

1 ENGROSSED SENATE  
2 BILL NO. 429

By: Thompson of the Senate

and

Hilbert of the House

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5  
6 An Act relating to public finance; amending 62 O.S.  
7 2011, Section 34.11.1, as last amended by Section 2,  
8 Chapter 384, O.S.L. 2017 (62 O.S. Supp. 2020, Section  
9 34.11.1), which relates to the Chief Information  
10 Officer; deleting appointment authority of the  
11 Governor; providing hiring authority to the Director  
12 of the Office of Management and Enterprise Services;  
13 modifying certain duties of the Chief Information  
14 Officer and the Director of the Office of Management  
15 and Enterprise Services; deleting salary range;  
16 eliminating statutory eligibility requirements;  
17 making certain initial assessment and report an  
18 annual requirement; modifying contents of certain  
19 report; modifying duties of the Information Services  
20 Division of the Office of Management and Enterprise  
21 Services; and providing an effective date.

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

23 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, as  
24 last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.  
2020, Section 34.11.1), is amended to read as follows:

Section 34.11.1. A. There is hereby created the position of  
Chief Information Officer who shall be ~~appointed by the Governor~~  
hired by the Director of the Office of Management and Enterprise  
Services (OMES). The Chief Information Officer, in addition to  
having authority over the Information Services Division of the

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

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

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

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

18 3. Familiarity with local and wide-area network design,  
19 implementation, and operation;

20 4. Experience with data and voice convergence service  
21 offerings;

22 5. Experience in developing technology budgets;

23 6. Experience in developing requests for proposal and  
24 administering the bid process;

1       ~~7. Experience managing professional staff, teams, and~~  
2 ~~consultants;~~

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

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

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

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

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

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

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

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

1 and telecommunications duties and responsibilities of the Chief  
2 Information Officer and the Information Services Division.

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

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

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

- 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, and
- 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 by the Director of OMES.

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

1        ~~F.~~ E. 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

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  
24



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~~ recommend to the Director  
8 of OMES the purchasing of all information technology and  
9 telecommunication services and approve the purchase of any  
10 information technology and telecommunication product except the  
11 following:

12 a. a purchase less than or equal to Five Thousand Dollars  
13 (\$5,000.00) if such product is purchased using a state  
14 purchase card 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, or

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

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; and

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

21 ~~H. G.~~ 1. The Chief Information Officer, at the direction of  
22 the Director of OMES, shall act as the Information Technology and  
23 Telecommunications Purchasing Director for all state agencies and  
24 shall be responsible for the procurement of all information

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

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

1 granted to the State Purchasing Director pursuant to Section 85.10  
2 of Title 74 of the Oklahoma Statutes, include the power to designate  
3 financial or proprietary information submitted by a bidder  
4 confidential and reject all requests to disclose the information so  
5 designated, if the Chief Information Officer requires the bidder to  
6 submit the financial or proprietary information with a bid,  
7 proposal, or quotation.

8 ~~F.~~ H. The Information Services Division of the Office of  
9 Management and Enterprise Services and the Chief Information Officer  
10 shall be subject to The Oklahoma Central Purchasing Act for the  
11 approval and purchase of equipment and products not related to  
12 information and telecommunications technology, equipment, software,  
13 products and related peripherals and services and shall also be  
14 subject to the requirements of the Public Competitive Bidding Act of  
15 1974, the Oklahoma Lighting Energy Conservation Act and the Public  
16 Building Construction and Planning Act when procuring data  
17 processing, information technology, telecommunication, and related  
18 peripherals and services and when constructing information  
19 technology and telecommunication facilities, telecommunication  
20 networks and supporting infrastructure. The Chief Information  
21 Officer shall be authorized to delegate all or some of the  
22 procurement of information technology and telecommunication products  
23 and services and construction of facilities and telecommunication  
24 networks to another state entity if the Chief Information Officer

1 determines it to be cost-effective and in the best interest of the  
2 state. The Chief Information Officer, at the direction of the  
3 Director of OMES, shall have authority to designate information  
4 technology and telecommunication contracts as statewide contracts  
5 and mandatory statewide contracts pursuant to Section 85.5 of Title  
6 74 of the Oklahoma Statutes and to negotiate consolidation  
7 contracts, enterprise agreements and high technology systems  
8 contracts in accordance with the procedures outlined in Section  
9 85.9D of Title 74 of the Oklahoma Statutes. Any contract entered  
10 into by a state agency for which the Chief Information Officer has  
11 not acted as the Information Technology and Telecommunications  
12 Purchasing Director as required in this subsection or subsection ~~H~~ G  
13 of this section, shall be deemed to be unenforceable and the Office  
14 of Management and Enterprise Services shall not process any claim  
15 associated with the provisions thereof.

16 ~~J.~~ I. The Chief Information Officer shall establish, implement,  
17 and enforce policies and procedure for the development and  
18 procurement of an interoperable radio communications system for  
19 state agencies. The Chief Information Officer shall work with local  
20 governmental entities in developing the interoperable radio  
21 communications system.

22 ~~K.~~ J. The Chief Information Officer shall develop and implement  
23 a plan to utilize open source technology and products for the  
24

1 information technology and telecommunication systems of all state  
2 agencies.

3 ~~H.~~ K. All state agencies and authorities of this state and all  
4 officers and employees of those entities shall work and cooperate  
5 with and lend assistance to the Chief Information Officer and the  
6 Information Services Division of the Office of Management and  
7 Enterprise Services and provide any and all information requested by  
8 the Chief Information Officer.

9 ~~M.~~ L. The Chief Information Officer, at the direction of the  
10 Director of OMES, shall prepare an annual report detailing the  
11 ongoing net saving attributable to the reallocation and  
12 consolidation of information technology and telecommunication  
13 resources and personnel and shall submit the report to the Governor,  
14 the Speaker of the House of Representatives, and the President Pro  
15 Tempore of the Senate.

16 ~~N.~~ M. For purposes of the Oklahoma Information Services Act,  
17 unless otherwise provided for, "state agencies" shall include any  
18 office, officer, bureau, board, commission, counsel, unit, division,  
19 body, authority or institution of the executive branch of state  
20 government, whether elected or appointed; provided, except with  
21 respect to the provisions of subsection ~~D~~ C of this section, the  
22 term "state agencies" shall not include institutions within The  
23 Oklahoma State System of Higher Education, the Oklahoma State  
24

1 Regents for Higher Education and the telecommunications network  
2 known as OneNet.

3 ~~Θ.~~ N. 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 2. This act shall become effective November 1, 2021.

15 Passed the Senate the 4th day of March, 2021.

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

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19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

20 2021.

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Presiding Officer of the House  
of Representatives

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