

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 ENGROSSED SENATE
5 BILL NO. 1898

6 By: Bice of the Senate
7 and
8 Osburn of the House

9 An Act relating to the public finance; amending 62
10 O.S. 2011, Section 34.11.1, as last amended by
11 Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
12 2019, Section 34.11.1), which relates to the Chief
13 Information Officer; modifying certain duties;
14 eliminating statutory eligibility requirements; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
18 last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
19 2019, Section 34.11.1), is amended to read as follows:

20 Section 34.11.1. A. There is hereby created the position of
21 Chief Information Officer who shall be ~~appointed by the Governor~~
22 hired by the Director of the Office of Management and Enterprise
23 Services. The Chief Information Officer, in addition to having
24 authority over the Information Services Division of the Office of
Management and Enterprise Services, ~~shall also serve as Secretary of~~
~~Information Technology and Telecommunications or successor cabinet~~

1 ~~position and shall have jurisdictional areas of responsibility~~
2 ~~related to information technology and telecommunications systems of~~
3 ~~all state agencies as provided for in state law. The salary of the~~
4 ~~Chief Information Officer shall not be less than One Hundred Thirty~~
5 ~~Thousand Dollars (\$130,000.00) or more than One Hundred Sixty~~
6 ~~Thousand Dollars (\$160,000.00).~~

7 ~~B. Any person appointed to the position of Chief Information~~
8 ~~Officer shall meet the following eligibility requirements:~~

9 ~~1. A baccalaureate degree in Computer Information Systems,~~
10 ~~Information Systems or Technology Management, Business~~
11 ~~Administration, Finance, or other similar degree;~~

12 ~~2. A minimum of ten (10) years of professional experience with~~
13 ~~responsibilities for management and support of information systems~~
14 ~~and information technology, including seven (7) years of direct~~
15 ~~management of a major information technology operation;~~

16 ~~3. Familiarity with local and wide-area network design,~~
17 ~~implementation, and operation;~~

18 ~~4. Experience with data and voice convergence service~~
19 ~~offerings;~~

20 ~~5. Experience in developing technology budgets;~~

21 ~~6. Experience in developing requests for proposal and~~
22 ~~administering the bid process;~~

23 ~~7. Experience managing professional staff, teams, and~~
24 ~~consultants;~~

1 ~~8. Knowledge of telecommunications operations;~~

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

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

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

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

11 ~~13. Ability to negotiate and defuse conflict; and~~

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

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

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

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

- 19 a. define the shared service model organization structure
20 and the reporting relationship of the recommended
21 organization,
- 22 b. the implementation of an information technology and
23 telecommunications shared services model that defines
24 the statewide infrastructure environment needed by

1 most state agencies that is not specific to individual
2 agencies and the shared applications that are utilized
3 across multiple agencies,

4 c. define the services that shall be in the shared
5 services model under the control of the Information
6 Services Division of the Office of Management and
7 Enterprise Services,

8 d. define the roadmap to implement the proposed shared
9 services model. The roadmap shall include
10 recommendations on the transfer, coordination, and
11 modernization of all information technology and
12 telecommunication systems of all the state agencies in
13 the state,

14 e. ~~recommendations on the reallocation of information~~
15 ~~technology and telecommunication resources and~~
16 ~~personnel,~~

17 f. ~~a cost benefit analysis to support the recommendations~~
18 ~~on the reallocation of information technology and~~
19 ~~telecommunication resources and personnel,~~

20 g. ~~a calculation of the net savings realized through the~~
21 ~~reallocation and consolidation of information~~
22 ~~technology and telecommunication resources and~~
23 ~~personnel after compensating for the cost of~~
24 ~~contracting with a private consultant as authorized in~~

1 ~~paragraph 4 of this subsection, implementing the plan~~
2 ~~of action, and ongoing costs of the Information~~
3 ~~Services Division of the Office of Management and~~
4 ~~Enterprise Services, and~~

5 ~~h.~~ the information required in subsection B of Section
6 35.5 of this title.

7 3. The plan of action report shall be presented to the
8 Governor, Speaker of the House of Representatives, and the President
9 Pro Tempore of the State Senate by the Director of OMES.

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

14 ~~E. D.~~ The ~~Chief Information Officer~~ Director of OMES shall be
15 authorized to employ personnel, fix the duties and compensation of
16 the personnel, not otherwise prescribed by law, and otherwise direct
17 the work of the personnel in performing the function and
18 accomplishing the purposes of the Information Services Division of
19 the Office of Management and Enterprise Services.

20 ~~F. E.~~ The Information Services Division of the Office of
21 Management and Enterprise Services shall be responsible for the
22 following duties:

23 1. Formulate and implement the information technology strategy
24 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 Management and Enterprise Services;

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

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

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

22 9. Direct the development, implementation, and management of
23 appropriate standards, policies and procedures to ensure the success
24 of state information technology and telecommunication initiatives;

- 1 10. Recruit, hire and transfer the required technical staff in
2 the Information Services Division of the Office of Management and
3 Enterprise Services to support the services provided by the Division
4 and the execution of the strategic information technology plan;
- 5 11. Establish, maintain, and enforce information technology and
6 telecommunication standards;
- 7 12. Delegate, coordinate, and review all work to ensure quality
8 and efficient operation of the Information Services Division of the
9 Office of Management and Enterprise Services;
- 10 13. Create and implement a communication plan that disseminates
11 pertinent information to state agencies on standards, policies,
12 procedures, service levels, project status, and other important
13 information to customers of the Information Services Division of the
14 Office of Management and Enterprise Services and provide for agency
15 feedback and performance evaluation by customers of the Division;
- 16 14. Develop and implement training programs for state agencies
17 using the shared services of the Information Services Division of
18 the Office of Management and Enterprise Services and recommend
19 training programs to state agencies on information technology and
20 telecommunication systems, products and procedures;
- 21 15. Provide counseling, performance evaluation, training,
22 motivation, discipline, and assign duties for employees of the
23 Information Services Division of the Office of Management and
24 Enterprise Services;

1 16. For all state agencies, ~~approve~~ recommend to the Director
2 of OMES the purchasing of all information technology and
3 telecommunication services and approve the purchase of any
4 information technology and telecommunication product except the
5 following:

- 6 a. a purchase less than or equal to Five Thousand Dollars
7 (\$5,000.00) if such product is purchased using a state
8 purchase card and the product is listed on either the
9 Approved Hardware or Approved Software list located on
10 the Office of Management and Enterprise Services
11 website, or
- 12 b. a purchase over Five Thousand Dollars (\$5,000.00) and
13 less than or equal to Twenty-five Thousand Dollars
14 (\$25,000.00) if such product is purchased using a
15 state purchase card, the product is listed on an
16 information technology or telecommunications statewide
17 contract, and the product is listed on either the
18 Approved Hardware or Approved Software list located on
19 the Office of Management and Enterprise Services
20 website;

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

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

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

8 ~~20. Create the budget for the Information Services Division of~~
9 ~~the Office of Management and Enterprise Services to be submitted to~~
10 ~~the Legislature each year.~~

11 ~~G. F.~~ The State Governmental Technology Applications Review
12 Board shall provide ongoing oversight of the implementation of the
13 plan of action required in subsection ~~D~~ C of this section. Any
14 proposed amendments to the plan of action shall be approved by the
15 Board prior to adoption.

16 ~~H. G.~~ 1. The Chief Information Officer, at the direction of
17 the Director of OMES, shall act as the Information Technology and
18 Telecommunications Purchasing Director for all state agencies and
19 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.

11 2. The Chief Information Officer, or any employee or agent of
12 the Chief Information Officer acting ~~within the scope of delegated~~
13 authority at the direction of the Director of OMES, shall have the
14 same power and authority regarding the procurement of all
15 information technology and telecommunication products and services
16 as outlined in paragraph 1 of this subsection for all state agencies
17 as the State Purchasing Director has for all acquisitions used or
18 consumed by state agencies as established in The Oklahoma Central
19 Purchasing Act. Such authority shall, consistent with the authority
20 granted to the State Purchasing Director pursuant to Section 85.10
21 of Title 74 of the Oklahoma Statutes, include the power to designate
22 financial or proprietary information submitted by a bidder
23 confidential and reject all requests to disclose the information so
24 designated, if the Chief Information Officer requires the bidder to

1 submit the financial or proprietary information with a bid,
2 proposal, or quotation.

3 ~~F.~~ H. The Information Services Division of the Office of
4 Management and Enterprise Services and the Chief Information Officer
5 shall be subject to The Oklahoma Central Purchasing Act for the
6 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, at the direction of the
22 Director of OMES, shall have authority to designate information
23 technology and telecommunication contracts as statewide contracts
24 and mandatory statewide contracts pursuant to Section 85.5 of Title

1 74 of the Oklahoma Statutes and to negotiate consolidation
2 contracts, enterprise agreements and high technology systems
3 contracts in accordance with the procedures outlined in Section
4 85.9D of Title 74 of the Oklahoma Statutes. Any contract entered
5 into by a state agency for which the Chief Information Officer has
6 not acted as the Information Technology and Telecommunications
7 Purchasing Director as required in this subsection or subsection ~~H~~ G
8 of this section, shall be deemed to be unenforceable and the Office
9 of Management and Enterprise Services shall not process any claim
10 associated with the provisions thereof.

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

17 ~~K~~ J. The Chief Information Officer shall develop and implement
18 a plan to utilize open source technology and products for the
19 information technology and telecommunication systems of all state
20 agencies.

21 ~~L~~ K. All state agencies and authorities of this state and all
22 officers and employees of those entities shall work and cooperate
23 with and lend assistance to the Chief Information Officer and the
24 Information Services Division of the Office of Management and

1 Enterprise Services and provide any and all information requested by
2 the Chief Information Officer.

3 ~~M.~~ L. The Chief Information Officer, at the direction of the
4 Director of OMES, shall prepare an annual report detailing the
5 ongoing net saving attributable to the reallocation and
6 consolidation of information technology and telecommunication
7 resources and personnel and shall submit the report to the Governor,
8 the Speaker of the House of Representatives, and the President Pro
9 Tempore of the Senate.

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

20 ~~O.~~ N. As used in this section:

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

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

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

8 SECTION 2. This act shall become effective November 1, 2020.

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10 DIRECT TO CALENDAR.

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