee schedule;

18 2. Monitoring all portal systems and applications for portal
19 systems created by state agencies, boards, commissions, or
20 authorities, reviewing portal systems applications approved or
21 denied by the Information Service Division of the Office of State
22 Finance, and making recommendations to the Legislature and Governor
23 to encourage greater use of the open-systems concept as is defined
24 in Section ~~41.54~~ 34.26 of this title;

1 3. Approving the plan of action developed by the Chief
2 Information Officer as provided for in Section ~~2 of this act~~ 34.11.1
3 of this title, providing ongoing oversight of implementation of the
4 plan of action by the Chief Information Officer and approving any
5 amendments to the plan of action;

6 4. Approving charges to state agencies established by the Chief
7 Information Officer pursuant to Section ~~2 of this act~~ 34.11.1 of
8 this title for their use of shared information technology and
9 telecommunications services;

10 5. Functioning in an advisory capacity to the Chief Information
11 Officer; and

12 6. Developing performance metrics for quantifying the value of
13 goods or services provided by state agencies and for considering if
14 goods and services provided by a state agency could be modernized
15 through the implementation of new technology to provide better
16 quality goods or services that would result in cost savings or best
17 value.

18 SECTION 13. AMENDATORY Section 1, Chapter 507, O.S.L.
19 2004, as amended by Section 13, Chapter 178, O.S.L. 2009 (57 O.S.
20 Supp. 2010, Section 508.2c), is amended to read as follows:

21 Section 508.2c A. There is hereby created the Oklahoma
22 Integrated Justice Information Systems (OIJIS) Steering Committee
23 which shall serve as an advisory board to the Oklahoma Legislature
24 regarding issues pertinent to the strategic planning, development,

1 funding, implementation, and operations of the justice information
2 systems of the state.

3 B. The Committee shall be composed of the following members,
4 except as otherwise provided by this section:

5 1. Two senators appointed by the President Pro Tempore of the
6 Senate;

7 2. Two representatives appointed by the Speaker of the House of
8 Representatives;

9 3. The Commissioner of Public Safety or a designee;

10 4. A judge appointed by the Chief Justice of the Oklahoma
11 Supreme Court or a designee;

12 5. The Executive Coordinator of the District Attorneys Council
13 or a designee;

14 6. The Director of the Oklahoma State Bureau of Investigation
15 or a designee;

16 7. The Director of the Department of Corrections or a designee;

17 8. The Executive Director of the Office of Juvenile Affairs or
18 a designee;

19 9. The Executive Director of the Oklahoma Association of Chiefs
20 of Police or a designee;

21 10. The Executive Director of the Oklahoma Sheriffs'
22 Association or a designee;

23 11. The Director of the Oklahoma State Bureau of Narcotics and
24 Dangerous Drugs Control or a designee; ~~and~~

1 12. The Director of the Oklahoma Indigent Defense System or a
2 designee; and

3 13. The Attorney General or a designee.

4 C. Each committee member shall be required to attend the
5 meetings of the committee. While designees are allowed, the member
6 shall identify the designee in writing to the Chair of the committee
7 prior to any meeting. The committee will meet twice a year and at
8 any other time as the Chair may call a meeting, upon such notice and
9 in such manner as may be fixed by the rules of the committee.
10 Failure to attend two consecutive meetings by a designee shall
11 automatically result in the removal of the designee from the
12 committee and the individual making the designation shall select a
13 new designee.

14 D. The committee shall be chaired by one of the appointed
15 members from the Senate, selected by the President Pro Tempore of
16 the Senate, in the odd-numbered years and one of the appointed
17 members of the House of Representatives, selected by the Speaker of
18 the House of Representatives, in the even-numbered years. A
19 majority of the members shall constitute a quorum for purposes of
20 transacting business. Committee members shall not be compensated
21 but shall be reimbursed their actual and necessary travel expenses
22 as provided in the State Travel Reimbursement Act for members who
23 are not members of the Legislature, and as provided in Section 456
24 of Title 74 of the Oklahoma Statutes for legislative members.

1 E. The duties of the committee shall be to:

2 1. Serve as the Executive Committee for oversight of the
3 strategic planning, development, funding, implementation, and
4 operations of the justice information systems of the state;

5 2. Review and discuss issues pertaining to justice information
6 systems;

7 3. Make recommendations of issues relating to justice
8 information systems to the President Pro Tempore of the Senate, the
9 Speaker of the House of Representatives, the Governor, and the
10 Secretary of the Safety and Security Cabinet;

11 4. Establish policy for the OIJIS Steering Committee;

12 5. Create an Operational Subcommittee for the OIJIS Steering
13 Committee derived from the member agencies; ~~and.~~

14 ~~6.~~ Tasks for the Operational Subcommittee are:

15 a. to meet monthly or more frequently as needed,

16 b. to elect a Chair and Vice-Chair of the Operational
17 Subcommittee from their membership, each of whom will
18 serve a two-year period with the Vice-Chair assuming
19 the duties automatically of the Chair upon completion
20 of the two-year period of the Chair, or earlier in the
21 case of the early loss of the Chair,

22 c. to review current justice information systems,

23 d. to create, annually update, and implement a strategic
24 plan for improving the accuracy, completeness, and

1 timeliness of criminal history information within the
2 state,

3 e. to create, annually update, and implement a statewide
4 plan for the integration of the justice information
5 systems of the state, and

6 f. to assist as requested, review, and make
7 recommendations on grant applications relative to
8 justice information systems; and

9 6. Advise the Chief Information Officer and the State

10 Governmental Technology Applications Review Board on necessary
11 security protocols to be followed by employees of the Information
12 Services Division of the Office of State Finance who are assigned to
13 service law enforcement agencies.

14 F. The committee is hereby authorized to enlist the aid of any
15 agency of state government for assistance or for information to
16 enable the committee to perform the duties charged in this section.

17 G. The committee shall make a written report each year to the
18 President Pro Tempore of the Senate, the Speaker of the House of
19 Representatives, the Governor, and the Secretary of the Safety and
20 Security Cabinet on any findings or recommendations concerning
21 needed legislation, the potential impact, including fiscal
22 estimates, of existing or proposed legislation, and the impact of
23 agency policies which affect the justice information systems.

1 H. The Oklahoma State Bureau of Investigation shall provide the
2 administrative support in scheduling of meetings, providing records
3 of the meetings, publication of reports, and any other support as
4 required of and approved by the committee.

5 SECTION 14. 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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