

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 105

6 By: Thompson

7 COMMITTEE SUBSTITUTE

8 An Act relating to state information technology;
9 amending 62 O.S. 2011, Section 34.11.1, as last
10 amended by Section 6, Chapter 358, O.S.L. 2013 (62
11 O.S. Supp. 2016, Section 34.11.1), which relates to
12 the Chief Information Officer; modifying duties;
13 providing for noncodification; providing an effective
14 date; and declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 It is the intent of the Legislature to streamline the
19 acquisition of certain information technology and telecommunication
20 products by state agencies while maintaining adherence to state
21 architectural and data security standards and while ensuring
22 supportable information technology and telecommunication solutions
23 are acquired by state agency.
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1 SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
2 last amended by Section 6, Chapter 358, O.S.L. 2013 (62 O.S. Supp.
3 2016, Section 34.11.1), is amended to read as follows:

4 Section 34.11.1. A. There is hereby created the position of
5 Chief Information Officer who shall be appointed by the Governor.
6 The Chief Information Officer, in addition to having authority over
7 the Information Services Division of the Office of Management and
8 Enterprise Services, shall also serve as Secretary of Information
9 Technology and Telecommunications or successor cabinet position and
10 shall have jurisdictional areas of responsibility related to
11 information technology and telecommunications systems of all state
12 agencies as provided for in state law. The salary of the Chief
13 Information Officer shall not be less than One Hundred Thirty
14 Thousand Dollars (\$130,000.00) or more than One Hundred Sixty
15 Thousand Dollars (\$160,000.00).

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

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

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

- 1 3. Familiarity with local and wide-area network design,
2 implementation, and operation;
- 3 4. Experience with data and voice convergence service
4 offerings;
- 5 5. Experience in developing technology budgets;
- 6 6. Experience in developing requests for proposal and
7 administering the bid process;
- 8 7. Experience managing professional staff, teams, and
9 consultants;
- 10 8. Knowledge of telecommunications operations;
- 11 9. Ability to develop and set strategic direction for
12 information technology and telecommunications and to manage daily
13 development and operations functions;
- 14 10. An effective communicator who is able to build consensus;
- 15 11. Ability to analyze and resolve complex issues, both logical
16 and interpersonal;
- 17 12. Effective verbal and written communications skills and
18 effective presentation skills, geared toward coordination and
19 education;
- 20 13. Ability to negotiate and defuse conflict; and
- 21 14. A self-motivator, independent, cooperative, flexible and
22 creative.
- 23 C. The salary and any other expenses for the Chief Information
24 Officer shall be budgeted as a separate line item through the Office

1 of Management and Enterprise Services. The operating expenses of
2 the Information Services Division shall be set by the Chief
3 Information Officer and shall be budgeted as a separate line item
4 through the Office of Management and Enterprise Services. The
5 Office of Management and Enterprise Services shall provide adequate
6 office space, equipment and support necessary to enable the Chief
7 Information Officer to carry out the information technology and
8 telecommunications duties and responsibilities of the Chief
9 Information Officer and the Information Services Division.

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

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

- 4 a. define the shared service model organization structure
5 and the reporting relationship of the recommended
6 organization,
- 7 b. the implementation of an information technology and
8 telecommunications shared services model that defines
9 the statewide infrastructure environment needed by
10 most state agencies that is not specific to individual
11 agencies and the shared applications that are utilized
12 across multiple agencies,
- 13 c. define the services that shall be in the shared
14 services model under the control of the Information
15 Services Division of the Office of Management and
16 Enterprise Services,
- 17 d. define the roadmap to implement the proposed shared
18 services model. The roadmap shall include
19 recommendations on the transfer, coordination, and
20 modernization of all information technology and
21 telecommunication systems of all the state agencies in
22 the state,

- 1 e. recommendations on the reallocation of information
2 technology and telecommunication resources and
3 personnel,
4 f. a cost benefit analysis to support the recommendations
5 on the reallocation of information technology and
6 telecommunication resources and personnel,
7 g. a calculation of the net savings realized through the
8 reallocation and consolidation of information
9 technology and telecommunication resources and
10 personnel after compensating for the cost of
11 contracting with a private consultant as authorized in
12 paragraph 4 of this subsection, implementing the plan
13 of action, and ongoing costs of the Information
14 Services Division of the Office of Management and
15 Enterprise Services, and
16 h. the information required in subsection B of Section
17 35.5 of this title.

18 3. The plan of action report shall be presented to the
19 Governor, Speaker of the House of Representatives, and the President
20 Pro Tempore of the State Senate.

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

1 E. The Chief Information Officer shall be authorized to employ
2 personnel, fix the duties and compensation of the personnel, not
3 otherwise prescribed by law, and otherwise direct the work of the
4 personnel in performing the function and accomplishing the purposes
5 of the Information Services Division of the Office of Management and
6 Enterprise Services.

7 F. The Information Services Division of the Office of
8 Management and Enterprise Services shall be responsible for the
9 following duties:

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

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

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

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

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

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- 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 success
12 of state information technology and telecommunication initiatives;
- 13 10. Recruit, hire and transfer the required technical staff in
14 the Information Services Division of the Office of Management and
15 Enterprise Services to support the services provided by the Division
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 Information Services Division of the
21 Office of Management and Enterprise Services;
- 22 13. Create and implement a communication plan that disseminates
23 pertinent information to state agencies on standards, policies,
24 procedures, service levels, project status, and other important

1 information to customers of the Information Services Division of the
2 Office of Management and Enterprise Services and provide for agency
3 feedback and performance evaluation by customers of the Division;

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

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

13 16. ~~Approve~~ For all state agencies, approve the purchasing of
14 all information technology and telecommunication services and
15 approve the purchase of any information technology and
16 telecommunication ~~products and services for all state agencies~~
17 product except the following:

18 a. a purchase less than or equal to Five Thousand Dollars
19 (\$5,000.00) if such product is purchased using a state
20 purchase card 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, or
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1 b. a purchase over Five Thousand Dollars (\$5,000.00) and
2 less than or equal to Twenty-five Thousand Dollars
3 (\$25,000.00) if such product is purchased using a
4 state purchase card, the product is listed on an
5 information technology or telecommunications statewide
6 contract, and the product is listed on either the
7 Approved Hardware or Approved Software list located on
8 the Office of Management and Enterprise Services
9 website;

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

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

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

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

23 G. The State Governmental Technology Applications Review Board
24 shall provide ongoing oversight of the implementation of the plan of

1 action required in subsection D of this section. Any proposed
2 amendments to the plan of action shall be approved by the Board
3 prior to adoption.

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

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

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

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

20 J. The Chief Information Officer shall establish, implement,
21 and enforce policies and procedure for the development and
22 procurement of an interoperable radio communications system for
23 state agencies. The Chief Information Officer shall work with local
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1 governmental entities in developing the interoperable radio
2 communications system.

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

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

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

19 N. For purposes of the Oklahoma Information Services Act,
20 unless otherwise provided for, "state agencies" shall include any
21 office, officer, bureau, board, commission, counsel, unit, division,
22 body, authority or institution of the executive branch of state
23 government, whether elected or appointed; provided, except with
24 respect to the provisions of subsection D of this section, the term

1 "state agencies" shall not include institutions within The Oklahoma
2 State System of Higher Education, the Oklahoma State Regents for
3 Higher Education and the telecommunications network known as OneNet.

4 0. As used in this section:

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

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

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

15 SECTION 3. This act shall become effective July 1, 2017.

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

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