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February 10, 2022

SENATE BILL NO. 1269

By: Simpson of the Senate

and

Hardin (Tommy) of the House

An Act relating to the Military Department of the State of Oklahoma; allowing the Military Department to make certain purchases for information services; amending 62 O.S. 2021, Section 34.12, which relates to duties of the Information Services Division; providing certain exemption; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 233.10a of Title 44, unless there is created a duplication in numbering, reads as follows:

The Military Department of the State of Oklahoma may purchase computer hardware or software or any services related to software development, software modifications, or any other services related to the operation and maintenance of computer hardware or software or both independently and without prior approval from the Office of Management and Enterprise Services Information Services Division.

1       SECTION 2.       AMENDATORY       62 O.S. 2021, Section 34.12, is  
2 amended to read as follows:

3       Section 34.12. A. The Information Services Division of the  
4 Office of Management and Enterprise Services shall:

5       1. Coordinate information technology planning through analysis  
6 of the long-term information technology plans for each agency;

7       2. Develop a statewide information technology plan with annual  
8 modifications to include, but not be limited to, individual agency  
9 plans and information systems plans for the statewide electronic  
10 information technology function;

11       3. Establish and enforce minimum mandatory standards for:

- 12           a. information systems planning,
- 13           b. systems development methodology,
- 14           c. documentation,
- 15           d. hardware requirements and compatibility,
- 16           e. operating systems compatibility,
- 17           f. acquisition of software, hardware and technology-  
18             related services,
- 19           g. information security and internal controls,
- 20           h. data base compatibility,
- 21           i. contingency planning and disaster recovery, and
- 22           j. imaging systems, copiers, facsimile systems, printers,  
23             scanning systems and any associated supplies.

1       The standards shall, upon adoption, be the minimum requirements  
2 applicable to all agencies. These standards shall be compatible  
3 with the standards established for the Oklahoma Government  
4 Telecommunications Network. Individual agency standards may be more  
5 specific than statewide requirements but shall in no case be less  
6 than the minimum mandatory standards. Where standards required of  
7 an individual agency of the state by agencies of the federal  
8 government are more strict than the state minimum standards, such  
9 federal requirements shall be applicable;

10       4. Develop and maintain applications for agencies not having  
11 the capacity to do so;

12       5. Operate a data service center to provide operations and  
13 hardware support for agencies requiring such services and for  
14 statewide systems;

15       6. Maintain a directory of the following which have a value of  
16 Five Hundred Dollars (\$500.00) or more: application systems, systems  
17 software, hardware, internal and external information technology,  
18 communication or telecommunication equipment owned, leased, or  
19 rented for use in communication services for state government,  
20 including communication services provided as part of any other total  
21 system to be used by the state or any of its agencies, and studies  
22 and training courses in use by all agencies of the state; and  
23 facilitate the utilization of the resources by any agency having  
24

1 requirements which are found to be available within any agency of  
2 the state;

3 7. Assist agencies in the acquisition and utilization of  
4 information technology systems and hardware to effectuate the  
5 maximum benefit for the provision of services and accomplishment of  
6 the duties and responsibilities of agencies of the state;

7 8. Coordinate for the executive branch of state government  
8 agency information technology activities, encourage joint projects  
9 and common systems, linking of agency systems through the review of  
10 agency plans, review and approval of all statewide contracts for  
11 software, hardware and information technology consulting services  
12 and development of a statewide plan and its integration with the  
13 budget process to ensure that developments or acquisitions are  
14 consistent with statewide objectives and that proposed systems are  
15 justified and cost effective;

16 9. Develop performance reporting guidelines for information  
17 technology facilities and conduct an annual review to compare agency  
18 plans and budgets with results and expenditures;

19 10. Establish operations review procedures for information  
20 technology installations operated by agencies of the state for  
21 independent assessment of productivity, efficiency, cost  
22 effectiveness, and security;

23 11. Establish data center user charges for billing costs to  
24 agencies based on the use of all resources;

1        12. Provide system development and consultant support to state  
2 agencies on a contractual, cost reimbursement basis; and

3        13. In conjunction with the Oklahoma Office of Homeland  
4 Security, enforce the minimum information security and internal  
5 control standards established by the Information Services Division.  
6 An enforcement team consisting of the Chief Information Officer of  
7 the Information Services Division or a designee, a representative of  
8 the Oklahoma Office of Homeland Security, and a representative of  
9 the Oklahoma State Bureau of Investigation shall enforce the minimum  
10 information security and internal control standards. If the  
11 enforcement team determines that an agency is not in compliance with  
12 the minimum information security and internal control standards, the  
13 Chief Information Officer shall take immediate action to mitigate  
14 the noncompliance, including the removal of the agency from the  
15 infrastructure of the state until the agency becomes compliant,  
16 taking control of the information technology function of the agency  
17 until the agency is compliant, and transferring the administration  
18 and management of the information technology function of the agency  
19 to the Information Services Division or another state agency.

20        B. No agency of the executive branch of the state shall use  
21 state funds for or enter into any agreement for the acquisition of  
22 any category of computer hardware, software or any contract for  
23 information technology or telecommunication services and equipment,  
24 service costs, maintenance costs, or any other costs or fees

1 associated with the acquisition of the services or equipment,  
2 without written authorization of the Chief Information Officer or a  
3 designee except the following:

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

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

16 3. A purchase of computer hardware or software or any services  
17 related to software development, software modifications, or any  
18 other services related to the operation and maintenance of computer  
19 hardware and software or both independently that is made by the  
20 Military Department of the State of Oklahoma.

21 If written authorization is not obtained prior to incurring an  
22 expenditure or entering into any agreement as required in this  
23 subsection or as required in Section 35.4 of this title, the Office  
24 of Management and Enterprise Services may not process any claim

1 associated with the expenditure and the provisions of any agreement  
2 shall not be enforceable. The provisions of this subsection shall  
3 not be applicable to any member of The Oklahoma State System of  
4 Higher Education, any public elementary or secondary schools of the  
5 state, any technology center school district as defined in Section  
6 14-108 of Title 70 of the Oklahoma Statutes, or CompSource ~~Oklahoma~~  
7 Mutual Insurance Company.

8 C. The Chief Information Officer and Information Services  
9 Division of the Office of Management and Enterprise Services and all  
10 agencies of the executive branch of the state shall not be required  
11 to disclose, directly or indirectly, any information of a state  
12 agency which is declared to be confidential or privileged by state  
13 or federal statute or the disclosure of which is restricted by  
14 agreement with the United States or one of its agencies, nor  
15 disclose information technology system details that may permit the  
16 access to confidential information or any information affecting  
17 personal security, personal identity, or physical security of state  
18 assets.

19 SECTION 3. This act shall become effective November 1, 2022.

20 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS  
21 February 10, 2022 - DO PASS  
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