

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 227

By: Thompson of the Senate

and

Fetgatter, **Mize, Phillips**
and **Roberts (Dustin)** of the
House

11 COMMITTEE SUBSTITUTE

12 [state government - Oklahoma Information Services

13 Department Act - Oklahoma Information Services

14 Department - repealer - codification - effective

15 date -

16 emergency]

17
18
19 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 10100 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as "The Oklahoma
24 Information Services Department Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 10101 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created the Oklahoma Information Services
5 Department, hereinafter referred to as the "Department". Whenever
6 in the Oklahoma State Statutes reference is made to the Information
7 Services Division of the Office of Management and Enterprise
8 Services, it shall mean hereafter the Oklahoma Information Services
9 Department created by this act.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 10102 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Upon the effective date of this act, the Information
14 Services Division of the Office of Management and Enterprise
15 Services is hereby consolidated within the Oklahoma Information
16 Services Department.

17 B. All assets, funds, liabilities, allotments, purchase orders,
18 outstanding financial obligations, encumbrances, records, vehicles,
19 equipment and other property of the Information Services Division of
20 the Office of Management and Enterprise Services shall be
21 transferred to the Oklahoma Information Services Department.

22 C. Personnel employed by the Information Services Division of
23 the Office of Management and Enterprise Services on the effective
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1 date of this act, shall be transferred to the Oklahoma Information
2 Services Department.

3 D. The classified and unclassified employees who are
4 transferred pursuant to this section shall be subject to the
5 following provisions:

6 1. Classified employees shall remain subject to the provisions
7 of the Merit Protection System of Personnel Administration, as
8 provided in the Oklahoma Personnel Act;

9 2. Unclassified employees transferred to the Oklahoma
10 Department of Information Services shall remain in the unclassified
11 service and shall serve at the pleasure of the Chief Information
12 Officer of the Oklahoma Information Services Department;

13 3. All employees who are transferred pursuant to this act shall
14 retain leave, sick and annual time earned and any retirement and
15 longevity benefits which have accrued during their employment with
16 the state. The salaries of employees who are transferred shall not
17 be reduced as a direct and immediate result of the transfer;

18 4. If the Oklahoma Information Services Department should
19 implement a reduction in force, all employees transferred pursuant
20 to this act shall be credited for the time they were employed by the
21 Information Services Division of the Office of Management and
22 Enterprise Services; and

23 5. The transfer of employees shall be coordinated with the
24 Office of Management and Enterprise Services.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 10103 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 The Chief Executive Officer of the Department shall be the Chief
5 Information Officer, who shall be appointed by the Governor and who
6 shall serve at the pleasure of the Governor. The Chief Information
7 Officer shall be chosen with regard to knowledge, training,
8 experience and ability to administer the functions of the
9 Department. The salary of the Chief Information Officer shall not
10 be less than One Hundred Thirty Thousand Dollars (\$130,000.00) or
11 more than One Hundred Sixty Thousand Dollars (\$160,000.00).

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10104 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Any person appointed to the position of Chief Information
16 Officer shall meet the following eligibility requirements:

17 1. A baccalaureate degree in Computer Information Systems,
18 Information Systems or Technology Management, Business
19 Administration, Finance or other similar degree;

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

24

- 1 3. Familiarity with local and wide-area network design,
2 implementation and operation;
- 3 4. Experience with data and voice convergence service
4 offerings;
- 5 5. Experience in developing technology budgets;
- 6 6. Experience in developing requests for proposal and
7 administering the bid process;
- 8 7. Experience managing professional staff, teams and
9 consultants;
- 10 8. Knowledge of telecommunications operations;
- 11 9. Ability to develop and set strategic direction for
12 information technology and telecommunications and to manage daily
13 development and operations functions;
- 14 10. Ability to be an effective communicator who is able to
15 build consensus;
- 16 11. Ability to analyze and resolve complex issues, both logical
17 and interpersonal;
- 18 12. Effective verbal and written communications skills and
19 effective presentation skills, geared toward coordination and
20 education;
- 21 13. Ability to negotiate and defuse conflict; and
- 22 14. A self-motivator, independent, cooperative, flexible and
23 creative.
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1 B. The operating expenses of the Department shall be set by the
2 Chief Information Officer. The Office of Management and Enterprise
3 Services shall provide adequate office space, equipment and support
4 necessary to enable the Chief Information Officer to carry out the
5 information technology and telecommunications duties and
6 responsibilities of the Chief Information Officer and the
7 Department.

8 C. The Chief Information Officer shall be authorized to employ
9 personnel, fix the duties and compensation of the personnel, not
10 otherwise prescribed by law, and otherwise direct the work of the
11 personnel in performing the function and accomplishing the purposes
12 of the Department.

13 D. The Department shall be responsible for the following
14 duties:

15 1. Formulate and implement the information technology strategy
16 for all state agencies;

17 2. Define, design and implement a shared services statewide
18 infrastructure and application environment for information
19 technology and telecommunications for all state agencies;

20 3. Direct the development and operation of a scalable
21 telecommunications infrastructure that supports data and voice
22 communications reliability, integrity and security;

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

- 1 5. Provide direction for the professional development of
2 information technology staff of state agencies and oversee the
3 professional development of the staff of the Department;
- 4 6. Evaluate all technology and telecommunication investment
5 choices for all state agencies;
- 6 7. Create a plan to ensure alignment of current systems, tools
7 and processes with the strategic information technology plan for all
8 state agencies;
- 9 8. Set direction and provide oversight for the support and
10 continuous upgrading of the current information technology and
11 telecommunication infrastructure in the state in support of enhanced
12 reliability, user service levels and security;
- 13 9. Direct the development, implementation and management of
14 appropriate standards, policies and procedures to ensure the success
15 of state information technology and telecommunication initiatives;
- 16 10. Recruit, hire and transfer the required technical staff in
17 the Department to support the services provided by the Department
18 and the execution of the strategic information technology plan;
- 19 11. Establish, maintain and enforce information technology and
20 telecommunication standards;
- 21 12. Delegate, coordinate and review all work to ensure quality
22 and efficient operation of the Department;
- 23 13. Create and implement a communication plan that disseminates
24 pertinent information to state agencies on standards, policies,

1 procedures, service levels, project status and other important
2 information to customers of the Department and provide for agency
3 feedback and performance evaluation by customers of the Department;

4 14. Develop and implement training programs for state agencies
5 using the shared services of the Department and recommend training
6 programs to state agencies on information technology and
7 telecommunication systems, products and procedures;

8 15. Provide counseling, performance evaluation, training,
9 motivation and discipline, and assign duties for employees of the
10 Department;

11 16. For all state agencies, approve the purchasing of all
12 information technology and telecommunication services and approve
13 the purchase of any information technology and telecommunication
14 product except the following:

15 a. a purchase less than or equal to Five Thousand Dollars
16 (\$5,000.00), if such product is purchased using a
17 state purchase card and the product is listed on
18 either the Approved Hardware or Approved Software list
19 located on the Department website, or

20 b. a purchase over Five Thousand Dollars (\$5,000.00) and
21 less than or equal to Twenty-five Thousand Dollars
22 (\$25,000.00), if such product is purchased using a
23 state purchase card, the product is listed on an
24 information technology or telecommunications statewide

1 contract and the product is listed on either the
2 Approved Hardware or Approved Software list located on
3 the Department website;

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

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

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

14 20. Create the budget for the Department to be submitted to the
15 Legislature each year.

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

21 F. 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 G. The Department shall be subject to The Oklahoma Central
7 Purchasing Act for the approval and purchase of equipment and
8 products not related to information and telecommunications
9 technology, equipment, software, products and related peripherals
10 and services and shall also be subject to the requirements of the
11 Public Competitive Bidding Act of 1974, the Oklahoma Lighting Energy
12 Conservation Act and the Public Building Construction and Planning
13 Act when procuring data processing, information technology,
14 telecommunication and related peripherals and services and when
15 constructing information technology and telecommunication
16 facilities, telecommunication networks and supporting
17 infrastructure. The Chief Information Officer shall be authorized
18 to delegate all or some of the procurement of information technology
19 and telecommunication products and services and construction of
20 facilities and telecommunication networks to another state entity if
21 the Chief Information Officer determines it to be cost-effective and
22 in the best interest of this state. The Chief Information Officer
23 shall have authority to designate information technology and
24 telecommunication contracts as statewide contracts and mandatory

1 statewide contracts pursuant to Section 85.5 of Title 74 of the
2 Oklahoma Statutes and to negotiate consolidation contracts,
3 enterprise agreements and high technology systems contracts in
4 accordance with the procedures outlined in Section 85.9D of Title 74
5 of the Oklahoma Statutes. Any contract entered into by a state
6 agency for which the Chief Information Officer has not acted as the
7 Information Technology and Telecommunications Purchasing Director as
8 required in this subsection or subsection F of this section, shall
9 be deemed to be unenforceable.

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

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

20 J. All state agencies and authorities of this state and all
21 officers and employees of those entities shall work and cooperate
22 with and lend assistance to the Chief Information Officer and the
23 Department and provide any and all information requested by the
24 Chief Information Officer.

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

5 1. Every state agency shall be permitted to employ on their
6 premises an information services employee who possesses familiarity
7 with their data systems.

8 2. The Oklahoma Information Services Department shall provide
9 core functions of security for the computer and telephone systems of
10 all state agencies.

11 3. The director of every state agency shall be notified by the
12 Chief Information Officer regarding all decisions relating to
13 software, equipment and updates beyond the core functions of the
14 Oklahoma Information Services Department, and shall have the right
15 to decline such services.

16 L. For purposes of this act, unless otherwise provided for,
17 "state agencies" shall include any office, officer, bureau, board,
18 commission, counsel, unit, division, body, authority or institution
19 of the executive branch of state government, whether elected or
20 appointed, except for state governmental entities subject to
21 mandatory North American Electric Reliability Corporation (NAERC)
22 cybersecurity standards; provided, except with respect to the
23 provisions of subsection C of this section, the term "state
24 agencies" shall not include institutions within The Oklahoma State

1 System of Higher Education, the Oklahoma State Regents for Higher
2 Education and the telecommunications network known as OneNet.

3 M. As used in this section:

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

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

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

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 10105 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund
18 for the Oklahoma Information Services Department to be designated
19 the "Oklahoma Information Services Department Revolving Fund". The
20 fund shall be a continuing fund, not subject to fiscal year
21 limitations, and shall consist of all monies received by the
22 Oklahoma Information Services Department pursuant to the provisions
23 of this act. All monies accruing to the credit of the fund are
24 hereby appropriated and may be budgeted and expended by the Oklahoma

1 Information Services Department for the operation and maintenance
2 expenses of the Department. Expenditures from the fund shall be
3 made upon warrants issued by the State Treasurer against claims
4 filed as prescribed by law with the Director of the Office of
5 Management and Enterprise Services for approval and payment.

6 SECTION 7. REPEALER 62 O.S. 2011, Section 34.11.1, as
7 last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
8 2018, Section 34.11.1), is hereby repealed.

9 ~~SECTION 8. This act shall become effective July 1, 2019.~~

10 ~~SECTION 9. It being immediately necessary for the preservation~~
11 ~~of the public peace, health or safety, an emergency is hereby~~
12 ~~declared to exist, by reason whereof this act shall take effect and~~
13 ~~be in full force from and after its passage and approval.~~

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15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
16 04/15/2019 - DO PASS, As Amended and Coauthored.

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