

1 **SENATE FLOOR VERSION**

2 February 27, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 227

5 By: Thompson

6 [state government - Oklahoma Information Services
7 Department Act - Oklahoma Information Services
8 Department - repealer - codification - ~~effective date~~
9 -
10 **emergency]**

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

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

15 This Act shall be known and may be cited as "The Oklahoma
16 Information Services Department Act".

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

20 There is hereby created the Oklahoma Information Services
21 Department, hereinafter referred to as the "Department". Whenever
22 in the Oklahoma State Statutes reference is made to the Information
23 Services Division of the Office of Management and Enterprise
24

1 Services, it shall mean hereafter the Oklahoma Information Services
2 Department created by this act.

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

6 A. Upon the effective date of this act, the Information
7 Services Division of the Office of Management and Enterprise
8 Services is hereby consolidated within the Oklahoma Information
9 Services Department.

10 B. All assets, funds, liabilities, allotments, purchase orders,
11 outstanding financial obligations, encumbrances, records, vehicles,
12 equipment and other property of the Information Services Division of
13 the Office of Management and Enterprise Services shall be
14 transferred to the Oklahoma Information Services Department.

15 C. Personnel employed by the Information Services Division of
16 the Office of Management and Enterprise Services on the effective
17 date of this act, shall be transferred to the Oklahoma Information
18 Services Department.

19 D. The classified and unclassified employees who are
20 transferred pursuant to this section shall be subject to the
21 following provisions:

22 1. Classified employees shall remain subject to the provisions
23 of the Merit Protection System of Personnel Administration, as
24 provided in the Oklahoma Personnel Act;

1 2. Unclassified employees transferred to the Oklahoma
2 Department of Information Services shall remain in the unclassified
3 service and shall serve at the pleasure of the Chief Information
4 Officer of the Oklahoma Information Services Department;

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

10 4. If the Oklahoma Information Services Department should
11 implement a reduction in force, all employees transferred pursuant
12 to this act shall be credited for the time they were employed by the
13 Information Services Division of the Office of Management and
14 Enterprise Services; and

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

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

20 The Chief Executive Officer of the Department shall be the Chief
21 Information Officer, who shall be appointed by the Governor and who
22 shall serve at the pleasure of the Governor. The Chief Information
23 Officer shall be chosen with regard to knowledge, training,
24 experience and ability to administer the functions of the

1 Department. The salary of the Chief Information Officer shall not
2 be less than One Hundred Thirty Thousand Dollars (\$130,000.00) or
3 more than One Hundred Sixty Thousand Dollars (\$160,000.00).

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

7 A. 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. Ability to be an effective communicator who is able to
6 build consensus;

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

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

12 13. Ability to negotiate and defuse conflict; and

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

15 B. The operating expenses of the Department shall be set by the
16 Chief Information Officer. The Office of Management and Enterprise
17 Services shall provide adequate office space, equipment and support
18 necessary to enable the Chief Information Officer to carry out the
19 information technology and telecommunications duties and
20 responsibilities of the Chief Information Officer and the
21 Department.

22 C. The Chief Information Officer shall be authorized to employ
23 personnel, fix the duties and compensation of the personnel, not
24 otherwise prescribed by law, and otherwise direct the work of the

1 personnel in performing the function and accomplishing the purposes
2 of the Department.

3 D. The Department shall be responsible for the following
4 duties:

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

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

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

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

15 5. Provide direction for the professional development of
16 information technology staff of state agencies and oversee the
17 professional development of the staff of the Department;

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

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 Department to support the services provided by the Department
8 and the execution of the strategic information technology plan;

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

11 12. Delegate, coordinate and review all work to ensure quality
12 and efficient operation of the Department;

13 13. Create and implement a communication plan that disseminates
14 pertinent information to state agencies on standards, policies,
15 procedures, service levels, project status and other important
16 information to customers of the Department and provide for agency
17 feedback and performance evaluation by customers of the Department;

18 14. Develop and implement training programs for state agencies
19 using the shared services of the Department and recommend training
20 programs to state agencies on information technology and
21 telecommunication systems, products and procedures;

22 15. Provide counseling, performance evaluation, training,
23 motivation and discipline, and assign duties for employees of the
24 Department;

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

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

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

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

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

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

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

20 G. The Department shall be subject to The Oklahoma Central
21 Purchasing Act for the approval and purchase of equipment and
22 products not related to information and telecommunications
23 technology, equipment, software, products and related peripherals
24 and services and shall also be subject to the requirements of the

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

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

7 I. The Chief Information Officer shall develop and implement a
8 plan to utilize open-source technology and products for the
9 information technology and telecommunication systems of all state
10 agencies.

11 J. All state agencies and authorities of this state and all
12 officers and employees of those entities shall work and cooperate
13 with and lend assistance to the Chief Information Officer and the
14 Department and provide any and all information requested by the
15 Chief Information Officer.

16 K. 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 1. Every state agency shall be permitted to employ on their
21 premises an information services employee who possesses familiarity
22 with their data systems.

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

4 3. The director of every state agency shall be notified by the
5 Chief Information Officer regarding all decisions relating to
6 software, equipment and updates beyond the core functions of the
7 Oklahoma Information Services Department, and shall have the right
8 to decline such services.

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

18 M. As used in this section:

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

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

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

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

8 There is hereby created in the State Treasury a revolving fund
9 for the Oklahoma Information Services Department to be designated
10 the "Oklahoma Information Services Department Revolving Fund". The
11 fund shall be a continuing fund, not subject to fiscal year
12 limitations, and shall consist of all monies received by the
13 Oklahoma Information Services Department pursuant to the provisions
14 of this act. All monies accruing to the credit of the fund are
15 hereby appropriated and may be budgeted and expended by the Oklahoma
16 Information Services Department for the operation and maintenance
17 expenses of the Department. Expenditures from the fund shall be
18 made upon warrants issued by the State Treasurer against claims
19 filed as prescribed by law with the Director of the Office of
20 Management and Enterprise Services for approval and payment.

21 SECTION 7. REPEALER 62 O.S. 2011, Section 34.11.1, as
22 last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
23 2018, Section 34.11.1), is hereby repealed.

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 February 27, 2019 - DO PASS AS AMENDED
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