

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1397

By: Thompson (Roger)

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6 AS INTRODUCED

7 An Act relating to state government; creating the
8 Oklahoma Information Services Department Act;
9 providing short title; defining terms; creating the
10 Oklahoma Information Services Department as an
11 independent agency; transferring certain powers,
12 duties, responsibilities, personnel, funds, records,
13 encumbrances, equipment, and other items to the
14 Department; providing for the transfer of certain
15 employees; providing rulemaking authority; directing
16 establishment of certain division under certain
17 condition; creating the position of Chief Information
18 Officer; establishing eligibility requirements for
19 the position of Chief Information Officer; providing
20 for establishment of certain operating expenses;
21 establishing powers and duties of the Chief
22 Information Officer and Department; specifying
23 certain purchasing requirements; authorizing certain
24 delegation and designation; requiring development of
25 certain policies, procedures, and plan; authorizing
26 and directing certain actions by certain agencies;
27 creating the Oklahoma Information Services Department
28 Revolving Fund; specifying type of fund and source of
29 monies; providing for expenditure of funds; repealing
30 62 O.S. 2021, Section 34.11.1, which relates to the
31 Chief Information Officer; providing for
32 codification; providing an effective date; and
33 declaring an emergency.

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

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

4 This act shall be known and may be cited as the "Oklahoma
5 Information Services Department Act".

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

9 A. As used in this act:

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

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

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

21 4. "State agency" means any office, officer, bureau, board,
22 commission, counsel, unit, division, body, authority, or institution
23 of the executive branch of state government, whether elected or
24 appointed; provided, state agency shall not include institutions

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

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

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

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

16 A. Beginning on the effective date of this act, the Information
17 Services Division of the Office of Management and Enterprise
18 Services shall cease to be part of or a division of the Office and
19 shall be deemed to be a separate and distinct agency, to be known as
20 the Oklahoma Information Services Department. The Department and
21 the Chief Information Officer of the Department shall continue to
22 exercise the respective statutory powers, duties, and contractual
23 responsibilities of the Information Services Division of the Office
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1 of Management and Enterprise Services and the Chief Information
2 Officer of the Division.

3 B. All assets, funds, liabilities, allotments, purchase orders,
4 outstanding financial obligations, encumbrances, records, vehicles,
5 equipment, and other property of the Information Services Division
6 of the Office of Management and Enterprise Services shall be
7 transferred to the Oklahoma Information Services Department.

8 C. Personnel employed by the Information Services Division of
9 the Office of Management and Enterprise Services on the effective
10 date of this act shall be transferred to the Oklahoma Information
11 Services Department.

12 D. The classified and unclassified employees who are
13 transferred pursuant to this section shall be subject to the
14 following provisions:

15 1. Classified employees shall remain subject to the provisions
16 of the Merit Protection Commission, as provided in the Oklahoma
17 Personnel Act;

18 2. Unclassified employees transferred to the Oklahoma
19 Information Services Department shall remain in the unclassified
20 service and shall serve at the pleasure of the Chief Information
21 Officer of the Oklahoma Information Services Department;

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

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

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

10 E. Rules promulgated by the Director of the Office of
11 Management and Enterprise Services pertaining to information
12 services or to the Information Services Division that are in effect
13 on the effective date of this act shall be immediately adopted and
14 enforced by the Chief Information Officer of the Department. The
15 Chief Information Officer maintains the authority to further
16 promulgate and enforce rules.

17 F. The division within the Office of Management and Enterprise
18 Services known as the Information Services Division shall be
19 abolished by the Office after the transfers described in this
20 section have been completed.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 10104 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:
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1 The Chief Executive Officer of the Oklahoma Information Services
2 Department shall be the Chief Information Officer, who shall be
3 appointed by the Governor and who shall serve at the pleasure of the
4 Governor. The Chief Information Officer shall be chosen with regard
5 to knowledge, training, experience, and ability to administer the
6 functions of the Department. The salary of the Chief Information
7 Officer shall not be less than One Hundred Thirty Thousand Dollars
8 (\$130,000.00) nor more than One Hundred Sixty Thousand Dollars
9 (\$160,000.00).

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

13 A. Any person appointed to the position of Chief Information
14 Officer of the Oklahoma Information Services Department shall meet
15 the following eligibility requirements:

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

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

23 3. Familiarity with local and wide-area network design,
24 implementation, and operation;

- 1 4. Experience with data and voice convergence service
2 offerings;
- 3 5. Experience in developing technology budgets;
- 4 6. Experience in developing requests for proposal and
5 administering the bid process;
- 6 7. Experience managing professional staff, teams, and
7 consultants;
- 8 8. Knowledge of telecommunications operations;
- 9 9. Ability to develop and set strategic direction for
10 information technology and telecommunications and to manage daily
11 development and operations functions;
- 12 10. Ability to be an effective communicator who is able to
13 build consensus;
- 14 11. Ability to analyze and resolve complex issues, both logical
15 and interpersonal;
- 16 12. Effective verbal and written communications skills and
17 effective presentation skills, geared toward coordination and
18 education;
- 19 13. Ability to negotiate and defuse conflict; and
- 20 14. A self-motivator, independent, cooperative, flexible, and
21 creative.

22 B. The operating expenses of the Department shall be set by the
23 Chief Information Officer. The Office of Management and Enterprise
24 Services shall provide adequate office space, equipment, and support

1 necessary to enable the Chief Information Officer to carry out the
2 information technology and telecommunications duties and
3 responsibilities of the Chief Information Officer and the
4 Department.

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

10 D. The Department shall have the following powers and duties:

11 1. Formulate and implement the information technology strategy
12 for all state agencies;

13 2. Define, design, and implement a shared services statewide
14 infrastructure and application environment for information
15 technology and telecommunications for all state agencies;

16 3. Direct the development and operation of a scalable
17 telecommunications infrastructure that supports data and voice
18 communications reliability, integrity, and security;

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

21 5. Provide direction for the professional development of
22 information technology staff of state agencies and oversee the
23 professional development of the staff of the Department;

1 6. Evaluate all technology and telecommunication investment
2 choices for all state agencies;

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

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

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

14 10. Recruit, hire, and transfer the required technical staff in
15 the Department to support the services provided by the Department
16 and the execution of the strategic information technology plan;

17 11. Establish, maintain, and enforce information technology and
18 telecommunication standards;

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

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

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

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

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

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

1 Approved Hardware or Approved Software list located on
2 the Department 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;

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 Department to be submitted to the
14 Legislature each year.

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

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

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

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

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

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

13 1. Every state agency shall be permitted to employ on its
14 premises an information services employee who possesses familiarity
15 with the agency's data systems.

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

19 3. The director of every state agency shall be notified by the
20 Chief Information Officer regarding all decisions relating to
21 software, equipment, and updates beyond the core functions of the
22 Oklahoma Information Services Department, and shall have the right
23 to decline such services.

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1 I. All state agencies and authorities of this state and all
2 officers and employees of those entities shall work and cooperate
3 with and lend assistance to the Chief Information Officer and the
4 Department and provide any and all information required by the Chief
5 Information Officer.

6 SECTION 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 10106 of Title 74, unless there
8 is created a duplication in numbering, reads as follows:

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

1 SECTION 8. REPEALER 62 O.S. 2021, Section 34.11.1, is
2 hereby repealed.

3 SECTION 9. This act shall become effective July 1, 2024.

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

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