

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1304

By: Derby

7 COMMITTEE SUBSTITUTE

8 An Act relating to technology; providing for the  
9 transfer of all state agency information technology  
10 assets to the Information Services Division of the  
11 Office of State Finance; describing types of assets;  
12 providing for the transfer of certain state agency  
13 information technology employees to the Information  
14 Services Division of the Office of State Finance;  
15 including certain liabilities; stating legislative  
16 intent to retain certain pay and benefits; requiring  
17 certain conveyances and documents to be executed by a  
18 certain date; providing for the transfer of certain  
19 monies; providing for the succession of certain  
20 rights to the Information Services Division of the  
21 Office of State Finance; defining certain terms;  
22 prohibiting the expenditure or encumbrance of any  
23 funds by state agencies for the procurement of  
24 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.

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

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

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

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

23       C. Appropriate conveyances and other documents shall be  
24 executed by January 1, 2012, to effectuate the transfer of the

1 information technology assets owned by each state agency to the  
2 Information Services Division of the Office of State Finance.

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

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

15 F. For purposes of this section:

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

18 2. "Information technology assets" means any equipment or  
19 interconnected system or subsystem of equipment that is used in the  
20 acquisition, storage, manipulation, management, movement, control,  
21 display, switching, interchange, transmission, or reception of data  
22 or information. The term shall include computers, ancillary  
23 equipment, software, firmware and similar procedures, services,  
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1 including support services and consulting services, software  
2 development, and related resources.

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

5 A. Beginning on the effective date of this act and until July  
6 1, 2011, no state agency shall expend or encumber any funds for the  
7 purchase, lease, lease-purchase, lease with option to purchase,  
8 rental or to otherwise procure any information technology assets,  
9 without the prior written approval of the Chief Information Officer.

10 B. Beginning on the effective date of this act and until July  
11 1, 2011, no state agency shall initiate or implement an information  
12 technology planned project without the prior written approval of the  
13 Chief Information Officer. A planned project shall include any  
14 major project or objective included in the operations plan submitted  
15 by the agency to the Information Services Division of the Office of  
16 State Finance as required pursuant to Section 34.16 of Title 62 of  
17 the Oklahoma Statutes.

18 C. "Information technology assets" means any equipment or  
19 interconnected system or subsystem of equipment that is used in the  
20 acquisition, storage, manipulation, management, movement, control,  
21 display, switching, interchange, transmission, or reception of data  
22 or information. The term shall include computers, ancillary  
23 equipment, software, firmware and similar procedures, services,  
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1 including support services and consulting services, software  
2 development, and related resources.

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

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