

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1269

By: Simpson

AS INTRODUCED

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.

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

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

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

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

9 3. Establish and enforce minimum mandatory standards for:

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

22 The standards shall, upon adoption, be the minimum requirements
23 applicable to all agencies. These standards shall be compatible
24 with the standards established for the Oklahoma Government

1 Telecommunications Network. Individual agency standards may be more
2 specific than statewide requirements but shall in no case be less
3 than the minimum mandatory standards. Where standards required of
4 an individual agency of the state by agencies of the federal
5 government are more strict than the state minimum standards, such
6 federal requirements shall be applicable;

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

9 5. Operate a data service center to provide operations and
10 hardware support for agencies requiring such services and for
11 statewide systems;

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

23 7. Assist agencies in the acquisition and utilization of
24 information technology systems and hardware to effectuate the

1 maximum benefit for the provision of services and accomplishment of
2 the duties and responsibilities of agencies of the state;

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

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

15 10. Establish operations review procedures for information
16 technology installations operated by agencies of the state for
17 independent assessment of productivity, efficiency, cost
18 effectiveness, and security;

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

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

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

16 B. No agency of the executive branch of the state shall use
17 state funds for or enter into any agreement for the acquisition of
18 any category of computer hardware, software or any contract for
19 information technology or telecommunication services and equipment,
20 service costs, maintenance costs, or any other costs or fees
21 associated with the acquisition of the services or equipment,
22 without written authorization of the Chief Information Officer or a
23 designee except the following:
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1 1. A purchase less than or equal to Five Thousand Dollars
2 (\$5,000.00) if such product is purchased using a state purchase card
3 and the product is listed on either the Approved Hardware or
4 Approved Software list located on the Office of Management and
5 Enterprise Services website; or

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

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

18 If written authorization is not obtained prior to incurring an
19 expenditure or entering into any agreement as required in this
20 subsection or as required in Section 35.4 of this title, the Office
21 of Management and Enterprise Services may not process any claim
22 associated with the expenditure and the provisions of any agreement
23 shall not be enforceable. The provisions of this subsection shall
24 not be applicable to any member of The Oklahoma State System of

1 Higher Education, any public elementary or secondary schools of the
2 state, any technology center school district as defined in Section
3 14-108 of Title 70 of the Oklahoma Statutes, or CompSource ~~Oklahoma~~
4 Mutual Insurance Company.

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

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

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