

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1306

By: Garvin

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6 AS INTRODUCED

7 An Act relating to the Government Technology
8 Applications Review Board; amending 62 O.S. 2021,
9 Sections 34.11.1, 34.25, and 34.27, which relates to
10 the Chief Information Officer, convenience fees for
11 electronic or internet transactions, and the State
12 Government Technology Applications Review Board;
13 requiring the Chief Information Officer to develop a
14 procurement policy and annually update and submit to
15 the Board; removing the Board as authority to accept
16 and approve applications to charge a convenience fee
17 for electronic transactions and granting the
18 authority to the Director of the Office of Management
19 and Enterprise Services; modifying composition of
20 Board members; prohibiting the Director of the Office
21 of Management and Enterprise Services or designee
22 from being selected as chair of the Board; removing
23 certain agencies and authorities from reimbursement
24 requirement; modifying and adding duties and
25 responsibilities of the Board; providing eligibility
26 requirements for appointment to the Board; updating
27 statutory language; and providing an effective date.

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

21 SECTION 1. AMENDATORY 62 O.S. 2021, Section 34.11.1, is
22 amended to read as follows:

23 Section 34.11.1. A. There is hereby created the position of
24 Chief Information Officer who shall be appointed by the Governor.

1 The Chief Information Officer, in addition to having authority over
2 the Information Services Division of the Office of Management and
3 Enterprise Services, shall also serve as Secretary of Information
4 Technology and Telecommunications or successor cabinet position and
5 shall have jurisdictional areas of responsibility related to
6 information technology and telecommunications systems of all state
7 agencies as provided for in state law. The salary of the Chief
8 Information Officer shall not be less than One Hundred Thirty
9 Thousand Dollars (\$130,000.00) or more than One Hundred Sixty
10 Thousand Dollars (\$160,000.00).

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

13 1. A baccalaureate degree in Computer Information Systems,
14 Information Systems or Technology Management, Business
15 Administration, Finance, or other similar degree;

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

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

22 4. Experience with data and voice convergence service
23 offerings;

24 5. Experience in developing technology budgets;

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1 6. Experience in developing requests for proposal and
2 administering the bid process;

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

5 8. Knowledge of telecommunications operations;

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

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

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

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

15 13. Ability to negotiate and defuse conflict; and

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

18 C. The salary and any other expenses for the Chief Information
19 Officer shall be budgeted as a separate line item through the Office
20 of Management and Enterprise Services. The operating expenses of
21 the Information Services Division shall be set by the Chief
22 Information Officer and shall be budgeted as a separate line item
23 through the Office of Management and Enterprise Services. The
24 Office of Management and Enterprise Services shall provide adequate

1 office space, equipment and support necessary to enable the Chief
2 Information Officer to carry out the information technology and
3 telecommunications duties and responsibilities of the Chief
4 Information Officer and the Information Services Division.

5 D. 1. Within twelve (12) months of appointment, the first
6 Chief Information Officer shall complete an assessment, which shall
7 be modified annually pursuant to Section 35.5 of this title, of the
8 implementation of the transfer, coordination, and modernization of
9 all information technology and telecommunication systems of all
10 state agencies in the state as provided for in the Oklahoma
11 Information Services Act. The assessment shall include the
12 information technology and telecommunications systems of all
13 institutions within The Oklahoma State System of Higher Education,
14 the Oklahoma State Regents for Higher Education and the
15 telecommunications network known as OneNet as assembled and
16 submitted by the Oklahoma Higher Education Chief Information
17 Officer, as designated by the Oklahoma State Regents for Higher
18 Education.

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

- 22 a. define the shared service model organization structure
23 and the reporting relationship of the recommended
24 organization,

- 1 b. the implementation of an information technology and
2 telecommunications shared services model that defines
3 the statewide infrastructure environment needed by
4 most state agencies that is not specific to individual
5 agencies and the shared applications that are utilized
6 across multiple agencies,
- 7 c. define the services that shall be in the shared
8 services model under the control of the Information
9 Services Division of the Office of Management and
10 Enterprise Services,
- 11 d. define the roadmap to implement the proposed shared
12 services model. The roadmap shall include
13 recommendations on the transfer, coordination, and
14 modernization of all information technology and
15 telecommunication systems of all the state agencies in
16 the state,
- 17 e. recommendations on the reallocation of information
18 technology and telecommunication resources and
19 personnel,
- 20 f. a cost benefit analysis to support the recommendations
21 on the reallocation of information technology and
22 telecommunication resources and personnel,
- 23 g. a calculation of the net savings realized through the
24 reallocation and consolidation of information

1 technology and telecommunication resources and
2 personnel after compensating for the cost of
3 contracting with a private consultant as authorized in
4 paragraph 4 of this subsection, implementing the plan
5 of action, and ongoing costs of the Information
6 Services Division of the Office of Management and
7 Enterprise Services, and

8 h. the information required in subsection B of Section
9 35.5 of this title.

10 3. The plan of action report shall be presented to the
11 Governor, Speaker of the House of Representatives, and the President
12 Pro Tempore of the ~~State~~ Senate.

13 4. The Chief Information Officer may contract with a private
14 consultant or consultants to assist in the assessment and
15 development of the plan of action report as required in this
16 subsection.

17 E. The Chief Information Officer shall be authorized to employ
18 personnel, fix the duties and compensation of the personnel, not
19 otherwise prescribed by law, and otherwise direct the work of the
20 personnel in performing the function and accomplishing the purposes
21 of the Information Services Division of the Office of Management and
22 Enterprise Services.

1 F. The Information Services Division of the Office of
2 Management and Enterprise Services shall be responsible for the
3 following duties:

4 1. Formulate and implement the information technology strategy
5 for all state agencies;

6 2. Define, design, and implement a shared services statewide
7 infrastructure and application environment for information
8 technology and telecommunications for all state agencies;

9 3. Direct the development and operation of a scalable
10 telecommunications infrastructure that supports data and voice
11 communications reliability, integrity, and security;

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

14 5. Provide direction for the professional development of
15 information technology staff of state agencies and oversee the
16 professional development of the staff of the Information Services
17 Division of the Office of Management and Enterprise Services;

18 6. Evaluate all technology and telecommunication investment
19 choices for all state agencies;

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

23 8. Set direction and provide oversight for the support and
24 continuous upgrading of the current information technology and
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1 telecommunication infrastructure in the state in support of enhanced
2 reliability, user service levels, and security;

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

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

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

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

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

7 16. For all state agencies, approve the purchasing of all
8 information technology and telecommunication services and approve
9 the purchase of any information technology and telecommunication
10 product except the following:

11 a. a purchase less than or equal to Five Thousand Dollars
12 (\$5,000.00) if such product is purchased using a state
13 purchase card and the product is listed on either the
14 Approved Hardware or Approved Software list located on
15 the Office of Management and Enterprise Services
16 website, or

17 b. a purchase over Five Thousand Dollars (\$5,000.00) and
18 less than or equal to Twenty-five Thousand Dollars
19 (\$25,000.00) if such product is purchased using a
20 state purchase card, the product is listed on an
21 information technology or telecommunications statewide
22 contract, and the product is listed on either the
23 Approved Hardware or Approved Software list located on
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1 the Office of Management and Enterprise Services
2 website;

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

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

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

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

16 G. The State Governmental Technology Applications Review Board
17 shall provide ongoing oversight of the implementation of the plan of
18 action required in subsection D of this section. Any proposed
19 amendments to the plan of action shall be approved by the Board
20 prior to adoption.

21 H. 1. The Chief Information Officer shall act as the
22 Information Technology and Telecommunications Purchasing Director
23 for all state agencies and shall be responsible for the procurement
24 of all information technology and telecommunication software,

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

15 2. The Chief Information Officer, or any employee or agent of
16 the Chief Information Officer acting within the scope of delegated
17 authority, shall have the same power and authority regarding the
18 procurement of all information technology and telecommunication
19 products and services as outlined in paragraph 1 of this subsection
20 for all state agencies as the State Purchasing Director has for all
21 acquisitions used or consumed by state agencies as established in
22 The Oklahoma Central Purchasing Act. Such authority shall,
23 consistent with the authority granted to the State Purchasing
24 Director pursuant to Section 85.10 of Title 74 of the Oklahoma

1 Statutes, include the power to designate financial or proprietary
2 information submitted by a bidder confidential and reject all
3 requests to disclose the information so designated, if the Chief
4 Information Officer requires the bidder to submit the financial or
5 proprietary information with a bid, proposal, or quotation.

6 3. The Chief Information Officer shall by January 1, 2023
7 develop a procurement policy that requires:

- 8 a. disclosure of the name of the state where a company
9 that provides services listed in paragraph 1 of this
10 subsection are headquartered, and if they have any
11 physical presence in this state,
- 12 b. feedback on why a vendor was not selected, and how the
13 vendor can improve future proposals if the vendor is
14 headquartered in this state, and
- 15 c. providing state agencies with a list of pre-qualified
16 vendors to choose from and a list where each vendor is
17 headquartered and if the vendor has a physical
18 presence in this state.

19 The policy shall be updated annually and submitted to the
20 Governmental Technology Applications Review Board.

21 I. The Information Services Division of the Office of
22 Management and Enterprise Services and the Chief Information Officer
23 shall be subject to The Oklahoma Central Purchasing Act for the
24 approval and purchase of equipment and products not related to
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1 information and telecommunications technology, equipment, software,
2 products and related peripherals and services and shall also be
3 subject to the requirements of the Public Competitive Bidding Act of
4 1974, ~~the Oklahoma Lighting Energy Conservation Act~~ and the Public
5 ~~Building Construction and Planning~~ Facilities Act when procuring
6 data processing, information technology, telecommunication, and
7 related peripherals and services and when constructing information
8 technology and telecommunication facilities, telecommunication
9 networks and supporting infrastructure. The Chief Information
10 Officer shall be authorized to delegate all or some of the
11 procurement of information technology and telecommunication products
12 and services and construction of facilities and telecommunication
13 networks to another state entity if the Chief Information Officer
14 determines it to be cost-effective and in the best interest of the
15 state. The Chief Information Officer shall have authority to
16 designate information technology and telecommunication contracts as
17 statewide contracts and mandatory statewide contracts pursuant to
18 Section 85.5 of Title 74 of the Oklahoma Statutes and to negotiate
19 consolidation contracts, enterprise agreements and high technology
20 systems contracts in accordance with the procedures outlined in
21 Section 85.9D of Title 74 of the Oklahoma Statutes. Any contract
22 entered into by a state agency for which the Chief Information
23 Officer has not acted as the Information Technology and
24 Telecommunications Purchasing Director as required in this

1 subsection or subsection H of this section, shall be deemed to be
2 unenforceable and the Office of Management and Enterprise Services
3 shall not process any claim associated with the provisions thereof.

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

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

14 L. All state agencies and authorities of this state and all
15 officers and employees of those entities shall work and cooperate
16 with and lend assistance to the Chief Information Officer and the
17 Information Services Division of the Office of Management and
18 Enterprise Services and provide any and all information requested by
19 the Chief Information Officer.

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

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

12 O. As used in this section:

13 1. "High technology system" means advanced technological
14 equipment, software, communication lines, and services for the
15 processing, storing, and retrieval of information by a state agency;

16 2. "Consolidation contract" means a contract for several state
17 or public agencies for the purpose of purchasing information
18 technology and telecommunication goods and services; and

19 3. "Enterprise agreement" means an agreement for information
20 technology or telecommunication goods and services with a supplier
21 who manufactures, develops, and designs products and provides
22 services that are used by one or more state agencies.

23 SECTION 2. AMENDATORY 62 O.S. 2021, Section 34.25, is
24 amended to read as follows:

1 Section 34.25. A. Subject to review and approval as provided
2 for in Section 34.27 of this title, a state agency, board,
3 commission, or authority may obtain reimbursement of a merchant fee
4 incurred in connection with any electronic or online transaction.

5 B. Subject to review and approval as provided for in Section
6 34.27 of this title, unless otherwise permitted by law, a state
7 agency, board, commission, or authority may charge a convenience fee
8 for a manual transaction. Each state entity shall keep a record of
9 how the convenience fee has been determined and shall file the
10 record with the Information Services Division of the Office of
11 Management and Enterprise Services. A state agency, board,
12 commission, or authority may periodically adjust a convenience fee
13 as needed upon review and approval as provided for in Section 34.27
14 of this title.

15 Any state agency, board, commission, or authority may apply to
16 the ~~State Governmental Technology Applications Review Board~~ Director
17 of the Office of Management and Enterprise Services for
18 authorization to charge a convenience fee for electronic or online
19 transactions. If authorization is granted, the state entity shall
20 not assess a convenience fee for equivalent manual transactions.
21 The Board shall annually review the authorization for a convenience
22 fee for electronic or online transactions and shall take action to
23 renew or revoke the authorization as provided for in this
24 subsection.

1 C. For purposes of this section:

2 1. "Merchant fee" shall mean and be limited to the cost of a
3 charge imposed by a third-party credit card or debit card issuer
4 that is necessary to process an electronic or online transaction
5 with a state agency, board, commission, or authority;

6 2. "Convenience fee" shall mean a fee charged to partially
7 compensate for costs incurred as a result of providing for a manual
8 transaction or an electronic or online transaction if authorization
9 is approved as provided for in subsection B of this section; and

10 3. "Manual transaction" shall mean a transaction that is not
11 conducted online or electronically if the transaction is made
12 available online or electronically.

13 SECTION 3. AMENDATORY 62 O.S. 2021, Section 34.27, is
14 amended to read as follows:

15 Section 34.27. A. There is hereby established the State
16 Governmental Technology Applications Review Board. The Board shall
17 be composed of the following members:

18 1. The Director of the Office of Management and Enterprise
19 Services or a designee;

20 2. Four ~~representatives from different state agencies, boards,~~
21 ~~commissions, or authorities to be appointed by the Governor, at~~
22 ~~least one of which shall be employed by a law enforcement agency~~
23 members to be appointed by the Governor, subject to the requirements
24 of subsection F of this section;

1 3. Two members ~~who are not state government employees~~ to be
2 appointed by the Speaker of the House of Representatives, subject to
3 the requirements of subsection F of this section; and

4 4. Two members ~~who are not state government employees~~ to be
5 appointed by the President Pro Tempore of the Senate, subject to the
6 requirements of subsection F of this section.

7 B. Members of the Board shall serve for terms of two (2) years.
8 The Board shall select a chair from among its members, who shall not
9 be the Director of the Office of Management and Enterprise Services
10 or a designee of the Director.

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

16 D. Notwithstanding any other section of law, any member of the
17 Board attending a meeting via teleconference shall be counted as
18 being present in person and shall count toward the determination of
19 whether a quorum of the Board is present at the meeting.

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

21 1. ~~Reviewing for approval all convenience fees and merchant~~
22 ~~fees as defined in Section 34.25 of this title and changes in~~
23 ~~convenience fees and merchant fees charged by state agencies,~~
24 ~~boards, commissions, or authorities~~ Reviewing and approving all

1 contracts or professional services agreements that exceed Five
2 Hundred Dollars (\$500.00) for the procurement of all information
3 technology and telecommunication software, hardware, equipment,
4 peripheral devices, maintenance, consulting services, high
5 technology systems, and other related information technology, as
6 well as data processing, telecommunication, and related peripherals
7 and services for all state agencies;

8 2. Monitoring all portal systems and applications for portal
9 systems created by state agencies, boards, commissions, or
10 authorities, reviewing portal systems applications approved or
11 denied by the Information Services Division of the Office of
12 Management and Enterprise Services, and making recommendations to
13 the Legislature and Governor to encourage greater use of the open-
14 systems concept as is defined in Section 34.26 of this title;

15 3. Granting an exemption for a specific license or permit to a
16 state agency from the requirements of Section 34.24.1 of this title.
17 The exemption shall be limited in time as warranted by the
18 circumstances. The Board shall grant the exemption only if
19 presented compelling evidence that the issuance of the license or
20 permit requires the provision of information that cannot be provided
21 through an online licensing or permitting process and that the
22 failure of the applicant to provide the information would create a
23 significant risk to the integrity of the license or permit. The
24 exemption provided for in this paragraph shall not apply to license

1 renewals pursuant to the Oklahoma Vehicle License and Registration
2 Act;

3 4. Providing ongoing oversight of implementation of the plan of
4 action developed by the Chief Information Officer pursuant to
5 Section 34.11.1 of this title and approving any amendments to the
6 plan of action;

7 5. Approving charges to state agencies established by the
8 Information Services Division pursuant to Section 35.5 of this title
9 for shared services as defined in Section 35.3 of this title;

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

12 7. Approving a plan by which public elementary and secondary
13 schools of the state may recover the cost of instructional
14 technology resources issued by the schools;

15 8. Approving a plan developed by the Chief Information Officer
16 on how the agency will conduct outreach to Oklahoma technology-
17 related businesses and encourage the businesses to become vendors
18 for information technology projects. The plan shall be submitted to
19 the Board by November 1 of each year and be presented to the
20 Governor, Speaker of the House of Representatives, and President Pro
21 Tempore of the Senate. The plan shall provide:

22 a. the steps the agency will take to engage Oklahoma-
23 based businesses,

- 1 b. how the agency will provide feedback to Oklahoma-based
2 vendors when their proposals are not accepted,
3 c. steps to encourage the use of Oklahoma-based companies
4 by state agencies for information technology projects,
5 and
6 d. any other information required by the Board; and

7 9. Requesting reports from the Chief Information Officer
8 related to the Information Services Division of the Office of
9 Management and Enterprise Services. The Chief Information Officer
10 shall provide the report to the Board within ninety (90) days
11 following the request, unless the Board approves a longer period of
12 time. All reports requested by the Board shall also be presented to
13 the Governor, Speaker of the House of Representatives, and President
14 Pro Tempore of the Senate.

15 F. To be eligible for appointment to the Board, a person shall:

16 1. Be a citizen of the United States;

17 2. Be a resident of this state;

18 3. Be a qualified elector of this state;

19 4. Not have been convicted of a felony pursuant to the laws of
20 this state, the laws of any other state, or the laws of the United

21 States; and

22 5. Not be a current employee of a state agency, board,
23 commission, or department.

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SECTION 4. This act shall become effective in accordance with
the provisions of Section 58 of Article V of the Oklahoma
Constitution.

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