

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 4085

6 By: McCall

7 COMMITTEE SUBSTITUTE

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. 2019, Section
11 34.11.1), which relates to the Chief Information
12 Officer; modifying duties and responsibilities;
13 modifying provisions related to salary; modifying
14 eligibility requirements; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
17 last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.
18 2019, Section 34.11.1), is amended to read as follows:

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

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

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

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

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

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

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

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

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

23 7. ~~Experience managing professional staff, teams, and~~
24 ~~consultants;~~

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

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

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

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

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

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

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

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

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

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

- 18 a. define the shared service model organization structure
19 and the reporting relationship of the recommended
20 organization,
- 21 b. the implementation of an information technology and
22 telecommunications shared services model that defines
23 the statewide infrastructure environment needed by
24 most state agencies that is not specific to individual

1 agencies and the shared applications that are utilized
2 across multiple agencies,

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

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

13 e. recommendations on the reallocation of information
14 technology and telecommunication resources and
15 personnel,

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

19 g. a calculation of the net savings realized through the
20 reallocation and consolidation of information
21 technology and telecommunication resources and
22 personnel after compensating for the cost of
23 contracting with a private consultant as authorized in
24 paragraph 4 of this subsection, implementing the plan

1 of action, and ongoing costs of the Information
2 Services Division of the Office of Management and
3 Enterprise Services, and

4 h. the information required in subsection B of Section
5 35.5 of this title.

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

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

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

19 ~~F.~~ E. The Information Services Division of the Office of
20 Management and Enterprise Services shall be responsible for the
21 following duties:

22 1. Formulate and implement the information technology strategy
23 for all state agencies;

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

- 1 10. Recruit, hire and transfer the required technical staff in
2 the Information Services Division of the Office of Management and
3 Enterprise Services to support the services provided by the Division
4 and the execution of the strategic information technology plan;
- 5 11. Establish, maintain, and enforce information technology and
6 telecommunication standards;
- 7 12. Delegate, coordinate, and review all work to ensure quality
8 and efficient operation of the Information Services Division of the
9 Office of Management and Enterprise Services;
- 10 13. Create and implement a communication plan that disseminates
11 pertinent information to state agencies on standards, policies,
12 procedures, service levels, project status, and other important
13 information to customers of the Information Services Division of the
14 Office of Management and Enterprise Services and provide for agency
15 feedback and performance evaluation by customers of the Division;
- 16 14. Develop and implement training programs for state agencies
17 using the shared services of the Information Services Division of
18 the Office of Management and Enterprise Services and recommend
19 training programs to state agencies on information technology and
20 telecommunication systems, products and procedures;
- 21 15. Provide counseling, performance evaluation, training,
22 motivation, discipline, and assign duties for employees of the
23 Information Services Division of the Office of Management and
24 Enterprise Services;

1 16. For all state agencies, approve the purchasing of all
2 information technology and telecommunication services and approve
3 the purchase of any information technology and telecommunication
4 product except the following:

5 a. a purchase less than or equal to Five Thousand Dollars
6 (\$5,000.00) if such product is purchased using a state
7 purchase card and the product is listed on either the
8 Approved Hardware or Approved Software list located on
9 the Office of Management and Enterprise Services
10 website, or

11 b. a purchase over Five Thousand Dollars (\$5,000.00) and
12 less than or equal to Twenty-five Thousand Dollars
13 (\$25,000.00) if such product is purchased using a
14 state purchase card, the product is listed on an
15 information technology or telecommunications statewide
16 contract, and the product is listed on either the
17 Approved Hardware or Approved Software list located on
18 the Office of Management and Enterprise Services
19 website;

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

23 18. Effectively manage the design, implementation and support
24 of complex, highly available infrastructure to ensure optimal

1 performance, on-time delivery of features, and new products, and
2 scalable growth;

3 19. Define and implement a governance model for requesting
4 services and monitoring service level metrics for all shared
5 services; and

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

9 ~~G.~~ F. The State Governmental Technology Applications Review
10 Board shall provide ongoing oversight of the implementation of the
11 plan of action required in subsection ~~D~~ C of this section. Any
12 proposed amendments to the plan of action shall be approved by the
13 Board prior to adoption.

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

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

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

23 ~~F.~~ H. The Information Services Division of the Office of
24 Management and Enterprise Services and the Chief Information Officer

1 shall be subject to The Oklahoma Central Purchasing Act for the
2 approval and purchase of equipment and products not related to
3 information and telecommunications technology, equipment, software,
4 products and related peripherals and services and shall also be
5 subject to the requirements of the Public Competitive Bidding Act of
6 1974, the Oklahoma Lighting Energy Conservation Act and the Public
7 Building Construction and Planning Act when procuring data
8 processing, information technology, telecommunication, and related
9 peripherals and services and when constructing information
10 technology and telecommunication facilities, telecommunication
11 networks and supporting infrastructure. The Chief Information
12 Officer shall be authorized to delegate all or some of the
13 procurement of information technology and telecommunication products
14 and services and construction of facilities and telecommunication
15 networks to another state entity if the Chief Information Officer
16 determines it to be cost-effective and in the best interest of the
17 state. The Chief Information Officer shall have authority to
18 designate information technology and telecommunication contracts as
19 statewide contracts and mandatory statewide contracts pursuant to
20 Section 85.5 of Title 74 of the Oklahoma Statutes and to negotiate
21 consolidation contracts, enterprise agreements and high technology
22 systems contracts in accordance with the procedures outlined in
23 Section 85.9D of Title 74 of the Oklahoma Statutes. Any contract
24 entered into by a state agency for which the Chief Information

1 Officer has not acted as the Information Technology and
2 Telecommunications Purchasing Director as required in this
3 subsection or subsection ~~H~~ G of this section, shall be deemed to be
4 unenforceable and the Office of Management and Enterprise Services
5 shall not process any claim associated with the provisions thereof.

6 ~~J~~. I. The Chief Information Officer shall establish, implement,
7 and enforce policies and procedure for the development and
8 procurement of an interoperable radio communications system for
9 state agencies. The Chief Information Officer shall work with local
10 governmental entities in developing the interoperable radio
11 communications system.

12 ~~K~~. J. The Chief Information Officer shall develop and implement
13 a plan to utilize open source technology and products for the
14 information technology and telecommunication systems of all state
15 agencies.

16 ~~L~~. K. All state agencies and authorities of this state and all
17 officers and employees of those entities shall work and cooperate
18 with and lend assistance to the Chief Information Officer and the
19 Information Services Division of the Office of Management and
20 Enterprise Services and provide any and all information requested by
21 the Chief Information Officer.

22 ~~M~~. L. The Chief Information Officer shall prepare an annual
23 report detailing the ongoing net saving attributable to the
24 reallocation and consolidation of information technology and

1 telecommunication resources and personnel and shall submit the
2 report to the Governor, the Speaker of the House of Representatives,
3 and the President Pro Tempore of the Senate.

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

14 ~~O.~~ N. As used in this section:

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

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

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

1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5

6 57-2-11555 SD 02/27/20

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24