

1 ENGROSSED HOUSE AMENDMENTS  
TO  
2 ENGROSSED SENATE BILL NO. 617 By: Stanislawski of the Senate  
3 and  
4 Hilbert of the House  
5

6 [ public finance - Information Technology  
7 Consolidation and Coordination Act - Oklahoma State  
8 Department of Education - effective date ]  
9

10 AMENDMENT NO. 1. Delete Sections 1 and 2 in their entirety and  
11 replace with new Sections 1 and 2 to read:

12 "SECTION 1. AMENDATORY Section 1, Chapter 337, O.S.L.  
13 2016, as last amended by Section 1, Chapter 516, O.S.L. 2019 (62  
14 O.S. Supp. 2019, Section 34.102), is amended to read as follows:  
15 Section 34.102 A. There is hereby created in the State  
16 Treasury a revolving fund to be known and designated as the "Revenue  
17 Stabilization Fund". The fund shall be a continuing fund, not  
18 subject to fiscal year limitations.

19 B. For determinations made regarding deposits for fiscal years  
20 beginning on or after July 1, 2019, no monies shall be deposited to  
21 the credit of the Revenue Stabilization Fund until such time as the  
22 amount of actual revenue certified by the State Board of  
23 Equalization as having been deposited into the General Revenue Fund  
24 for the first fiscal year prior to the beginning of the fiscal year  
that deposits to the Revenue Stabilization Fund are first made  
equals or exceeds Six Billion Six Hundred Million Dollars  
(\$6,600,000,000.00).

C. Once the provisions prescribed by subsection B of this  
section have been met, deposits to the Revenue Stabilization Fund as  
prescribed by this section may be made during any subsequent fiscal  
year according to the requirements and limitations imposed by this  
act; provided that no deposits shall be made during a fiscal year  
where the State Board of Equalization General Revenue Fund  
certification for said fiscal year is less than the State Board of  
Equalization General Revenue Fund certification for the previous  
fiscal year plus an increment equal to the amount otherwise  
calculated for deposit pursuant to subsection E of this section.

1 D. Notwithstanding any other provisions of this section, unless  
2 such deposits are the result of a direct appropriation to the  
3 Revenue Stabilization Fund by the Legislature, no monies shall be  
4 deposited to the credit of the Revenue Stabilization Fund:

5 1. For any month during a fiscal year after the month during  
6 which the declaration of a revenue failure pursuant to the  
7 provisions of Section 34.49 of this title has been made. For  
8 purposes of this subsection, the limitation on deposits to the  
9 Revenue Stabilization Fund shall be imposed for the remaining months  
10 of the fiscal year during which the revenue failure was declared,  
11 but shall not operate as a limitation upon deposits for any  
12 subsequent fiscal year unless a revenue failure is declared at some  
13 time during such fiscal year; or

14 2. That would cause deposits to the Revenue Stabilization Fund  
15 for the fiscal year to exceed three percent (3%) of the State Board  
16 of Equalization General Revenue Fund certification for that fiscal  
17 year.

18 E. Except as provided in subsection I of this section, the  
19 Revenue Stabilization Fund shall consist of:

20 1. One hundred percent (100%) of the revenue derived from the  
21 gross production tax on oil levied pursuant to Section 1001 of Title  
22 68 of the Oklahoma Statutes which is in excess of the five-year  
23 average computed as prescribed by Section 34.103 of this title;

24 2. One hundred percent (100%) of the revenue derived from the  
gross production tax on natural gas levied pursuant to Section 1001  
of Title 68 of the Oklahoma Statutes which is in excess of the five-  
year average computed as prescribed by Section 34.103 of this title;

3. Seventy-five percent (75%) of the revenue derived from  
corporate income tax levied pursuant to Section 2355 of Title 68 of  
the Oklahoma Statutes which is in excess of the five-year average  
computed as prescribed by Section 34.103 of this title; and

4. Any amounts appropriated by the Legislature.

17 F. ~~¶~~ 1. Except as provided in paragraph 2 of this subsection,  
18 in the event that a revenue failure is declared with respect to the  
19 General Revenue Fund pursuant to Section 34.49 of this title, the  
20 Director of the Office of Management and Enterprise Services may  
21 withdraw up to one-quarter (1/4) of the balance of the Revenue  
22 Stabilization Fund available at the beginning of the fiscal year,  
23 provided the total amount withdrawn shall not exceed the amount of  
24 the declared revenue failure, to in equal proportions reduce or  
avoid reductions to agencies for the current fiscal year and to  
mitigate potential reductions of funds to be expended by common  
school districts which were appropriated or authorized by the  
Legislature, but excluding any funds which are apportioned directly  
to common school districts.

2. For the fiscal year ending June 30, 2020, in the event that  
a revenue failure is declared with respect to the General Revenue

1 Fund pursuant to Section 34.49 of this title, the Director of the  
2 Office of Management and Enterprise Services may withdraw amounts up  
3 to a total of one-half (1/2) of the highest balance during the  
4 fiscal year ending June 30, 2020, of the Revenue Stabilization Fund,  
5 provided the total amount withdrawn shall not exceed the amount of  
6 the declared revenue failure less any appropriations made by the  
7 Legislature to offset such revenue failure, to in equal proportions  
8 reduce or avoid reductions to agencies for the fiscal year and to  
9 mitigate potential reductions of funds to be expended by common  
10 school districts which were appropriated or authorized by the  
11 Legislature for the fiscal year ending June 30, 2020, but excluding  
12 any funds which are apportioned directly to common school districts.  
13 No monies shall be withdrawn under the provisions of this  
14 subsection, for the purpose of reducing or avoiding reductions of  
15 appropriations made pursuant to Section 129 of Enrolled House Bill  
16 No. 2765 of the 1st Session of the 57th Oklahoma Legislature or  
17 Section 1 of Enrolled Senate Bill No. 1076 of the 1st Session of the  
18 57th Oklahoma Legislature.

19 G. In the event that a revenue failure is declared with respect  
20 to the General Revenue Fund pursuant to Section 34.49 of this title,  
21 the Legislature may appropriate up to one-quarter (1/4) of the  
22 balance of the Revenue Stabilization Fund available at the beginning  
23 of the fiscal year, not to exceed the amount of the revenue failure  
24 as declared with respect to the General Revenue Fund pursuant to  
Section 34.49 of this title.

H. If the amount of revenue certified by the State Board of  
Equalization at its February meeting in any year to be collected in  
the General Revenue Fund for the upcoming fiscal year is less than  
the amount of revenue certified by the State Board of Equalization  
to be collected in the General Revenue Fund for the current fiscal  
year as determined at its February meeting conducted in the  
preceding calendar year, the Legislature may appropriate up to one-  
half (1/2) of the balance of the Revenue Stabilization Fund  
available at the beginning of the fiscal year; provided, that the  
amount withdrawn shall not exceed the amount of the decline in  
revenue certified.

I. If during the Board of Equalization certification process,  
one or more of the revenue sources identified in paragraphs 1, 2 and  
3 of subsection E of this section are forecasted to experience a  
revenue decrease, then the total deposits to the Revenue  
Stabilization Fund as otherwise calculated under subsection E of  
this section shall be reduced in an amount equal to such revenue  
decreases. For purposes of this subsection, "revenue decrease"  
means an identified revenue source derived in an amount less than  
the five-year average for such revenue source.

1 SECTION 2. It being immediately necessary for the preservation  
of the public peace, health or safety, an emergency is hereby  
2 declared to exist, by reason whereof this act shall take effect and  
be in full force from and after its passage and approval."  
3

4 AMENDMENT NO. 2. Restore the Enacting Clause

5 AMENDMENT NO. 3. Restore the title

6 Passed the House of Representatives the 6th day of April, 2020.  
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9 \_\_\_\_\_  
Presiding Officer of the House of  
Representatives  
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11 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2020.  
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Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 617

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6 [ public finance - Information Technology  
7 Consolidation and Coordination Act - Oklahoma State  
8 Department of Education - effective date ]  
9

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

11 SECTION 3. AMENDATORY 62 O.S. 2011, Section 34.11.1, as  
12 last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.  
13 2018, Section 34.11.1), is amended to read as follows:

14 Section 34.11.1. A. There is hereby created the position of  
15 Chief Information Officer who shall be appointed by the Governor.  
16 The Chief Information Officer, in addition to having authority over  
17 the Information Services Division of the Office of Management and  
18 Enterprise Services, shall also serve as Secretary of Information  
19 Technology and Telecommunications or successor cabinet position and  
20 shall have jurisdictional areas of responsibility related to  
21 information technology and telecommunications systems of all state  
22 agencies as provided for in state law. The salary of the Chief  
23 Information Officer shall not be less than One Hundred Thirty

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1 Thousand Dollars (\$130,000.00) or more than One Hundred Sixty  
2 Thousand Dollars (\$160,000.00).

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

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

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

12 3. Familiarity with local and wide-area network design,  
13 implementation, and operation;

14 4. Experience with data and voice convergence service  
15 offerings;

16 5. Experience in developing technology budgets;

17 6. Experience in developing requests for proposal and  
18 administering the bid process;

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

21 8. Knowledge of telecommunications operations;

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

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

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

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

7 13. Ability to negotiate and defuse conflict; and

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

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

21 D. 1. Within twelve (12) months of appointment, the first  
22 Chief Information Officer shall complete an assessment, which shall  
23 be modified annually pursuant to Section 35.5 of this title, of the  
24 implementation of the transfer, coordination, and modernization of

1 all information technology and telecommunication systems of all  
2 state agencies in the state as provided for in the Oklahoma  
3 Information Services Act. The assessment shall include the  
4 information technology and telecommunications systems of all  
5 institutions within The Oklahoma State System of Higher Education,  
6 the Oklahoma State Regents for Higher Education and the  
7 telecommunications network known as OneNet as assembled and  
8 submitted by the Oklahoma Higher Education Chief Information  
9 Officer, as designated by the Oklahoma State Regents for Higher  
10 Education.

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

- 14 a. define the shared service model organization structure  
15 and the reporting relationship of the recommended  
16 organization,
- 17 b. the implementation of an information technology and  
18 telecommunications shared services model that defines  
19 the statewide infrastructure environment needed by  
20 most state agencies that is not specific to individual  
21 agencies and the shared applications that are utilized  
22 across multiple agencies,
- 23 c. define the services that shall be in the shared  
24 services model under the control of the Information



1 Services Division of the Office of Management and  
2 Enterprise Services,

3 d. define the roadmap to implement the proposed shared  
4 services model. The roadmap shall include  
5 recommendations on the transfer, coordination, and  
6 modernization of all information technology and  
7 telecommunication systems of all the state agencies in  
8 the state,

9 e. recommendations on the reallocation of information  
10 technology and telecommunication resources and  
11 personnel,

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

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

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

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

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

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

16          F.    The Information Services Division of the Office of  
17 Management and Enterprise Services shall be responsible for the  
18 following duties:

19           1.    Formulate and implement the information technology strategy  
20 for all state agencies;

21           2.    Define, design, and implement a shared services statewide  
22 infrastructure and application environment for information  
23 technology and telecommunications for all state agencies;

- 1        3. Direct the development and operation of a scalable  
2 telecommunications infrastructure that supports data and voice  
3 communications reliability, integrity, and security;
- 4        4. Supervise the applications development process for those  
5 applications that are utilized across multiple agencies;
- 6        5. Provide direction for the professional development of  
7 information technology staff of state agencies and oversee the  
8 professional development of the staff of the Information Services  
9 Division of the Office of Management and Enterprise Services;
- 10       6. Evaluate all technology and telecommunication investment  
11 choices for all state agencies;
- 12       7. Create a plan to ensure alignment of current systems, tools,  
13 and processes with the strategic information technology plan for all  
14 state agencies;
- 15       8. Set direction and provide oversight for the support and  
16 continuous upgrading of the current information technology and  
17 telecommunication infrastructure in the state in support of enhanced  
18 reliability, user service levels, and security;
- 19       9. Direct the development, implementation, and management of  
20 appropriate standards, policies and procedures to ensure the success  
21 of state information technology and telecommunication initiatives;
- 22       10. Recruit, hire and transfer the required technical staff in  
23 the Information Services Division of the Office of Management and  
24

1 Enterprise Services to support the services provided by the Division  
2 and the execution of the strategic information technology plan;

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

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

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

14 14. Develop and implement training programs for state agencies  
15 using the shared services of the Information Services Division of  
16 the Office of Management and Enterprise Services and recommend  
17 training programs to state agencies on information technology and  
18 telecommunication systems, products and procedures;

19 15. Provide counseling, performance evaluation, training,  
20 motivation, discipline, and assign duties for employees of the  
21 Information Services Division of the Office of Management and  
22 Enterprise Services;

23 16. For all state agencies, approve the purchasing of all  
24 information technology and telecommunication services and approve

1 the purchase of any information technology and telecommunication  
2 product except the following:

3 a. a purchase less than or equal to Five Thousand Dollars  
4 (\$5,000.00) if such product is purchased using a state  
5 purchase card and the product is listed on either the  
6 Approved Hardware or Approved Software list located on  
7 the Office of Management and Enterprise Services  
8 website, or

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

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

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

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

4 20. Create the budget for the Information Services Division of  
5 the Office of Management and Enterprise Services to be submitted to  
6 the Legislature each year.

7 G. The State Governmental Technology Applications Review Board  
8 shall provide ongoing oversight of the implementation of the plan of  
9 action required in subsection D of this section. Any proposed  
10 amendments to the plan of action shall be approved by the Board  
11 prior to adoption.

12 H. 1. The Chief Information Officer shall act as the  
13 Information Technology and Telecommunications Purchasing Director  
14 for all state agencies and shall be responsible for the procurement  
15 of all information technology and telecommunication software,  
16 hardware, equipment, peripheral devices, maintenance, consulting  
17 services, high technology systems, and other related information  
18 technology, data processing, telecommunication and related  
19 peripherals and services for all state agencies. The Chief  
20 Information Officer shall establish, implement, and enforce policies  
21 and procedures for the procurement of information technology and  
22 telecommunication software, hardware, equipment, peripheral devices,  
23 maintenance, consulting services, high technology systems, and other  
24 related information technology, data processing, telecommunication

1 and related peripherals and services by purchase, lease-purchase,  
2 lease with option to purchase, lease and rental for all state  
3 agencies. The procurement policies and procedures established by  
4 the Chief Information Officer shall be consistent with The Oklahoma  
5 Central Purchasing Act.

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

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

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~~ Public Facilities Act when  
6 procuring data processing, information technology,  
7 telecommunication, and related peripherals and services and when  
8 constructing information technology and telecommunication  
9 facilities, telecommunication networks and supporting  
10 infrastructure. The Chief Information Officer shall be authorized  
11 to delegate all or some of the procurement of information technology  
12 and telecommunication products and services and construction of  
13 facilities and telecommunication networks to another state entity if  
14 the Chief Information Officer determines it to be cost-effective and  
15 in the best interest of the state. The Chief Information Officer  
16 shall have authority to designate information technology and  
17 telecommunication contracts as statewide contracts and mandatory  
18 statewide contracts pursuant to Section 85.5 of Title 74 of the  
19 Oklahoma Statutes and to negotiate consolidation contracts,  
20 enterprise agreements and high technology systems contracts in  
21 accordance with the procedures outlined in Section 85.9D of Title 74  
22 of the Oklahoma Statutes. Any contract entered into by a state  
23 agency for which the Chief Information Officer has not acted as the  
24 Information Technology and Telecommunications Purchasing Director as



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

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

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

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

21 M. The Chief Information Officer shall prepare an annual report  
22 detailing the ongoing net saving attributable to the reallocation  
23 and consolidation of information technology and telecommunication  
24 resources and personnel and shall submit the report to the Governor,

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. With the exception of network hosting, data hosting, network  
13 security, server security and systems software support, the  
14 provisions of this section shall not apply to the Oklahoma State  
15 Department of Education and the Oklahoma Department of Career and  
16 Technology Education. Internal help desk support for employees of  
17 the Oklahoma State Department of Education shall be jointly provided  
18 by the Information Services Division of the Office of Management and  
19 Enterprise Services and the Information Services Division of the  
20 Oklahoma State Department of Education.

21 P. As used in this section:

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

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 4. This act shall become effective November 1, 2019.

9        Passed the Senate the 13th day of March, 2019.

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\_\_\_\_\_  
Presiding Officer of the Senate

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13        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2019.

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Presiding Officer of the House  
of Representatives

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