

1 **SENATE FLOOR VERSION**

2 February 11, 2021

3 SENATE BILL NO. 429

By: Thompson of the Senate

4 and

5 Hilbert of the House

6
7
8 An Act relating to public finance; amending 62 O.S.
9 2011, Section 34.11.1, as last amended by Section 2,
10 Chapter 384, O.S.L. 2017 (62 O.S. Supp. 2020, Section
11 34.11.1), which relates to the Chief Information
12 Officer; deleting appointment authority of the
13 Governor; providing hiring authority to the Director
14 of the Office of Management and Enterprise Services;
15 modifying certain duties of the Chief Information
16 Officer and the Director of the Office of Management
17 and Enterprise Services; deleting salary range;
18 eliminating statutory eligibility requirements;
19 making certain initial assessment and report an
20 annual requirement; modifying contents of certain
21 report; modifying duties of the Information Services
22 Division of the Office of Management and Enterprise
23 Services; and providing an effective date.
24

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

19 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
20 last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
21 2020, Section 34.11.1), is amended to read as follows:

22 Section 34.11.1. A. There is hereby created the position of
23 Chief Information Officer who shall be ~~appointed by the Governor~~
24 hired by the Director of the Office of Management and Enterprise

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

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

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

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

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

22 4. ~~Experience with data and voice convergence service~~
23 ~~offerings;~~

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

1 ~~6. Experience in developing requests for proposal and~~
2 ~~administering the bid process;~~

3 ~~7. Experience managing professional staff, teams, and~~
4 ~~consultants;~~

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

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

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

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

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

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

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

18 ~~C. B.~~ The salary and any other expenses for the Chief
19 Information Officer shall be budgeted as a separate line item
20 through the Office of Management and Enterprise Services. The
21 operating expenses of the Information Services Division shall be set
22 by the Chief Information Officer and shall be budgeted as a separate
23 line item through the Office of Management and Enterprise Services.
24 The Office of Management and Enterprise Services shall provide

1 adequate office space, equipment and support necessary to enable the
2 Chief Information Officer to carry out the information technology
3 and telecommunications duties and responsibilities of the Chief
4 Information Officer and the Information Services Division.

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

20 2. ~~Within twelve (12) months of appointment, the first~~ The
21 Chief Information Officer shall issue ~~a~~ an annual report setting out
22 a plan of action which will include the following:
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- 1 a. define the shared service model organization structure
2 and the reporting relationship of the recommended
3 organization,
- 4 b. the implementation of an information technology and
5 telecommunications shared services model that defines
6 the statewide infrastructure environment needed by
7 most state agencies that is not specific to individual
8 agencies and the shared applications that are utilized
9 across multiple agencies,
- 10 c. define the services that shall be in the shared
11 services model under the control of the Information
12 Services Division of the Office of Management and
13 Enterprise Services,
- 14 d. define the roadmap to implement the proposed shared
15 services model. The roadmap shall include
16 recommendations on the transfer, coordination, and
17 modernization of all information technology and
18 telecommunication systems of all the state agencies in
19 the state,
- 20 e. ~~recommendations on the reallocation of information~~
21 ~~technology and telecommunication resources and~~
22 ~~personnel,~~

- 1 ~~f. a cost benefit analysis to support the recommendations~~
2 ~~on the reallocation of information technology and~~
3 ~~telecommunication resources and personnel,~~
4 ~~g. a calculation of the net savings realized through the~~
5 ~~reallocation and consolidation of information~~
6 ~~technology and telecommunication resources and~~
7 ~~personnel after compensating for the cost of~~
8 ~~contracting with a private consultant as authorized in~~
9 ~~paragraph 4 of this subsection, implementing the plan~~
10 ~~of action, and ongoing costs of the Information~~
11 ~~Services Division of the Office of Management and~~
12 ~~Enterprise Services, and~~
13 ~~h.~~ the information required in subsection B of Section
14 35.5 of this title.

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

18 4. The Chief Information Officer may contract with a private
19 consultant or consultants to assist in the assessment and
20 development of the plan of action report as required in this
21 subsection.

22 ~~E. D.~~ The Chief Information Officer Director of OMES shall be
23 authorized to employ personnel, fix the duties and compensation of
24 the personnel, not otherwise prescribed by law, and otherwise direct

1 the work of the personnel in performing the function and
2 accomplishing the purposes of the Information Services Division of
3 the Office of Management and Enterprise Services.

4 ~~F.~~ E. The Information Services Division of the Office of
5 Management and Enterprise Services shall be responsible for the
6 following duties:

7 1. Formulate and implement the information technology strategy
8 for all state agencies;

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

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

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

17 5. Provide direction for the professional development of
18 information technology staff of state agencies and oversee the
19 professional development of the staff of the Information Services
20 Division of the Office of Management and Enterprise Services;

21 6. Evaluate all technology and telecommunication investment
22 choices for all state agencies;

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

4 8. Set direction and provide oversight for the support and
5 continuous upgrading of the current information technology and
6 telecommunication infrastructure in the state in support of enhanced
7 reliability, user service levels, and security;

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

11 10. Recruit, hire and transfer the required technical staff in
12 the Information Services Division of the Office of Management and
13 Enterprise Services to support the services provided by the Division
14 and the execution of the strategic information technology plan;

15 11. Establish, maintain, and enforce information technology and
16 telecommunication standards;

17 12. Delegate, coordinate, and review all work to ensure quality
18 and efficient operation of the Information Services Division of the
19 Office of Management and Enterprise Services;

20 13. Create and implement a communication plan that disseminates
21 pertinent information to state agencies on standards, policies,
22 procedures, service levels, project status, and other important
23 information to customers of the Information Services Division of the
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1 Office of Management and Enterprise Services and provide for agency
2 feedback and performance evaluation by customers of the Division;

3 14. Develop and implement training programs for state agencies
4 using the shared services of the Information Services Division of
5 the Office of Management and Enterprise Services and recommend
6 training programs to state agencies on information technology and
7 telecommunication systems, products and procedures;

8 15. Provide counseling, performance evaluation, training,
9 motivation, discipline, and assign duties for employees of the
10 Information Services Division of the Office of Management and
11 Enterprise Services;

12 16. For all state agencies, ~~approve~~ recommend to the Director
13 of OMES the purchasing of all information technology and
14 telecommunication services and approve the purchase of any
15 information technology and telecommunication product except the
16 following:

- 17 a. a purchase less than or equal to Five Thousand Dollars
18 (\$5,000.00) if such product is purchased using a state
19 purchase card and the product is listed on either the
20 Approved Hardware or Approved Software list located on
21 the Office of Management and Enterprise Services
22 website, or
- 23 b. a purchase over Five Thousand Dollars (\$5,000.00) and
24 less than or equal to Twenty-five Thousand Dollars

1 (\$25,000.00) if such product is purchased using a
2 state purchase card, the product is listed on an
3 information technology or telecommunications statewide
4 contract, and the product is listed on either the
5 Approved Hardware or Approved Software list located on
6 the Office of Management and Enterprise Services
7 website;

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

11 18. Effectively manage the design, implementation and support
12 of complex, highly available infrastructure to ensure optimal
13 performance, on-time delivery of features, and new products, and
14 scalable growth; and

15 19. Define and implement a governance model for requesting
16 services and monitoring service level metrics for all shared
17 services; ~~and~~

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

21 G. F. The State Governmental Technology Applications Review
22 Board shall provide ongoing oversight of the implementation of the
23 plan of action required in subsection ~~D~~ C of this section. Any
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1 proposed amendments to the plan of action shall be approved by the
2 Board prior to adoption.

3 ~~H. G.~~ 1. The Chief Information Officer, at the direction of
4 the Director of OMES, shall act as the Information Technology and
5 Telecommunications Purchasing Director for all state agencies and
6 shall be responsible for the procurement of all information
7 technology and telecommunication software, hardware, equipment,
8 peripheral devices, maintenance, consulting services, high
9 technology systems, and other related information technology, data
10 processing, telecommunication and related peripherals and services
11 for all state agencies. The Chief Information Officer shall
12 establish, implement, and enforce policies and procedures for the
13 procurement of information technology and telecommunication
14 software, hardware, equipment, peripheral devices, maintenance,
15 consulting services, high technology systems, and other related
16 information technology, data processing, telecommunication and
17 related peripherals and services by purchase, lease-purchase, lease
18 with option to purchase, lease and rental for all state agencies.
19 The procurement policies and procedures established by the Chief
20 Information Officer shall be consistent with The Oklahoma Central
21 Purchasing Act.

22 2. The Chief Information Officer, or any employee or agent of
23 the Chief Information Officer acting ~~within the scope of delegated~~
24 ~~authority~~ at the direction of the Director of OMES, shall have the

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

14 ~~I.~~ H. The Information Services Division of the Office of
15 Management and Enterprise Services and the Chief Information Officer
16 shall be subject to The Oklahoma Central Purchasing Act for the
17 approval and purchase of equipment and products not related to
18 information and telecommunications technology, equipment, software,
19 products and related peripherals and services and shall also be
20 subject to the requirements of the Public Competitive Bidding Act of
21 1974, the Oklahoma Lighting Energy Conservation Act and the Public
22 Building Construction and Planning Act when procuring data
23 processing, information technology, telecommunication, and related
24 peripherals and services and when constructing information

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

22 ~~J~~ I. The Chief Information Officer shall establish, implement,
23 and enforce policies and procedure for the development and
24 procurement of an interoperable radio communications system for

1 state agencies. The Chief Information Officer shall work with local
2 governmental entities in developing the interoperable radio
3 communications system.

4 ~~K.~~ J. The Chief Information Officer shall develop and implement
5 a plan to utilize open source technology and products for the
6 information technology and telecommunication systems of all state
7 agencies.

8 ~~L.~~ K. All state agencies and authorities of this state and all
9 officers and employees of those entities shall work and cooperate
10 with and lend assistance to the Chief Information Officer and the
11 Information Services Division of the Office of Management and
12 Enterprise Services and provide any and all information requested by
13 the Chief Information Officer.

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

21 ~~N.~~ M. For purposes of the Oklahoma Information Services Act,
22 unless otherwise provided for, "state agencies" shall include any
23 office, officer, bureau, board, commission, counsel, unit, division,
24 body, authority or institution of the executive branch of state

1 government, whether elected or appointed; provided, except with
2 respect to the provisions of subsection ~~D~~ C of this section, the
3 term "state agencies" shall not include institutions within The
4 Oklahoma State System of Higher Education, the Oklahoma State
5 Regents for Higher Education and the telecommunications network
6 known as OneNet.

7 ~~Θ.~~ N. As used in this section:

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

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

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

18 SECTION 2. This act shall become effective November 1, 2021.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
20 February 11, 2021 - DO PASS

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