

1 **SENATE FLOOR VERSION**

2 April 1, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3057

By: Steagall of the House

5 and

Weaver of the Senate

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10 An Act relating to public finance; amending 62 O.S.
11 2021, Section 34.11.1, which relates to the Chief
12 Information Officer; requiring all purchases of the
13 Chief Information Officer be subject to certain acts;
14 and providing an effective date.

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

18 SECTION 1. AMENDATORY 62 O.S. 2021, Section 34.11.1, is
19 amended to read as follows:

20 Section 34.11.1 A. There is hereby created the position of
21 Chief Information Officer who shall be appointed by the Governor.
22 The Chief Information Officer, in addition to having authority over
23 the Information Services Division of the Office of Management and
24 Enterprise Services, shall also serve as Secretary of Information

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

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

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

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

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

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

21 5. Experience in developing technology budgets;

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

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

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

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

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

- 20 a. define the shared service model organization structure
21 and the reporting relationship of the recommended
22 organization,
23 b. the implementation of an information technology and
24 telecommunications shared services model that defines

1 the statewide infrastructure environment needed by
2 most state agencies that is not specific to individual
3 agencies and the shared applications that are utilized
4 across multiple agencies,

5 c. define the services that shall be in the shared
6 services model under the control of the Information
7 Services Division of the Office of Management and
8 Enterprise Services,

9 d. define the roadmap to implement the proposed shared
10 services model. The roadmap shall include
11 recommendations on the transfer, coordination, and
12 modernization of all information technology and
13 telecommunication systems of all the state agencies in
14 the state,

15 e. recommendations on the reallocation of information
16 technology and telecommunication resources and
17 personnel,

18 f. a cost benefit analysis to support the recommendations
19 on the reallocation of information technology and
20 telecommunication resources and personnel,

21 g. a calculation of the net savings realized through the
22 reallocation and consolidation of information
23 technology and telecommunication resources and
24 personnel after compensating for the cost of

1 contracting with a private consultant as authorized in
2 paragraph 4 of this subsection, implementing the plan
3 of action, and ongoing costs of the Information
4 Services Division of the Office of Management and
5 Enterprise Services, and

6 h. the information required in subsection B of Section
7 35.5 of this title.

8 3. The plan of action report shall be presented to the
9 Governor, Speaker of the Oklahoma House of Representatives, and the
10 President Pro Tempore of the Oklahoma State Senate.

11 4. The Chief Information Officer may contract with a private
12 consultant or consultants to assist in the assessment and
13 development of the plan of action report as required in this
14 subsection.

15 E. The Chief Information Officer shall be authorized to employ
16 personnel, fix the duties and compensation of the personnel, not
17 otherwise prescribed by law, and otherwise direct the work of the
18 personnel in performing the function and accomplishing the purposes
19 of the Information Services Division of the Office of Management and
20 Enterprise Services.

21 F. The Information Services Division of the Office of
22 Management and Enterprise Services shall be responsible for the
23 following duties:
24

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

24

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

4 10. Recruit, hire and transfer the required technical staff in
5 the Information Services Division of the Office of Management and
6 Enterprise Services to support the services provided by the Division
7 and the execution of the strategic information technology plan;

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

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

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 Information Services Division of the
17 Office of Management and Enterprise Services and provide for agency
18 feedback and performance evaluation by customers of the Division;

19 14. Develop and implement training programs for state agencies
20 using the shared services of the Information Services Division of
21 the Office of Management and Enterprise Services and recommend
22 training programs to state agencies on information technology and
23 telecommunication systems, products and procedures;

24

1 15. Provide counseling, performance evaluation, training,
2 motivation, discipline, and assign duties for employees of the
3 Information Services Division of the Office of Management and
4 Enterprise Services;

5 16. For all state agencies, approve the purchasing of all
6 information technology and telecommunication services and approve
7 the purchase of any information technology and telecommunication
8 product except the following:

9 a. a purchase less than or equal to Five Thousand Dollars
10 (\$5,000.00) if such product is purchased using a state
11 purchase card and the product is listed on either the
12 Approved Hardware or Approved Software list located on
13 the Office of Management and Enterprise Services
14 website, or

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

24

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

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

8 19. Define and implement a governance model for requesting
9 services and monitoring service level metrics for all shared
10 services; and

11 20. Create the budget for the Information Services Division of
12 the Office of Management and Enterprise Services to be submitted to
13 the Legislature each year.

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

19 H. 1. The Chief Information Officer shall act as the
20 Information Technology and Telecommunications Purchasing Director
21 for all state agencies and shall be responsible for the procurement
22 of all information technology and telecommunication software,
23 hardware, equipment, peripheral devices, maintenance, consulting
24 services, high technology systems, and other related information

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

13 2. The Chief Information Officer, or any employee or agent of
14 the Chief Information Officer acting within the scope of delegated
15 authority, shall have the same power and authority regarding the
16 procurement of all information technology and telecommunication
17 products and services as outlined in paragraph 1 of this subsection
18 for all state agencies as the State Purchasing Director has for all
19 acquisitions used or consumed by state agencies as established in
20 The Oklahoma Central Purchasing Act. Such authority shall,
21 consistent with the authority granted to the State Purchasing
22 Director pursuant to Section 85.10 of Title 74 of the Oklahoma
23 Statutes, include the power to designate financial or proprietary
24 information submitted by a bidder confidential and reject all

1 requests to disclose the information so designated, if the Chief
2 Information Officer requires the bidder to submit the financial or
3 proprietary information with a bid, proposal, or quotation.

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

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

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

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

21 L. All state agencies and authorities of this state and all
22 officers and employees of those entities shall work and cooperate
23 with and lend assistance to the Chief Information Officer and the
24 Information Services Division of the Office of Management and

1 Enterprise Services and provide any and all information requested by
2 the Chief Information Officer.

3 M. The Chief Information Officer shall prepare an annual report
4 detailing the ongoing net saving attributable to the reallocation
5 and consolidation of information technology and telecommunication
6 resources and personnel and shall submit the report to the Governor,
7 the Speaker of the Oklahoma House of Representatives, and the
8 President Pro Tempore of the Oklahoma State Senate.

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

18 O. 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 2. This act shall become effective November 1, 2024.

6 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
7 April 1, 2024 - DO PASS
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