

1 ENGROSSED SENATE
2 BILL NO. 105

By: Thompson of the Senate

3 and

4 Osborn (Leslie) of the
5 House

6
7 [state information technology - Chief Information
8 Officer - noncodification - ~~effective date~~ -
9 emergency]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

14 It is the intent of the Legislature to streamline the
15 acquisition of certain information technology and telecommunication
16 products by state agencies while maintaining adherence to state
17 architectural and data security standards and while ensuring
18 supportable information technology and telecommunication solutions
19 are acquired by state agency.

20 SECTION 2. AMENDATORY 62 O.S. 2011, Section 34.11.1, as
21 last amended by Section 6, Chapter 358, O.S.L. 2013 (62 O.S. Supp.
22 2016, Section 34.11.1), is amended to read as follows:

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

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

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

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

20 3. Familiarity with local and wide-area network design,
21 implementation, and operation;

22 4. Experience with data and voice convergence service
23 offerings;

24 5. Experience in developing technology budgets;

1 6. Experience in developing requests for proposal and
2 administering the bid process;

3 7. Experience managing professional staff, teams, and
4 consultants;

5 8. Knowledge of telecommunications operations;

6 9. Ability to develop and set strategic direction for
7 information technology and telecommunications and to manage daily
8 development and operations functions;

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

10 11. Ability to analyze and resolve complex issues, both logical
11 and interpersonal;

12 12. Effective verbal and written communications skills and
13 effective presentation skills, geared toward coordination and
14 education;

15 13. Ability to negotiate and defuse conflict; and

16 14. A self-motivator, independent, cooperative, flexible and
17 creative.

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

1 office space, equipment and support necessary to enable the Chief
2 Information Officer to carry out the information technology and
3 telecommunications duties and responsibilities of the Chief
4 Information Officer and the Information Services Division.

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

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

- 22 a. define the shared service model organization structure
23 and the reporting relationship of the recommended
24 organization,

- b. the implementation of an information technology and telecommunications shared services model that defines the statewide infrastructure environment needed by most state agencies that is not specific to individual agencies and the shared applications that are utilized across multiple agencies,
- c. define the services that shall be in the shared services model under the control of the Information Services Division of the Office of Management and Enterprise Services,
- d. define the roadmap to implement the proposed shared services model. The roadmap shall include recommendations on the transfer, coordination, and modernization of all information technology and telecommunication systems of all the state agencies in the state,
- e. recommendations on the reallocation of information technology and telecommunication resources and personnel,
- f. a cost benefit analysis to support the recommendations on the reallocation of information technology and telecommunication resources and personnel,
- g. a calculation of the net savings realized through the reallocation and consolidation of information

1 technology and telecommunication resources and
2 personnel after compensating for the cost of
3 contracting with a private consultant as authorized in
4 paragraph 4 of this subsection, implementing the plan
5 of action, and ongoing costs of the Information
6 Services Division of the Office of Management and
7 Enterprise Services, and

8 h. the information required in subsection B of Section
9 35.5 of this title.

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

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

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

1 F. The Information Services Division of the Office of
2 Management and Enterprise Services shall be responsible for the
3 following duties:

4 1. Formulate and implement the information technology strategy
5 for all state agencies;

6 2. Define, design, and implement a shared services statewide
7 infrastructure and application environment for information
8 technology and telecommunications for all state agencies;

9 3. Direct the development and operation of a scalable
10 telecommunications infrastructure that supports data and voice
11 communications reliability, integrity, and security;

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

14 5. Provide direction for the professional development of
15 information technology staff of state agencies and oversee the
16 professional development of the staff of the Information Services
17 Division of the Office of Management and Enterprise Services;

18 6. Evaluate all technology and telecommunication investment
19 choices for all state agencies;

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

23 8. Set direction and provide oversight for the support and
24 continuous upgrading of the current information technology and

1 telecommunication infrastructure in the state in support of enhanced
2 reliability, user service levels, and security;

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

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

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

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

15 13. Create and implement a communication plan that disseminates
16 pertinent information to state agencies on standards, policies,
17 procedures, service levels, project status, and other important
18 information to customers of the Information Services Division of the
19 Office of Management and Enterprise Services and provide for agency
20 feedback and performance evaluation by customers of the Division;

21 14. Develop and implement training programs for state agencies
22 using the shared services of the Information Services Division of
23 the Office of Management and Enterprise Services and recommend
24

1 training programs to state agencies on information technology and
2 telecommunication systems, products and procedures;

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

7 16. ~~Approve~~ For all state agencies, approve the purchasing of
8 all information technology and telecommunication services and
9 approve the purchase of any information technology and
10 telecommunication products and services for all state agencies
11 product except the following:

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

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

1 the Office of Management and Enterprise Services
2 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 Information Services Division of
14 the Office of Management and Enterprise Services to be submitted to
15 the Legislature each year.

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

21 H. 1. The Chief Information Officer shall act as the
22 Information Technology and Telecommunications Purchasing Director
23 for all state agencies and shall be responsible for the procurement
24 of all information technology and telecommunication software,

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

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

1 Statutes, include the power to designate financial or proprietary
2 information submitted by a bidder confidential and reject all
3 requests to disclose the information so designated, if the Chief
4 Information Officer requires the bidder to submit the financial or
5 proprietary information with a bid, proposal, or quotation.

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

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

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

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

23 L. All state agencies and authorities of this state and all
24 officers and employees of those entities shall work and cooperate

1 with and lend assistance to the Chief Information Officer and the
2 Information Services Division of the Office of Management and
3 Enterprise Services and provide any and all information requested by
4 the Chief Information Officer.

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

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

20 O. As used in this section:

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

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

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

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

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

Passed the Senate the 14th day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2017.

Presiding Officer of the House
of Representatives