

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2062

By: Derby

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5
6 AS INTRODUCED

7 An Act relating to technology; amending 62 O.S. 2011,
8 Section 34.11.1, as last amended by Section 1,
9 Chapter 292, O.S.L. 2012 (62 O.S. Supp. 2012, Section
10 34.11.1), which relates to the Chief Information
11 Officer; updating statutory language; expanding
12 certain jurisdictional areas of responsibility;
13 deleting obsolete language; requiring certain
14 assessment to be updated annually; deleting
15 requirement for approval of plan by the State
16 Governmental Technology Applications Review Board;
17 deleting net savings realization requirement;
18 modifying types of products which are allowed to be
19 procured by the Chief Information Officer;
20 authorizing the Chief Information Officer to
21 negotiate certain types of contracts and agreements;
22 deleting requirement to establish certain charges to
23 state agencies; adding definitions; providing an
24 effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
last amended by Section 1, Chapter 292, O.S.L. 2012 (62 O.S. Supp.
2012, Section 34.11.1), is amended to read as follows:

Section 34.11.1 A. There is hereby created the position of
Chief Information Officer who shall be appointed by the Governor.

1 The Chief Information Officer, in addition to having authority over
2 the Information Services Division of the Office of ~~State Finance~~
3 Management and Enterprise Services, shall also serve as Secretary of
4 Information Technology and Telecommunications or successor cabinet
5 position and shall have jurisdictional areas of responsibility
6 related to information technology and telecommunications systems of
7 all state agencies as provided for in ~~the Oklahoma Information~~
8 ~~Services Act~~ state law. The salary of the Chief Information Officer
9 shall not be less than One Hundred Thirty Thousand Dollars
10 (\$130,000.00) or more than One Hundred Sixty Thousand Dollars
11 (\$160,000.00). ~~The first Chief Information Officer shall be~~
12 ~~appointed no later than January 1, 2010.~~

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

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

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

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

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- 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. An effective communicator who is able to build consensus;
- 13 11. Ability to analyze and resolve complex issues, both logical
- 14 and interpersonal;
- 15 12. Effective verbal and written communications skills and
- 16 effective presentation skills, geared toward coordination and
- 17 education;
- 18 13. Ability to negotiate and defuse conflict; and
- 19 14. A self-motivator, independent, cooperative, flexible and
- 20 creative.

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

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

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

20 2. Within twelve (12) months of appointment, the first Chief
21 Information Officer shall issue a report setting out a plan of
22 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 ~~State Finance~~
13 Management and 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,
- 23 f. recommendations on maximizing the benefits to the
24 state by the alignment and operation of the

1 communications and data transfer network assets known
2 as OneNet,

3 g. a cost benefit analysis to support the recommendations
4 on the reallocation of information technology and
5 telecommunication resources and personnel,

6 h. a calculation of the net savings realized through the
7 reallocation and consolidation of information
8 technology and telecommunication resources and
9 personnel after compensating for the cost of
10 contracting with a private consultant as authorized in
11 paragraph 4 of this subsection, implementing the plan
12 of action, and ongoing costs of the Information
13 Services Division of the Office of ~~State Finance~~
14 Management and Enterprise Services, and

15 i. the information required in subsection B of Section
16 35.5 of this title.

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

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

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

8 F. ~~Beginning on the effective date of the appointment of the~~
9 ~~first Chief Information Officer, the~~ The Information Services
10 Division of the Office of ~~State Finance~~ Management and Enterprise
11 Services shall be responsible for the following duties:

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

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

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

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

22 5. Provide direction for the professional development of
23 information technology staff of state agencies and oversee the
24 professional development of the staff of the Information Services

1 Division of the Office of ~~State Finance~~ Management and Enterprise
2 Services;

3 6. Evaluate all technology and telecommunication investment
4 choices for all state agencies;

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

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

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

15 10. Recruit, hire and transfer the required technical staff in
16 the Information Services Division of the Office of ~~State Finance~~
17 Management and Enterprise Services to support the services provided
18 by the Division and the execution of the strategic information
19 technology plan;

20 11. Establish, maintain, and enforce information technology and
21 telecommunication standards;

22 12. Delegate, coordinate, and review all work to ensure quality
23 and efficient operation of the Information Services Division of the
24 Office of ~~State Finance~~ Management and Enterprise Services;

1 13. Create and implement a communication plan that disseminates
2 pertinent information to state agencies on standards, policies,
3 procedures, service levels, project status, and other important
4 information to customers of the Information Services Division of the
5 Office of ~~State Finance~~ Management and Enterprise Services and
6 provide for agency feedback and performance evaluation by customers
7 of the Division;

8 14. Develop and implement training programs for state agencies
9 using the shared services of the Information Services Division of
10 the Office of ~~State Finance~~ Management and Enterprise Services and
11 recommend training programs to state agencies on information
12 technology and telecommunication systems, products and procedures;

13 15. Provide counseling, performance evaluation, training,
14 motivation, discipline, and assign duties for employees of the
15 Information Services Division of the Office of ~~State Finance~~
16 Management and Enterprise Services;

17 16. Approve the purchasing of all information technology and
18 telecommunication products and services for all state agencies;

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

22 18. Effectively manage the design, implementation and support
23 of complex, highly available infrastructure to ensure optimal
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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 ~~State Finance~~ Management and Enterprise Services to be
8 submitted to the Legislature each year.

9 G. ~~Upon receiving approval of the State Governmental Technology~~
10 ~~Applications Review Board, the Chief Information Officer shall~~
11 ~~implement the plan of action as set forth in subsection D of this~~
12 ~~section; provided, the plan of action for the Department of Human~~
13 ~~Services shall not be implemented until July 1, 2011. The State~~
14 ~~Governmental Technology Applications Review Board shall provide~~
15 ~~ongoing oversight of the implementation of the plan of action~~
16 ~~required in subsection D of this section. Any proposed amendments~~
17 ~~to the plan of action shall be approved by the Board prior to~~
18 ~~adoption. The net savings realized through the reallocation and~~
19 ~~consolidation of information technology and telecommunication~~
20 ~~resources and personnel after compensating for the up-front costs~~
21 ~~and ongoing costs of the Information Services Division of the Office~~
22 ~~of State Finance which are identified and reported in the plan of~~
23 ~~action shall be realized no later than July 1, 2012, and shall at a~~
24 ~~minimum be not less than fifteen percent (15%) of the overall~~

1 ~~statewide information technology and telecommunications expenditures~~
2 ~~made by all state agencies during the fiscal year ending June 30,~~
3 ~~2009.~~

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

23 2. The Chief Information Officer, or any employee or agent of
24 the Chief Information Officer acting within the scope of delegated

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

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

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

23 J. ~~The Chief Information Officer shall establish and implement~~
24 ~~charges and a system to assess the charges to state agencies for~~

1 ~~their use of shared information technology and telecommunication~~
2 ~~services subject to the approval of the State Governmental~~
3 ~~Technology Applications Review Board.~~

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

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

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

20 ~~N.~~ M. The Chief Information Officer shall prepare an annual
21 report detailing the ongoing net saving attributable to the
22 reallocation and consolidation of information technology and
23 telecommunication resources and personnel and shall submit the
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1 report to the Governor, the Speaker of the House of Representatives,
2 and the President Pro Tempore of the Senate.

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

12 O. As used in this section:

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

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

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

23 SECTION 2. This act shall become effective July 1, 2013.
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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and 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.

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