

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4085

By: McCall

7  
8                               COMMITTEE SUBSTITUTE

9                   An Act relating to public finance; amending 62 O.S.  
10                   2011, Section 34.11.1, as last amended by Section 2,  
11                   Chapter 384, O.S.L. 2017 (62 O.S. Supp. 2019, Section  
12                   34.11.1), which relates to the Chief Information  
13                   Officer; modifying duties and responsibilities;  
14                   modifying provisions related to salary; modifying  
15                   eligibility requirements; and declaring an emergency.

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

17                   SECTION 1.           AMENDATORY           62 O.S. 2011, Section 34.11.1, as  
18                   last amended by Section 2, Chapter 384, O.S.L. 2017 (62 O.S. Supp.  
19                   2019, Section 34.11.1), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

~~8. Knowledge of telecommunications operations;~~

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

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

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

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

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

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

~~C.~~ The salary and any other expenses for the Chief Information Officer shall be budgeted as a separate line item through the Office of Management and Enterprise Services. The operating expenses of the Information Services Division shall be set by the Chief Information Officer and shall be budgeted as a separate line item through the Office of Management and Enterprise Services. The Office of Management and Enterprise Services shall provide adequate office space, equipment and support necessary to enable the Chief Information Officer to carry out the information technology and

1 telecommunications duties and responsibilities of the Chief  
2 Information Officer and the Information Services Division.

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

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

- 20 a. define the shared service model organization structure  
21 and the reporting relationship of the recommended  
22 organization,
- 23 b. the implementation of an information technology and  
24 telecommunications shared services model that defines

1 the statewide infrastructure environment needed by  
2 most state agencies that is not specific to individual  
3 agencies and the shared applications that are utilized  
4 across multiple agencies,

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

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

15 e. recommendations on the reallocation of information  
16 technology and telecommunication resources and  
17 personnel,

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

21 g. a calculation of the net savings realized through the  
22 reallocation and consolidation of information  
23 technology and telecommunication resources and  
24 personnel after compensating for the cost of

1 contracting with a private consultant as authorized in  
2 paragraph 4 of this subsection, implementing the plan  
3 of action, and ongoing costs of the Information  
4 Services Division of the Office of Management and  
5 Enterprise Services, and

6 h. the information required in subsection B of Section  
7 35.5 of this title.

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

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

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

21 ~~F.~~ E. The Information Services Division of the Office of  
22 Management and Enterprise Services shall be responsible for the  
23 following duties:  
24

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

24

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

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

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

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

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

19       14. Develop and implement training programs for state agencies  
20 using the shared services of the Information Services Division of  
21 the Office of Management and Enterprise Services and recommend  
22 training programs to state agencies on information technology and  
23 telecommunication systems, products and procedures;



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

5        16. For all state agencies, approve the purchasing of all  
6 information technology and telecommunication services and approve  
7 the purchase of any information technology and telecommunication  
8 product except the following:

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

15            b. a purchase over Five Thousand Dollars (\$5,000.00) and  
16                less than or equal to Twenty-five Thousand Dollars  
17                (\$25,000.00) if such product is purchased using a  
18                state purchase card, the product is listed on an  
19                information technology or telecommunications statewide  
20                contract, 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;

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

4 18. Effectively manage the design, implementation and support  
5 of complex, highly available infrastructure to ensure optimal  
6 performance, on-time delivery of features, and new products, and  
7 scalable growth;

8 19. Define and implement a governance model for requesting  
9 services and monitoring service level metrics for all shared  
10 services; and

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

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

19 ~~H.~~ G. 1. The Chief Information Officer shall act as the  
20 Information Technology and Telecommunications Purchasing Director  
21 for all state agencies and shall be responsible for the procurement  
22 of all information technology and telecommunication software,  
23 hardware, equipment, peripheral devices, maintenance, consulting  
24 services, high technology systems, and other related information

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

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

1 requests to disclose the information so designated, if the Chief  
2 Information Officer requires the bidder to submit the financial or  
3 proprietary information with a bid, proposal, or quotation.

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

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

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

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

21 ~~L.~~ K. All state agencies and authorities of this state and all  
22 officers and employees of those entities shall work and cooperate  
23 with and lend assistance to the Chief Information Officer and the  
24 Information Services Division of the Office of Management and

1 Enterprise Services and provide any and all information requested by  
2 the Chief Information Officer.

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

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

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

20 1. "High technology system" means advanced technological  
21 equipment, software, communication lines, and services for the  
22 processing, storing, and retrieval of information by a state agency;  
23  
24

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

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

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

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13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2020 - DO PASS,  
14 As Amended.

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