

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1840

By: Derby

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5
6 AS INTRODUCED

7 An Act relating to technology; amending 62 O.S. 2011,
8 Section 34.11.1, as last amended by Section 1,
9 Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012, Section
10 34.11.1), which relates to the Chief Information
11 Officer; updating statutory references; modifying
12 definition of state agency; amending 62 O.S. 2011,
13 Section 34.16, as amended by Section 348, Chapter
14 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section 34.16),
15 which relates to the submission of the annual one-
16 year telecommunications and electronic information
17 technology plan; amending 62 O.S. 2011, Section
18 34.21, as amended by Section 3, Chapter 292, O.S.L.
19 2012 (62 O.S. Supp. 2012, Section 34.21), which
20 relates to authorization for obtaining communications
21 or telecommunications systems; deleting exception for
22 the telecommunications network known as OneNet;
23 updating statutory references; amending 62 O.S.
24 2011, Section 35.3, as amended by Section 413,
Chapter 304, O.S.L. 2012 (62 O.S. Supp. 2012, Section
35.3), which relates to the Information Technology
Consolidation and Coordination Act; changing
definition; requiring the Oklahoma State Regents for
Higher Education and OneNet to provide a list of
certain information technology assets; specifying
certain duty of the Chief Information Officer and
Director of the Office of Management and Enterprise
Services; requiring 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 Management and Enterprise Services;
establishing a transfer date for certain assets;
specifying responsibilities for certain costs until
certain date; requiring execution of certain

1 conveyances and documents; establishing a transfer
2 date for certain positions; providing for a transfer
3 agreement; providing for succession of certain rights
4 and responsibilities to the Information Services
5 Division of the Office of Management and Enterprise
6 Services; providing for codification; and providing
7 an effective date.

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

9 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
10 last amended by Section 1, Chapter 292, O.S.L. 2012 (62 O.S. Supp.
11 2012, Section 34.11.1), is amended to read as follows:

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

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

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

6 2. A minimum of ten (10) years of professional experience with
7 responsibilities for management and support of information systems
8 and information technology, including seven (7) years of direct
9 management of a major information technology operation;

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

12 4. Experience with data and voice convergence service
13 offerings;

14 5. Experience in developing technology budgets;

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

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

19 8. Knowledge of telecommunications operations;

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

23 10. An effective communicator who is able to build consensus;
24

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

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

6 13. Ability to negotiate and defuse conflict; and

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

9 C. The salary and any other expenses for the Chief Information
10 Officer shall be budgeted as a separate line item through the Office
11 of ~~State Finance~~ Management and Enterprise Services. The operating
12 expenses of the Information Services Division shall be set by the
13 Chief Information Officer and shall be budgeted as a separate line
14 item through the Office of ~~State Finance~~ Management and Enterprise
15 Services. The Office of ~~State Finance~~ Management and Enterprise
16 Services shall provide adequate office space, equipment and support
17 necessary to enable the Chief Information Officer to carry out the
18 information technology and telecommunications duties and
19 responsibilities of the Officer and the Information Services
20 Division.

21 D. 1. Within twelve (12) months of appointment, the first
22 Chief Information Officer shall complete an assessment of the
23 implementation of the transfer, coordination, and modernization of
24 all information technology and telecommunication systems of all

1 state agencies in the state as provided for in the Oklahoma
2 Information Services Act. The assessment shall include the
3 information technology and telecommunications systems of all
4 institutions within The Oklahoma State System of Higher Education,
5 the Oklahoma State Regents for Higher Education and the
6 telecommunications network known as OneNet.

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

- 10 a. define the shared service model organization structure
11 and the reporting relationship of the recommended
12 organization,
- 13 b. the implementation of an information technology and
14 telecommunications shared services model that defines
15 the statewide infrastructure environment needed by
16 most state agencies that is not specific to individual
17 agencies and the shared applications that are utilized
18 across multiple agencies,
- 19 c. define the services that shall be in the shared
20 services model under the control of the Information
21 Services Division of the Office of ~~State Finance~~
22 Management and Enterprise Services,
- 23 d. define the roadmap to implement the proposed shared
24 services model. The roadmap shall include

1 recommendations on the transfer, coordination, and
2 modernization of all information technology and
3 telecommunication systems of all the state agencies in
4 the state,

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

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

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

15 h. a calculation of the net savings realized through the
16 reallocation and consolidation of information
17 technology and telecommunication resources and
18 personnel after compensating for the cost of
19 contracting with a private consultant as authorized in
20 paragraph 4 of this subsection, implementing the plan
21 of action, and ongoing costs of the Information
22 Services Division of the Office of ~~State Finance~~
23 Management and Enterprise Services, and
24

1 i. the information required in subsection B of Section
2 35.5 of this title.

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

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

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

17 F. Beginning on the effective date of the appointment of the
18 first Chief Information Officer, the Information Services Division
19 of the Office of ~~State Finance~~ Management and Enterprise Services
20 shall be responsible for the following duties:

21 1. Formulate and implement the information technology strategy
22 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~~ Management and Enterprise
13 Services;

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

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

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

23
24

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

4 10. Recruit, hire and transfer the required technical staff in
5 the Information Services Division of the Office of ~~State Finance~~
6 Management and Enterprise Services to support the services provided
7 by the Division and the execution of the strategic information
8 technology plan;

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

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

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

21 14. Develop and implement training programs for state agencies
22 using the shared services of the Information Services Division of
23 the Office of ~~State Finance~~ Management and Enterprise Services and
24

1 recommend training programs to state agencies on information
2 technology and telecommunication systems, products and procedures;

3 15. Provide counseling, performance evaluation, training,
4 motivation, discipline, and assign duties for employees of the
5 Information Services Division of the Office of ~~State Finance~~
6 Management and Enterprise Services;

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

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

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

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

19 20. Create the budget for the Information Services Division of
20 the Office of ~~State Finance~~ Management and Enterprise Services to be
21 submitted to the Legislature each year.

22 G. Upon receiving approval of the State Governmental Technology
23 Applications Review Board, the Chief Information Officer shall
24 implement the plan of action as set forth in subsection D of this

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

16 H. 1. Beginning on the effective date of appointment, the
17 Chief Information Officer shall act as the Information Technology
18 and Telecommunications Purchasing Director for all state agencies
19 and shall be responsible for the procurement of all information
20 technology and telecommunication software, hardware, equipment,
21 peripheral devices, maintenance, consulting services, high
22 technology systems, and other related information technology, data
23 processing, telecommunication and related peripherals and services
24 for all state agencies. The Chief Information Officer shall

1 establish, implement, and enforce policies and procedures for the
2 procurement of information technology and telecommunication
3 software, hardware, equipment, peripheral devices, maintenance,
4 consulting services, high technology systems, and other related
5 information technology, data processing, telecommunication and
6 related peripherals and services by purchase, lease-purchase, lease
7 with option to purchase, lease and rental for all state agencies.
8 The procurement policies and procedures established by the Chief
9 Information Officer shall be consistent with The Oklahoma Central
10 Purchasing Act and Section ~~6~~ 85.7h of ~~this act~~ Title 74 of the
11 Oklahoma Statutes.

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

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

3 I. The Information Services Division of the Office of ~~State~~
4 Finance Management and Enterprise Services and the Chief Information
5 Officer shall be subject to The Oklahoma Central Purchasing Act for
6 the approval and purchase of equipment and products not related to
7 information and telecommunications technology, equipment, software,
8 products and related peripherals and services and shall also be
9 subject to the requirements of the Public Competitive Bidding Act of
10 1974, the Oklahoma Lighting Energy Conservation Act and the Public
11 Building Construction and Planning Act when procuring data
12 processing, information technology, telecommunication, and related
13 peripherals and services and when constructing information
14 technology and telecommunication facilities, telecommunication
15 networks and supporting infrastructure. The Chief Information
16 Officer shall be authorized to delegate all or some of the
17 procurement of information technology and telecommunication products
18 and services and construction of facilities and telecommunication
19 networks to another state entity if the Chief Information Officer
20 determines it to be cost-effective and in the best interest of the
21 state. The Chief Information Officer shall have authority to
22 designate information technology and telecommunication contracts as
23 statewide contracts and mandatory statewide contracts pursuant to
24 Section 85.5 of Title 74 of the Oklahoma Statutes. Any contract

1 entered into by a state agency for which the Chief Information
2 Officer has not acted as the Information Technology and
3 Telecommunications Purchasing Director as required in this
4 subsection or subsection H of this section, shall be deemed to be
5 unenforceable and the Office of ~~State Finance Management and~~
6 Enterprise Services shall not process any claim associated with the
7 provisions thereof.

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

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

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

23 M. All state agencies and authorities of this state and all
24 officers and employees of those entities shall work and cooperate

1 with and lend assistance to the Chief Information Officer and the
2 Information Services Division of the Office of ~~State Finance~~
3 Management and Enterprise Services and provide any and all
4 information requested by the Chief Information Officer.

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

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

20 SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.16, as
21 amended by Section 348, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
22 2012, Section 34.16), is amended to read as follows:

23 Section 34.16 A. No later than July 1 of each year, all
24 agencies of the executive branch of this state presently using or

1 contemplating the use of telecommunications and electronic
2 information technology applications, including, but not limited to,
3 the use of mainframe computers, minicomputers or microcomputers,
4 word processing equipment, office automation systems, Internet,
5 eGovernment, broadband, Wi-Fi or wireless networking, radio,
6 including the interoperable radio communications system for state
7 agencies, Global Positioning Systems (GPS), or contracts for
8 information technology services and equipment, shall annually submit
9 to the Information Services Division of the Office of Management and
10 Enterprise Services a one-year operations plan, which shall include
11 as a minimum:

12 1. An overview of major projects and objectives;

13 2. Cost per defined category of hardware, software, services
14 and personnel;

15 3. An assurance of compliance with state standards on
16 accessibility of information technology for individuals with
17 disabilities developed in accordance with Section 34.28 of this
18 title; and

19 4. Such other information as the Information Services Division
20 may require for analysis and consolidation into a statewide
21 telecommunications and electronic information technology plan.

22 B. No agency of the executive branch of this state shall enter
23 into any agreement for the acquisition, development, or enhancement
24 of application systems software or for the acquisition of electronic

1 information technology equipment or peripheral devices, including
2 Internet and eGovernment, broadband, Wi-Fi or wireless networking,
3 radio, including the interoperable radio communications system for
4 state agencies, Global Positioning Systems (GPS), whether or not
5 connected to such equipment, unless the cost of such acquisition,
6 development, or enhancement has been included in the plan for the
7 agency. The Information Services Division upon review of an
8 information technology and telecommunication plan for the agency,
9 shall submit in either printed or electronic form to the Governor,
10 the Speaker of the House of Representatives, and the President Pro
11 Tempore of the Senate its findings and recommendations on all
12 proposed new and expanded programs and expenditures for personnel
13 and the purchase or acquisition of equipment, hardware, software,
14 accessories, or services thereto, including but not limited to
15 leases, rentals or lease-purchase, indicating that the associated
16 cost meet or comply with Section 34.12 of this title.

17 C. ~~The provisions of this section shall not apply to the~~
18 ~~telecommunications network known as OneNet whether said network is~~
19 ~~governed or operated by the Oklahoma State Regents for Higher~~
20 ~~Education or any other state entity assigned responsibility for~~
21 ~~OneNet.~~

22 D. The provisions of this section shall not apply to CompSource
23 Oklahoma if CompSource Oklahoma is operating pursuant to a pilot
24

1 program authorized by Sections 3316 and 3317 of Title 74 of the
2 Oklahoma Statutes.

3 SECTION 3. AMENDATORY 62 O.S. 2011, Section 34.21, as
4 amended by Section 3, Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012,
5 Section 34.21), is amended to read as follows:

6 Section 34.21 A. No agency of the executive branch of the
7 state shall use state funds for or enter into any agreement for the
8 acquisition, development or enhancement of a communication or
9 telecommunication system including voice, data, radio, video,
10 Internet, eGovernment, as referenced in Sections 34.24 and 34.25 of
11 this title, printers, scanners, copiers, facsimile systems and
12 associated supplies, service costs, maintenance costs, or any other
13 costs or fees associated with the acquisition of the system or
14 equipment, without written authorization of the Chief Information
15 Officer or a designee. The Chief Information Officer or a designee
16 shall verify that any acquisition, development or enhancement is
17 compatible with the operation of the Oklahoma Government
18 Telecommunications Network.

19 B. No agency of the executive branch of the state shall enter
20 into any agreement for the acquisition, development or enhancement
21 of a communication or telecommunication system or service including
22 voice, data, radio, video, Internet, eGovernment, printers,
23 scanners, copiers, and facsimile systems, unless the cost of such
24 addition, change, improvement or development has been included in

1 the statewide communications plan of the Information Services
2 Division of the Office of ~~State Finance~~ Management and Enterprise
3 Services, as said plan may have been amended or revised.

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

12 ~~D. The provisions of subsections A, B and C of this section~~
13 ~~shall not apply to the telecommunications network known as OneNet~~
14 ~~whether said network is governed or operated by the Oklahoma State~~
15 ~~Regents for Higher Education or any other state entity assigned~~
16 ~~responsibility for OneNet.~~

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

21 ~~F.~~ E. No state agency shall use state funds or enter into any
22 agreement for the acquisition, development or enhancement of a
23 public safety communication system unless the request is consistent
24 with the Statewide Communications Interoperability Plan and the

1 public safety communications standards issued by the Oklahoma Office
2 of Homeland Security. Agencies interested in acquiring, developing
3 or enhancing a public safety communications system shall submit a
4 proposal to the Oklahoma Office of Homeland Security. The Oklahoma
5 Office of Homeland Security shall issue a proposal review which
6 summarizes whether the proposal is consistent with the Statewide
7 Communications Interoperability Plan and the technology standards
8 issued. The proposal review shall be submitted to the requesting
9 agency and to the Chief Information Officer.

10 SECTION 4. AMENDATORY 62 O.S. 2011, Section 35.3, as
11 amended by Section 413, Chapter 304, O.S.L. 2012 (62 O.S. Supp.
12 2012, Section 35.3), is amended to read as follows:

13 Section 35.3 As used in the Information Technology
14 Consolidation and Coordination Act:

15 1. "Appropriated state agency" means any state agency that
16 receives funding through the annual legislative appropriations
17 process;

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,
24 including support services and consulting services, software

1 development, and related resources, and shall further include
2 telecommunications fiber networks used for conveying electronic
3 communication or information systems to multiple physical locations;

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

- 6 a. applications programming,
- 7 b. EDP audit,
- 8 c. data examination,
- 9 d. computer applications,
- 10 e. computer data entry,
- 11 f. computer networking,
- 12 g. computer operations,
- 13 h. computer programming,
- 14 i. computer security,
- 15 j. computer software design,
- 16 k. web applications,
- 17 l. database analysis,
- 18 m. data management analysis,
- 19 n. database development,
- 20 o. database programming,
- 21 p. software design/development,
- 22 q. help desk,
- 23 r. imaging,
- 24 s. systems analysis,

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

20 4. "Nonappropriated state agency" means any state agency that
21 does not receive funding through the annual legislative
22 appropriations process;

23 5. "Planned project" includes any major project or objective
24 included in the operations plan submitted by the agency to the

1 Information Services Division of the Office of Management and
2 Enterprise Services as required pursuant to Section 34.16 of this
3 title;

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

6 a. the services and systems specified in subsection A of
7 Section 35.6 of this title, and

8 b. the programs, services, software or processes
9 specified in subsection B of Section 35.6 of this
10 title; and

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

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

20 A. 1. Not later than December 1, 2013, the Oklahoma State
21 Regents for Higher Education and the telecommunications network
22 known as OneNet shall provide to the Chief Information Officer a
23 list of information technology assets of the State Regents and
24 OneNet which are integral to agency-specific applications or

1 functions and a list of information technology positions which are
2 directly associated with the assets. The State Regents and OneNet
3 shall further provide the reference to federal or state statutory or
4 constitutional provisions which require it to perform the
5 applications or functions.

6 2. If the Chief Information Officer disputes the identification
7 of assets or positions provided by the State Regents and OneNet as
8 being integral to agency-specific applications or functions, the
9 Director of the Office of Management and Enterprise Services shall
10 make the final determination.

11 B. Not later than December 15, 2013, and not later than
12 December 15 of each year thereafter, the Chief Information Officer
13 shall modify the assessment required by subsection D of Section
14 34.11.1 of Title 62 of the Oklahoma Statutes to include
15 identification of:

16 1. All information technology assets of the State Regents and
17 OneNet, which are not integral to agency-specific applications or
18 functions, and the transfer of which to the Information Services
19 Division of the Office of Management and Enterprise Services and the
20 Chief Information Officer would result in a cost savings to the
21 taxpayers of this state or improved efficiency of state government
22 operations, including all furniture, equipment, vehicles, supplies,
23 records, current and future liabilities, fund balances,

24

1 encumbrances, obligations, and indebtedness associated with the
2 information technology assets; and

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

9 C. The information technology assets and positions of the State
10 Regents and OneNet identified in the assessment pursuant to
11 subsection B of this section shall be transferred to the Information
12 Services Division of the Office of Management and Enterprise
13 Services subject to the following provisions:

14 1. Information technology assets of the State Regents and
15 OneNet identified in the assessment pursuant to the provisions of
16 paragraph 1 of subsection B of this section shall be transferred
17 effective January 1, 2014. The costs of operation, maintenance,
18 licensing and service of the assets shall remain the responsibility
19 of the State Regents and OneNet until July 1, 2014, unless otherwise
20 agreed to by the State Regents and OneNet and the Division.
21 Appropriate conveyances and other documents shall be executed to
22 effectuate the transfer of the information technology assets and
23 positions to the Information Services Division of the Office of
24 Management and Enterprise Services; and

1 2. Information technology positions of the State Regents and
2 OneNet identified in the assessment pursuant to the provisions of
3 paragraph 2 of subsection B of this section shall be transferred
4 effective February 1, 2014. The State Regents and OneNet shall
5 enter into an agreement with the Division not later than January 1,
6 2014, for the remainder of fiscal year 2014, specifying the terms of
7 the transfers, including provisions for the Division to provide
8 information technology services to the State Regents and OneNet and
9 for the State Regents and OneNet to reimburse the Division for the
10 cost of the services. If an agreement cannot be reached, the
11 Director of the Office of Management and Enterprise Services shall
12 be authorized to negotiate the terms of the agreement, which shall
13 then be entered into by the State Regents and OneNet and the
14 Division.

15 D. The Information Services Division of the Office of
16 Management and Enterprise Services shall succeed to any contractual
17 rights, easement rights, lease rights, and responsibilities related
18 to the information technology assets that are transferred as
19 provided for in this section and incurred by the State Regents and
20 OneNet.

21 SECTION 6. This act shall become effective November 1, 2013.

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23 54-1-5227 KB 01/04/13

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