

An Act

ENROLLED HOUSE
BILL NO. 1304

By: Derby of the House

and

Jolley and Brinkley of the
Senate

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 Division of the Office of State Finance; requiring appropriated and nonappropriated state agencies to use certain information technology services, systems,

programs, software and processes; prohibiting the use of duplicative programs, services, software or processes; providing for enforcement authority; allowing state agencies to apply for an exemption or deadline extension from the Information Technology Consolidation and Coordination Act; specifying grounds for an exemption or extension; requiring written documentation; providing procedures for making final determination; requiring the maintenance of or increase in security standards and compliance with certain laws; providing for approval of and compliance with certain security protocols; providing for continuity of certain security protocols; providing for order of transfer of assets and positions of public safety agencies; requiring Chief Information Officer to submit certain quarterly progress reports; specifying contents of the reports; amending Section 2, Chapter 451, O.S.L. 2009, as renumbered by Section 24, Chapter 451, O.S.L. 2009 and 62 O.S. 2001, Section 41.5a, as renumbered by 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; and providing for codification.

SUBJECT: Information Technology Consolidation and Coordination Act

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 35.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

3. Streamline and consolidate systems for financial and administrative services, with particular emphasis on combining the seventy-six financial systems, twenty-two unique employee time and record-keeping systems, seventeen types of document imaging systems, thirty data center locations and one hundred twenty-nine electronic mail and smart phone services used by the state; and

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

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

As used in the Information Technology Consolidation and Coordination Act:

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

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

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

- a. applications programming,
- b. EDP audit,
- c. data examination,
- d. computer applications,
- e. computer data entry,
- f. computer networking,
- g. computer operations,
- h. computer programming,
- i. computer security,
- j. computer software design,
- k. web applications,
- l. database analysis,
- m. data management analysis,
- n. database development,

- o. database programming,
- p. software design/development,
- q. help desk,
- r. imaging,
- s. systems analysis,
- t. systems application planning,
- u. systems application,
- v. systems administration,
- w. systems coordination,
- x. systems integration,
- y. systems operation,
- z. systems planning/development,
- aa. systems programming,
- bb. systems engineering,
- cc. systems service specialist,
- dd. systems support,
- ee. network administration,
- ff. network management,
- gg. network technical,
- hh. operating systems specialist,
- ii. systems program manager,
- jj. telecommunications, whether data or voice,
- kk. software training, and

11. technology development or support;

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

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

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

- a. the services and systems specified in subsection A of Section 6 of this act, and
- b. the programs, services, software or processes specified in subsection B of Section 6 of this act; and

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

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

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

B. Beginning on the effective date of this act, no state agency shall initiate or implement an information technology planned project without the prior written approval of the Chief Information Officer.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 35.5 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. 1. Not later than thirty (30) days after the effective date of this act, all state agencies shall provide to the Chief Information Officer a list of information technology assets of the agency which are integral to agency-specific applications or functions and a list of information technology positions which are directly associated with the assets. The agency shall further provide the reference to federal or state statutory or constitutional provisions which require it to perform the applications or functions.

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

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

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

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

C. The information technology assets and positions identified in the assessment pursuant to subsection B of this section of appropriated state agencies shall be transferred to the Information

Services Division of the Office of State Finance subject to the following provisions:

1. Information technology assets identified in the assessment pursuant to the provisions of paragraph 1 of subsection B of this section of appropriated state agencies shall be transferred effective January 1, 2012. The costs of operation, maintenance, licensing and service of the assets shall remain the responsibility of the state agency from which they are transferred until July 1, 2012, unless otherwise agreed to by the state agency and the Division. Appropriate conveyances and other documents shall be executed to effectuate the transfer of the information technology assets and positions to the Information Services Division of the Office of State Finance; and

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

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

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

2. The Chief Information Officer shall recommend changes to the Director of the Office of State Finance and the Governor for

inclusion in the next executive budget to be submitted to the Legislature.

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

F. The Information Services Division of the Office of State Finance shall succeed to any contractual rights, easement rights, lease rights, and responsibilities related to the information technology assets that are transferred as provided for in this 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.

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

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

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

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

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

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

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

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

3. A list of information technology assets and positions transferred to the Information Services Division of the Office of State Finance pursuant to the provisions of subsection C of Section 5 of this act;

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

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

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

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

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

Section 34.11.1 A. There is hereby created the position of Chief Information Officer who shall be appointed by the Governor. The Chief Information Officer, in addition to having authority over the Information Services Division of the Office of State Finance, shall also serve as Secretary of Information Technology and 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;

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

8. Knowledge of telecommunications operations;

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

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

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

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

13. Ability to negotiate and defuse conflict; and

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

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

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

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

- a. define the shared service model organization structure and the reporting relationship of the recommended organization,
- b. the implementation of an information technology and telecommunications shared services model that defines the statewide infrastructure environment needed by most state agencies that is not specific to individual agencies and the shared applications that are utilized 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;
2. Define, design, and implement a shared services statewide infrastructure and application environment for information technology and telecommunications for all state agencies;
3. Direct the development and operation of a scalable telecommunications infrastructure that supports data and voice communications reliability, integrity, and security;
4. Supervise the applications development process for those applications that are utilized across multiple agencies;
5. Provide direction for the professional development of information technology staff of state agencies and oversee the professional development of the staff of the Information Services Division of the Office of State Finance;
6. Evaluate all technology and telecommunication investment choices for all state agencies;
7. Create a plan to ensure alignment of current systems, tools, and processes with the strategic information technology plan for all state agencies;
8. Set direction and provide oversight for the support and continuous upgrading of the current information technology and telecommunication infrastructure in the state in support of enhanced reliability, user service levels, and security;
9. Direct the development, implementation, and management of appropriate standards, policies and procedures to ensure the success of state information technology and telecommunication initiatives;
10. Recruit, hire and transfer the required technical staff in the Information Services Division of the Office of State Finance to

support the services provided by the Division and the execution of the strategic information technology plan;

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

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

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

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

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

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

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

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

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

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

G. Upon receiving approval of the State Governmental Technology Applications Review Board, the Chief Information Officer shall implement the plan of action as set forth in subsection D of this section; provided, the plan of action for the Department of Human Services shall not be implemented until July 1, 2011. The State Governmental Technology Applications Review Board shall provide ongoing oversight of the implementation of the plan of action. Any proposed amendments to the plan of action shall be approved by the Board prior to adoption. The net savings realized through the reallocation and consolidation of information technology and telecommunication resources and personnel after compensating for the up-front costs and ongoing costs of the Information Services Division of the Office of State Finance which are identified and reported in the plan of action shall be realized no later than ~~two (2) years from the appointment date of the Chief Information Officer~~ July 1, 2012, and shall at a minimum be not less than fifteen percent (15%) of the overall statewide information technology and telecommunications expenditures made by all state agencies during the fiscal year ending June 30, 2009.

H. Beginning on the effective date of appointment, the Chief Information Officer shall act as the Information Technology and Telecommunications Purchasing Director for all state agencies and shall be responsible for the procurement of all information technology and telecommunication software, hardware, equipment, peripheral devices, maintenance, consulting services, high technology systems, and other related information technology, data processing, telecommunication and related peripherals and services for all state agencies. The Chief Information Officer shall establish, implement, and enforce policies and procedures for the procurement of information technology and telecommunication software, hardware, equipment, peripheral devices, maintenance, consulting services, high technology systems, and other related information technology, data processing, telecommunication and related peripherals and services by purchase, lease-purchase, lease with option to purchase, lease and rental for all state agencies. The procurement policies and procedures established by the Chief Information Officer shall be consistent with The Oklahoma Central Purchasing Act.

I. The Information Services Division of the Office of State Finance and the Chief Information Officer shall be subject to The Oklahoma Central Purchasing Act for the approval and purchase of equipment and products not related to information and telecommunications technology, equipment, software, products and related peripherals and services and shall also be subject to the requirements of the Public Competitive Bidding Act of 1974, the Oklahoma Lighting Energy Conservation Act and the Public Building Construction and Planning Act when procuring data processing, information technology, telecommunication, and related peripherals and services and when constructing information technology and telecommunication facilities, telecommunication networks and supporting infrastructure. The Chief Information Officer shall be authorized to delegate all or some of the procurement of information technology and telecommunication products and services and construction of facilities and telecommunication networks to another state entity if the Chief Information Officer determines it to be cost-effective and in the best interest of the state. The Chief Information Officer shall have authority to designate information technology and telecommunication contracts as statewide contracts and mandatory statewide contracts pursuant to Section 85.5 of Title 74 of the Oklahoma Statutes. Any contract entered into by a state agency for which the Chief Information Officer has not acted as the Information Technology and Telecommunications Purchasing Director as required in this subsection or subsection H of this section, shall be deemed to be unenforceable and the Office of State Finance shall not process any claim associated with the provisions thereof.

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

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

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

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

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

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

SECTION 11. AMENDATORY 62 O.S. 2001, Section 41.5a, as renumbered by 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, Section 34.12), is amended to read as follows:

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

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

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

3. Establish and enforce minimum mandatory standards for:

- a. information systems planning,
- b. systems development methodology,

- c. documentation,
- d. hardware requirements and compatibility,
- e. operating systems compatibility,
- f. acquisition of software, hardware and technology-related services,
- g. information security and internal controls,
- h. data base compatibility,
- i. contingency planning and disaster recovery, and
- j. imaging systems, copiers, facsimile systems, printers, scanning systems and any associated supplies.

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

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

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

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

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

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

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

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

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

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

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

13. In conjunction with the Oklahoma Office of Homeland Security, enforce the minimum information security and internal control standards established by the Information Services Division. An enforcement team consisting of the Chief Information Officer of the Information Services Division or a designee, a representative of the Oklahoma Office of Homeland Security, and a representative of the Oklahoma State Bureau of Investigation shall enforce the minimum information security and internal control standards. If the enforcement team determines that an agency is not in compliance with the minimum information security and internal control standards, the Chief Information Officer shall take immediate action to mitigate the noncompliance, including the removal of the agency from the

infrastructure of the state until the agency becomes compliant, taking control of the information technology function of the agency until the agency is compliant, and transferring the administration and management of the information technology function of the agency to the Information Services Division or another state agency.

B. No agency of the executive branch of the state shall use state funds for or enter into any agreement for the acquisition of any category of computer hardware, software or any contract for information technology services and equipment exceeding Ten Thousand Dollars (\$10,000.00) in value, which shall include the acquisition amount, service costs, maintenance costs, or any other costs or fees associated with the acquisition of the services or equipment, without written authorization of the Chief Information Officer. If written authorization is not obtained prior to incurring an expenditure or entering into any agreement as required in this subsection or as required in Section 4 of this act, the Office of State Finance shall not process any claim associated with the expenditure and the provisions of any agreement shall not be enforceable. The provisions of this subsection shall not be applicable to any member of The Oklahoma State System of Higher Education, any public elementary or secondary schools of the state, any technology center school district as defined in Section 14-108 of Title 70 of the Oklahoma Statutes, or CompSource Oklahoma if CompSource Oklahoma is operating pursuant to a pilot program authorized by Sections 3316 and 3317 of Title 74 of the Oklahoma Statutes.

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

SECTION 12. AMENDATORY 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), is amended to read as follows:

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

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

1. The Director of the Office of State Finance or a designee;
2. Four representatives from different state agencies, boards, commissions, or authorities to be appointed by the Governor, at least one of which shall be employed by a law enforcement agency;
3. Two members who are not state government employees to be appointed by the Speaker of the House of Representatives; and
4. Two members who are not state government employees to be appointed by the President Pro Tempore of the Senate.

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

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

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

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

2. Monitoring all portal systems and applications for portal systems created by state agencies, boards, commissions, or authorities, reviewing portal systems applications approved or denied by the Information Service Division of the Office of State Finance, and making recommendations to the Legislature and Governor to encourage greater use of the open-systems concept as is defined in Section ~~41.5~~ 34.26 of this title;

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

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

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

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

SECTION 13. AMENDATORY 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), is amended to read as follows:

Section 508.2c A. There is hereby created the Oklahoma Integrated Justice Information Systems (OIJIS) Steering Committee which shall serve as an advisory board to the Oklahoma Legislature regarding issues pertinent to the strategic planning, development, funding, implementation, and operations of the justice information systems of the state.

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

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

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

3. The Commissioner of Public Safety or a designee;

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

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

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

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

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

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

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

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

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

13. The Attorney General or a designee.

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

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

E. The duties of the committee shall be to:

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

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

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

4. Establish policy for the OIJIS Steering Committee;

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

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

a. to meet monthly or more frequently as needed,

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

c. to review current justice information systems,

- d. to create, annually update, and implement a strategic plan for improving the accuracy, completeness, and timeliness of criminal history information within the state,
- e. to create, annually update, and implement a statewide plan for the integration of the justice information systems of the state, and
- f. to assist as requested, review, and make recommendations on grant applications relative to justice information systems; and

6. Advise the Chief Information Officer and the State Governmental Technology Applications Review Board on necessary security protocols to be followed by employees of the Information Services Division of the Office of State Finance who are assigned to service law enforcement agencies.

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

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

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

Passed the House of Representatives the 17th day of May, 2011.

Kevin Stebb

Presiding Officer of the House of Representatives

Passed the Senate the 18th day of May, 2011.

A. Bryan Moore

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 19th
day of May, 20 11,
at 2:12 o'clock PM.

By: Jessie R. Poyser

Approved by the Governor of the State of Oklahoma the 24th day of
May, 20 11, at 11:17 o'clock AM.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
24th day of May, 2011,
at 4:05 o'clock P M.

By: Alicia R. Berry