

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 1784

By: Martinez and Williams

7 AS INTRODUCED

8 An Act relating to public finance; amending 62 O.S.
9 2021, Sections 34.11.1, 34.12, as amended by Section
10 2, Chapter 74, O.S.L. 2022 (62 O.S. Supp. 2022,
11 Section 34.12), 34.13, 34.15, 34.19, 34.20, 34.23,
12 34.32, as amended by Section 25, Chapter 228, O.S.L.
13 2022 (62 O.S. Supp. 2022, Section 34.32) and 35.5,
14 which relates to the Information Services Division of
15 the Office of Management and Enterprise Services;
16 creating the Information Services Agency; making
17 Division a separate and distinct agency; directing
18 Agency and Chief Information Officer to continue to
19 exercise statutory powers, duties, and
20 responsibilities; providing for succession to
21 contractual rights and responsibilities; requiring
22 Chief Information Officer to adopt and enforce
23 certain rules and authorizing further rulemaking
24 authority; authorizing execution of certain
25 agreement; requiring consent of employees prior to
26 transfer; providing certain protections relating to
27 salary, leave, time earned, and benefits; requiring
28 transfer of personnel to be coordinated with Office
29 of Management and Enterprise Services; requiring
30 payment of certain expenses; abolishing certain
31 division within the Office of Management and
32 Enterprise Services upon completion of transfer;
33 directing certain coordination; providing for certain
34 transfers; modifying references to Division; and
35 providing an effective date.

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

1 SECTION 1. AMENDATORY 62 O.S. 2021, Section 34.11.1, is
2 amended to read as follows:

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

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

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

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

24

1 3. Familiarity with local and wide-area network design,
2 implementation, and operation;

3 4. Experience with data and voice convergence service
4 offerings;

5 5. Experience in developing technology budgets;

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

8 7. Experience managing professional staff, teams, and
9 consultants;

10 8. Knowledge of telecommunications operations;

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

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

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

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

20 13. Ability to negotiate and defuse conflict; and

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

23 C. The salary and any other expenses for the Chief Information
24 Officer shall be budgeted as a separate line item through the Office

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

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

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

- 4 a. define the shared service model organization structure
5 and the reporting relationship of the recommended
6 organization,
- 7 b. the implementation of an information technology and
8 telecommunications shared services model that defines
9 the statewide infrastructure environment needed by
10 most state agencies that is not specific to individual
11 agencies and the shared applications that are utilized
12 across multiple agencies,
- 13 c. define the services that shall be in the shared
14 services model under the control of the ~~Information~~
15 ~~Services Division of the Office of Management and~~
16 ~~Enterprise Services~~ Agency,
- 17 d. define the roadmap to implement the proposed shared
18 services model. The roadmap shall include
19 recommendations on the transfer, coordination, and
20 modernization of all information technology and
21 telecommunication systems of all the state agencies in
22 the state,

- 1 e. recommendations on the reallocation of information
2 technology and telecommunication resources and
3 personnel,
4 f. a cost benefit analysis to support the recommendations
5 on the reallocation of information technology and
6 telecommunication resources and personnel,
7 g. a calculation of the net savings realized through the
8 reallocation and consolidation of information
9 technology and telecommunication resources and
10 personnel after compensating for the cost of
11 contracting with a private consultant as authorized in
12 paragraph 4 of this subsection, implementing the plan
13 of action, and ongoing costs of the ~~Information~~
14 ~~Services Division of the Office of Management and~~
15 ~~Enterprise Services~~ Agency, and
16 h. the information required in subsection B of Section
17 35.5 of this title.

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

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

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

7 F. The ~~Information Services Division of the Office of~~
8 ~~Management and Enterprise Services~~ Agency shall be responsible for
9 the following duties:

10 1. Formulate and implement the information technology strategy
11 for all state agencies;

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

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

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

20 5. Provide direction for the professional development of
21 information technology staff of state agencies and oversee the
22 professional development of the staff of the ~~Information Services~~
23 ~~Division of the Office of Management and Enterprise Services~~ Agency;

1 6. Evaluate all technology and telecommunication investment
2 choices for all state agencies;

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

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

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

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

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

20 12. Delegate, coordinate, and review all work to ensure quality
21 and efficient operation of the ~~Information Services Division of the~~
22 ~~Office of Management and Enterprise Services~~ Agency;

23 13. Create and implement a communication plan that disseminates
24 pertinent information to state agencies on standards, policies,

1 procedures, service levels, project status, and other important
2 information to customers of the ~~Information Services Division of the~~
3 ~~Office of Management and Enterprise Services Agency~~ and provide for
4 agency feedback and performance evaluation by customers of the
5 ~~Division Agency~~;

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

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

15 16. For all state agencies, approve the purchasing of all
16 information technology and telecommunication services and approve
17 the purchase of any information technology and telecommunication
18 product except the following:

- 19 a. a purchase less than or equal to Five Thousand Dollars
20 (\$5,000.00) if such product is purchased using a state
21 purchase card and the product is listed on either the
22 Approved Hardware or Approved Software list located on
23 the Office of Management and Enterprise Services
24 website, or

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

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

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

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

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

G. The State Governmental Technology Applications Review Board shall provide ongoing oversight of the implementation of the plan of

1 action required in subsection D of this section. Any proposed
2 amendments to the plan of action shall be approved by the Board
3 prior to adoption.

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

22 2. The Chief Information Officer, or any employee or agent of
23 the Chief Information Officer acting within the scope of delegated
24 authority, shall have the same power and authority regarding the

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

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

1 networks and supporting infrastructure. The Chief Information
2 Officer shall be authorized to delegate all or some of the
3 procurement of information technology and telecommunication products
4 and services and construction of facilities and telecommunication
5 networks to another state entity if the Chief Information Officer
6 determines it to be cost-effective and in the best interest of the
7 state. The Chief Information Officer shall have authority to
8 designate information technology and telecommunication contracts as
9 statewide contracts and mandatory statewide contracts pursuant to
10 Section 85.5 of Title 74 of the Oklahoma Statutes and to negotiate
11 consolidation contracts, enterprise agreements and high technology
12 systems contracts in accordance with the procedures outlined in
13 Section 85.9D of Title 74 of the Oklahoma Statutes. Any contract
14 entered into by a state agency for which the Chief Information
15 Officer has not acted as the Information Technology and
16 Telecommunications Purchasing Director as required in this
17 subsection or subsection H of this section, shall be deemed to be
18 unenforceable and the Office of Management and Enterprise Services
19 shall not process any claim associated with the provisions thereof.

20 J. The Chief Information Officer shall establish, implement,
21 and enforce policies and procedure for the development and
22 procurement of an interoperable radio communications system for
23 state agencies. The Chief Information Officer shall work with local
24

1 governmental entities in developing the interoperable radio
2 communications system.

3 K. The Chief Information Officer shall develop and implement a
4 plan to utilize open source technology and products for the
5 information technology and telecommunication systems of all state
6 agencies.

7 L. All state agencies and authorities of this state and all
8 officers and employees of those entities shall work and cooperate
9 with and lend assistance to the Chief Information Officer and the
10 ~~Information Services Division of the Office of Management and~~
11 ~~Enterprise Services~~ Agency and provide any and all information
12 requested by the Chief Information Officer.

13 M. The Chief Information Officer shall prepare an annual report
14 detailing the ongoing net saving attributable to the reallocation
15 and consolidation of information technology and telecommunication
16 resources and personnel and shall submit the report to the Governor,
17 the Speaker of the House of Representatives, and the President Pro
18 Tempore of the Senate.

19 N. For purposes of the Oklahoma Information Services Act,
20 unless otherwise provided for, "state agencies" shall include any
21 office, officer, bureau, board, commission, counsel, unit, division,
22 body, authority or institution of the executive branch of state
23 government, whether elected or appointed; provided, except with
24 respect to the provisions of subsection D of this section, the term

1 "state agencies" shall not include institutions within The Oklahoma
2 State System of Higher Education, the Oklahoma State Regents for
3 Higher Education and the telecommunications network known as OneNet.

4 O. As used in this section:

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

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

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

15 SECTION 2. AMENDATORY 62 O.S. 2021, Section 34.12, as
16 amended by Section 2, Chapter 74, O.S.L. 2022 (62 O.S. Supp. 2022,
17 Section 34.12), is amended to read as follows:

18 Section 34.12 A. 1. There is hereby created the Information
19 Services Agency.

20 2. Beginning on the effective date of this act, the Agency
21 shall cease to be part of or a division of the Office of Management
22 and Enterprise and shall be deemed to be a separate and distinct
23 agency, to be known as the Information Services Agency. Whenever
24 the terms "Information Services Division" or "Information Services

1 Division of the Office of Management and Enterprise Services" appear
2 in the Oklahoma Statutes they shall mean the Information Services
3 Agency.

4 The Agency and the Chief Information Officer shall continue to
5 exercise their statutory powers, duties, and contractual
6 responsibilities. All records, property, equipment, assets, monies,
7 financial interests, liabilities, matters pending, and funds of the
8 Information Services Division shall be transferred to the Agency.

9 3. The Agency shall succeed to any contractual rights or
10 responsibilities incurred by the Information Services Division.

11 4. Rules promulgated by the Information Services Division that
12 are in effect on the effective date of this act shall be immediately
13 adopted and enforced by the Agency and the Chief Information Officer
14 and shall maintain the authority to further promulgate and enforce
15 rules.

16 5. The Agency and the Office of Management and Enterprise
17 Services may enter into an agreement for the transfer of personnel
18 from the Office of Management and Enterprise Services to the Agency.
19 No employee shall be transferred to the Agency except on the freely
20 given written consent of the employee. All employees who are
21 transferred to the Agency shall not be required to accept a lesser
22 grade or salary than presently received. All employees shall retain
23 leave, sick, and annual time earned, and any retirement and
24 longevity benefits which have accrued during their tenure with the

1 Office of Management and Enterprise Services. The transfer of
2 personnel between the state agencies shall be coordinated with the
3 Office of Management and Enterprise Services.

4 6. The expenses incurred by the Agency as a result of the
5 transfer required by this subsection shall be paid by the Office of
6 Management and Enterprise Services.

7 7. The Information Services Division within the Office of
8 Management and Enterprise Services shall be abolished by the Office
9 of Management and Enterprise Services after the transfer has been
10 completed.

11 8. The Office of Management and Enterprise Services shall
12 coordinate the transfer of records, property, equipment, assets,
13 funds, allotments, purchase orders, liabilities, outstanding
14 financial obligations, or encumbrances provided for in this
15 subsection.

16 B. The Information Services ~~Division of the Office of~~
17 ~~Management and Enterprise Services~~ Agency shall:

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

20 2. Develop a statewide information technology plan with annual
21 modifications to include, but not be limited to, individual agency
22 plans and information systems plans for the statewide electronic
23 information technology function;

24 3. Establish and enforce minimum mandatory standards for:

- a. information systems planning,
- b. systems development methodology,
- c. documentation,
- d. hardware requirements and compatibility,
- e. operating systems compatibility,
- f. acquisition of software, hardware and technology-related services,
- g. information security and internal controls,
- h. data base compatibility,
- i. contingency planning and disaster recovery, and
- j. imaging systems, copiers, facsimile systems, printers, scanning systems and any associated supplies.

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

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

1 5. Operate a data service center to provide operations and
2 hardware support for agencies requiring such services and for
3 statewide systems;

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

15 7. Assist agencies in the acquisition and utilization of
16 information technology systems and hardware to effectuate the
17 maximum benefit for the provision of services and accomplishment of
18 the duties and responsibilities of agencies of the state;

19 8. Coordinate for the executive branch of state government
20 agency information technology activities, encourage joint projects
21 and common systems, linking of agency systems through the review of
22 agency plans, review and approval of all statewide contracts for
23 software, hardware and information technology consulting services
24 and development of a statewide plan and its integration with the

1 budget process to ensure that developments or acquisitions are
2 consistent with statewide objectives and that proposed systems are
3 justified and cost effective;

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

7 10. Establish operations review procedures for information
8 technology installations operated by agencies of the state for
9 independent assessment of productivity, efficiency, cost
10 effectiveness, and security;

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

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

15 13. In conjunction with the Oklahoma Office of Homeland
16 Security, enforce the minimum information security and internal
17 control standards established by the ~~Information Services Division~~
18 Agency. An enforcement team consisting of the Chief Information
19 Officer of the ~~Information Services Division~~ Agency or a designee, a
20 representative of the Oklahoma Office of Homeland Security, and a
21 representative of the Oklahoma State Bureau of Investigation shall
22 enforce the minimum information security and internal control
23 standards. If the enforcement team determines that an agency is not
24 in compliance with the minimum information security and internal

1 control standards, the Chief Information Officer shall take
2 immediate action to mitigate the noncompliance including the removal
3 of the agency from the infrastructure of the state until the agency
4 becomes compliant, taking control of the information technology
5 function of the agency until the agency is compliant, and
6 transferring the administration and management of the information
7 technology function of the agency to the ~~Information Services~~
8 ~~Division~~ Agency or another state agency.

9 B C. No agency of the executive branch of the state shall use
10 state funds for or enter into any agreement for the acquisition of
11 any category of computer hardware, software or any contract for
12 information technology or telecommunication services and equipment,
13 service costs, maintenance costs, or any other costs or fees
14 associated with the acquisition of the services or equipment,
15 without written authorization of the Chief Information Officer or a
16 designee except the following:

17 1. A purchase less than or equal to Five Thousand Dollars
18 (\$5,000.00) if such product is purchased using a state purchase card
19 and the product is listed on either the Approved Hardware or
20 Approved Software list located on the Office of Management and
21 Enterprise Services website;

22 2. A purchase over Five Thousand Dollars (\$5,000.00) and less
23 than or equal to Twenty-five Thousand Dollars (\$25,000.00) if such
24 product is purchased using a state purchase card, the product is

1 listed on an information technology or telecommunications statewide
2 contract, and the product is listed on either the Approved Hardware
3 or Approved Software list located on the Office of Management and
4 Enterprise Services website; or

5 3. A purchase of computer hardware or software or any services
6 related to software development, software modifications, or any
7 other services related to the operation and maintenance of computer
8 hardware and software or both independently that is made by the
9 Military Department of the State of Oklahoma.

10 If written authorization is not obtained prior to incurring an
11 expenditure or entering into any agreement as required in this
12 subsection or as required in Section 35.4 of this title, the Office
13 of Management and Enterprise Services may not process any claim
14 associated with the expenditure and the provisions of any agreement
15 shall not be enforceable. The provisions of this subsection shall
16 not be applicable to any member of The Oklahoma State System of
17 Higher Education, any public elementary or secondary schools of the
18 state, any technology center school district as defined in Section
19 14-108 of Title 70 of the Oklahoma Statutes, or CompSource Mutual
20 Insurance Company.

21 ~~C D.~~ The Chief Information Officer and ~~Information Services~~
22 ~~Division of the Office of Management and Enterprise Services~~ the
23 Agency and all agencies of the executive branch of the state shall
24 not be required to disclose, directly or indirectly, any information

1 of a state agency which is declared to be confidential or privileged
2 by state or federal statute or the disclosure of which is restricted
3 by agreement with the United States or one of its agencies, nor
4 disclose information technology system details that may permit the
5 access to confidential information or any information affecting
6 personal security, personal identity, or physical security of state
7 assets.

8 SECTION 3. AMENDATORY 62 O.S. 2021, Section 34.13, is
9 amended to read as follows:

10 Section 34.13 ~~The Information Services Division of the Office~~
11 ~~of Management and Enterprise Services Agency~~ shall, at the end of
12 each month, render a statement of charges to all state agencies to
13 which it has furnished processing services for the direct costs of
14 the Data Service Center of the ~~Information Services Division~~ Agency,
15 which shall be timely paid. In total, the charges shall not exceed
16 the direct costs of the Data Service Center of the ~~Information~~
17 ~~Services Division~~ Agency. Systems analysts and programming services
18 costs shall be recovered directly from the agency for which the
19 service was rendered, as agreed to by that agency, and shall not be
20 prorated to agencies not receiving such services. If the charges or
21 programming services costs are not timely paid by a state agency,
22 the ~~Information Services Division~~ Agency may request the Division of
23 Central Accounting and Reporting of the Office of Management and
24 Enterprise Services to create vouchers and process payments to the

1 ~~Information Services Division~~ Agency against the funds of the
2 delinquent agency. All amounts so collected shall be deposited in
3 the State Treasury to the credit of the General Revenue Fund.

4 SECTION 4. AMENDATORY 62 O.S. 2021, Section 34.15, is
5 amended to read as follows:

6 Section 34.15 The Information Services ~~Division of the Office~~
7 ~~of Management and Enterprise Services~~ Agency is authorized to:

8 1. Define the requirements for a facility that can be used by
9 any state agency to:

10 a. install backup information technology equipment, or

11 b. install information technology equipment acquired as

12 the result of the primary processing facilities being

13 unavailable for an extended period of time;

14 2. Enter into a multiyear agreement for a private facility that
15 meets the defined requirements; and

16 3. Advise state agencies when the facility is available for
17 their use.

18 SECTION 5. AMENDATORY 62 O.S. 2021, Section 34.19, is
19 amended to read as follows:

20 Section 34.19 A. The Information Services ~~Division of the~~
21 ~~Office of Management and Enterprise Services~~ Agency is directed,

22 authorized and empowered to enter into contracts for, to establish

23 criteria for and manage the installation, maintenance and

24 administration of a central communication or intercommunication

1 system for and upon behalf of this state. The installation shall
2 fulfill communication or intercommunications requirements of this
3 state and its agencies located in the Capitol and those buildings
4 situated on the Capitol grounds, known as the "Capitol Complex" in
5 Oklahoma City, Oklahoma, the state-owned building known as the
6 "Tulsa Capitol Building" in Tulsa, Oklahoma, buildings which house
7 state agencies located within four (4) miles of the Capitol Complex,
8 and any location used for the administration of the information
9 technology and telecommunication infrastructure and security for the
10 state.

11 B. The ~~Information Services Division~~ Agency shall render a
12 statement of charges at the end of each month to all state agencies
13 to which it has furnished communications services for the direct
14 cost sustained, which shall timely be paid. If the charges are not
15 timely paid by a state agency, the ~~Information Services Division~~
16 Agency may request the Division of Central Accounting and Reporting
17 of the Office of Management and Enterprise Services to create
18 vouchers and process payments to the ~~Information Services Division~~
19 Agency against the funds of the delinquent agency. The following
20 provisions shall apply to the charges:

21 1. A pro rata formula is to be established in writing after
22 giving consideration to the type of service furnished, the number
23 and kinds of instruments used, the cost of operation and special
24 installations required in each such agency in relation to the total

1 cost of local service. The formula, once determined, is not to be
2 redetermined more often than once every six (6) months nor to be
3 changed after any such redetermination before the expiration of six
4 (6) months; and

5 2. The ~~Information Services Division~~ Agency is to be reimbursed
6 by the state or any of its agencies for actual cost incurred for
7 equipment installation or modification or for toll charges for use
8 of telephone, telegraph, teletype, data communications, Internet,
9 eGovernment, as referenced in Sections 34.24 and 34.25 of this
10 title, or other form or forms of communication or intercommunication
11 incurred by the state or by any agency.

12 C. No telephone, teletype, switchboard, line, cable system,
13 data communication system, Internet, eGovernment, or systems of
14 communication or intercommunication are to be installed in any
15 building or buildings owned, rented, leased or otherwise held by
16 this state or its agencies at locations described in subsection A of
17 this section without written order of the Chief Information Officer
18 or a designee. Provided, however, that acquisition and installation
19 of such equipment in the Legislature shall be subject to the final
20 approval of the Speaker of the House of Representatives or the
21 President Pro Tempore of the Senate as appropriate.

22 SECTION 6. AMENDATORY 62 O.S. 2021, Section 34.20, is
23 amended to read as follows:
24

1 Section 34.20 Information Services Division of Office of
2 Management and Enterprise Services - Additional powers and duties
3 relating to communications and telecommunications.

4 In addition to the powers and duties as defined elsewhere in
5 this title, the Information Services ~~Division of the Office of~~
6 ~~Management and Enterprise Services~~ Agency shall:

7 1. Coordinate statewide planning and approve statewide
8 contracts for communication and telecommunications needs of state
9 agencies, including, but not limited to, voice, data, radio
10 including the interoperable radio communications system for state
11 agencies, video, broadband, Wi-Fi or wireless networking, Global
12 Positioning Systems (GPS), Internet, eGovernment, as referenced in
13 Sections 34.24 and 34.25 of this title, and facsimile transmissions
14 through analysis of the telecommunications and information
15 technology plan of each agency;

16 2. In coordination with the Oklahoma Office of Homeland
17 Security, establish minimum mandatory standards and protocols for:

- 18 a. communication networks and equipment,
- 19 b. wide area and local area systems,
- 20 c. integration of equipment, systems and joint usage,
- 21 d. Internet and eGovernment,
- 22 e. operating systems or methods to be used to meet
23 communications requirements efficiently, effectively,
24 and securely,

- 1 f. rendering of aid between state government and its
2 political subdivisions with respect to organizing of
3 communications systems, and
4 g. an economical and cost-effective utilization of
5 communication services.

6 The standards and protocols shall be compatible with the
7 standards and protocols established for the Oklahoma Government
8 Telecommunications Network;

9 3. Serve as a focal point for all statewide projects and
10 approve all statewide contracts for state agencies involving current
11 communications vendors where the focus of such authority can
12 substantially enhance the state communications plan or the savings
13 which can be achieved thereunder;

14 4. Provide, when requested by political subdivisions of the
15 state, for the organizing of communications or telecommunications
16 systems and service between the state and its political subdivisions
17 and enter into agreements to effect the purposes of this section;

18 5. Cooperate with any federal, state or local emergency
19 management agency in providing for emergency communications and
20 telecommunication services;

21 6. Apply for, receive, and hold, or assist agencies in applying
22 for, receiving or holding such authorizations, licenses and
23 allocations of channels and frequencies to carry out the purposes of
24 this section;

1 7. Accomplish such other purposes as may be necessary or
2 incidental to the administration of its authority or functions
3 pursuant to law; and

4 8. Provide support for telecommunication networks of state
5 agencies through analysis of the telecommunications needs and
6 requirements of each agency and promotion of the use of the Oklahoma
7 Government Telecommunications Network.

8 SECTION 7. AMENDATORY 62 O.S. 2021, Section 34.23, is
9 amended to read as follows:

10 Section 34.23 A. There is hereby created a wide area
11 telecommunications network to be known and referred to as the
12 "Oklahoma Government Telecommunications Network (OGTN)". The OGTN
13 shall consist of the telecommunications systems and networks of
14 educational entities and agencies of state government.

15 B. Notwithstanding the provisions of subsection A of this
16 section:

17 1. The Oklahoma State Regents for Higher Education may continue
18 to operate, maintain and enhance the State Regents Educational
19 Telecommunications Network, subject to the provisions of the
20 Oklahoma Information Services Act. The Oklahoma State Regents for
21 Higher Education shall submit all plans for the enhancement of the
22 State Regents Educational Telecommunications Network to the
23 Information Services ~~Division of the Office of Management and~~
24 ~~Enterprise Services~~ Agency for review and approval within the

1 context of the statewide telecommunications network provided for in
2 subsection C of this section and shall participate with the
3 ~~Information Services Division~~ Agency in joint efforts to provide
4 services for the OGTN; and

5 2. The Department of Public Safety may continue to operate,
6 maintain and enhance the statewide law enforcement data
7 communications network provided for in Section 2-124 of Title 47 of
8 the Oklahoma Statutes, subject to the provisions of the Oklahoma
9 Information Services Act. The Department of Public Safety shall
10 submit all plans for the enhancement of the statewide law
11 enforcement data communications network to the ~~Information Services~~
12 ~~Division of the Office of Management and Enterprise Services~~ Agency
13 for review and approval and shall participate with the ~~Information~~
14 ~~Services Division~~ Agency in joint efforts to provide services for
15 the OGTN.

16 C. The ~~Information Services Division~~ Agency shall be
17 responsible for developing, operating and maintaining the OGTN. The
18 purposes of the OGTN shall include the following:

19 1. Development of a comprehensive, unified statewide
20 telecommunications network to effectively, efficiently, and securely
21 meet the communication needs of educational entities and agencies of
22 state government;

1 2. Effective and efficient utilization of existing
2 telecommunications systems operated by educational entities and
3 agencies of state government; and

4 3. Elimination and prevention of unnecessarily duplicative
5 telecommunications systems operated by educational entities and
6 agencies of state government.

7 D. In developing, operating and maintaining the OGTN, the
8 ~~Information Services Division~~ Agency shall:

9 1. Develop a statewide master plan for meeting the
10 communications needs of educational entities and of agencies of
11 state government. To facilitate the development of a statewide
12 master plan as provided for in this paragraph:

13 a. the Oklahoma State Regents for Higher Education shall
14 submit a report annually to the Chief Information
15 Officer identifying the telecommunications plans of
16 each member of The Oklahoma State System of Higher
17 Education. For purposes of developing such report,
18 each member shall cooperate with and submit to the
19 State Regents a plan of its telecommunications needs,
20 including, but not limited to, Internet, eGovernment,
21 as referenced in Sections 34.24 and 34.25 of this
22 title, any interactive video plans, the purchase of
23 informational data bases, software for manipulation of
24

- 1 bibliographic records, and the use of
2 telecommunications equipment or services,
- 3 b. the State Superintendent of Public Instruction shall
4 submit a report annually to the Chief Information
5 Officer identifying the telecommunications plans of
6 the public common school system of the state. For
7 purposes of developing such report, the respective
8 public elementary and secondary schools shall
9 cooperate with and submit to the State Superintendent
10 a plan of their telecommunications needs, including,
11 but not limited to, Internet, eGovernment, any
12 interactive video plans, the purchase of informational
13 data bases, software for manipulation of bibliographic
14 records, and the use of telecommunications equipment
15 or services,
- 16 c. the Director of the Oklahoma Department of Career and
17 Technology Education shall submit a report annually to
18 the Chief Information Officer identifying the
19 telecommunications plans of technology center school
20 districts. For purposes of developing such report,
21 each technology center school district as defined in
22 Section 14-108 of Title 70 of the Oklahoma Statutes
23 shall cooperate with and submit to the Director of the
24 Oklahoma Department of Career and Technology Education

1 a plan of its telecommunications needs, including, but
2 not limited to, Internet, eGovernment, any interactive
3 video plans, the purchase of informational data bases,
4 software for manipulation of bibliographic records,
5 and the use of telecommunications equipment or
6 services,

7 d. the chief administrative officer of each state agency
8 of the executive branch shall submit a plan annually
9 to the Chief Information Officer identifying the
10 telecommunications needs of the state agency,
11 including, but not limited to, Internet, eGovernment,
12 any interactive video plans, the purchase of
13 informational data bases, software for manipulation of
14 bibliographic records, and the use of
15 telecommunications equipment or services, and

16 e. the Director of the Oklahoma Department of Libraries
17 shall submit a report annually to the Chief
18 Information Officer identifying the telecommunications
19 plans of public libraries and public library systems.
20 For purposes of developing such report, the chief
21 administrative officer of any public library or public
22 library system not otherwise required to submit a plan
23 of its telecommunications needs pursuant to the
24 provisions of this paragraph shall cooperate with and

1 submit annually to the Director of the Oklahoma
2 Department of Libraries a plan of its
3 telecommunications needs, including, but not limited
4 to, Internet, eGovernment, any interactive video
5 plans, the purchase of informational data bases,
6 software for manipulation of bibliographic records and
7 the use of telecommunications equipment or services.
8 To assure inclusion in the report of the plans of the
9 telecommunications needs of any library that is a part
10 of any member of The Oklahoma State System of Higher
11 Education, a public elementary or secondary school, or
12 technology center school district, all such plans
13 relating to libraries received by the Oklahoma State
14 Regents for Higher Education, the State Superintendent
15 of Higher Education, and the State Director of the
16 Oklahoma Department of Career and Technology Education
17 shall be submitted to the Director of the Oklahoma
18 Department of Libraries by the respective recipients
19 thereof as soon as practicable after receipt. The
20 Director of the Oklahoma Department of Libraries shall
21 certify to the ~~Information Services Division~~ Agency
22 that such plans are consistent with the plan developed
23 by the Oklahoma Library Technology Network or explain
24 any inconsistencies therewith;

1 2. Identify the most cost-effective means of meeting the
2 telecommunications needs of educational entities and of agencies of
3 state government;

4 3. Develop minimum mandatory standards and protocols for
5 equipment, facilities and services of the OGTN;

6 4. Evaluate the advantages and disadvantages of utilizing
7 equipment, facilities, and services of both private entities and
8 those owned and operated by the state; and

9 5. Recommend a fee structure to provide for the operation and
10 maintenance of the OGTN.

11 SECTION 8. AMENDATORY 62 O.S. 2021, Section 34.32, as
12 amended by Section 25, Chapter 228, O.S.L. 2022 (62 O.S. Supp. 2022,
13 Section 34.32), is amended to read as follows:

14 Section 34.32 A. The Information Services ~~Division of the~~
15 ~~Office of Management and Enterprise Services~~ Agency shall create a
16 standard security risk assessment for state agency information
17 technology systems that complies with the International Organization
18 for Standardization (ISO) and the International Electrotechnical
19 Commission (IEC) Information Technology - Code of Practice for
20 Security Management (ISO/IEC 27002).

21 B. Each state agency that has an information technology system
22 shall obtain an information security risk assessment to identify
23 vulnerabilities associated with the information system. The
24 ~~Information Services Division of the Office of Management and~~

1 ~~Enterprise Services~~ Agency shall approve not less than two firms
2 which state agencies may choose from to conduct the information
3 security risk assessment.

4 C. A state agency with an information technology system that is
5 not consolidated under the Information Technology Consolidation and
6 Coordination Act or that is otherwise retained by the agency shall
7 additionally be required to have an information security audit
8 conducted by a firm approved by the ~~Information Services Division~~
9 Agency that is based upon the most current version of the NIST
10 Cyber-Security Framework, and shall submit a final report of the
11 information security risk assessment and information security audit
12 findings to the ~~Information Services Division~~ Agency each year on a
13 schedule set by the ~~Information Services Division~~ Agency. Agencies
14 shall also submit a list of remedies and a timeline for the repair
15 of any deficiencies to the ~~Information Services Division~~ Agency
16 within ten (10) days of the completion of the audit. The final
17 information security risk assessment report shall identify,
18 prioritize, and document information security vulnerabilities for
19 each of the state agencies assessed. The ~~Information Services~~
20 ~~Division~~ Agency may assist agencies in repairing any vulnerabilities
21 to ensure compliance in a timely manner.

22 D. Subject to the provisions of subsection C of Section 34.12
23 of this title, the ~~Information Services Division~~ Agency shall report
24 the results of the state agency assessments and information security

1 audit findings required pursuant to this section to the Governor,
2 the Speaker of the House of Representatives, and the President Pro
3 Tempore of the Senate by the first day of January of each year. Any
4 state agency with an information technology system that is not
5 consolidated under the Information Technology Consolidation and
6 Coordination Act that cannot comply with the provisions of this
7 section shall consolidate under the Information Technology
8 Consolidation and Coordination Act.

9 E. This section shall not apply to state agencies subject to
10 mandatory North American Electric Reliability Corporation (NERC)
11 cybersecurity standards and institutions within The Oklahoma State
12 System of Higher Education, the Social Security Disability
13 Determination Services Division of the Department of Rehabilitation
14 Services, and the Oklahoma State Regents for Higher Education and
15 the telecommunications network known as OneNet that follow the
16 International Organization for Standardization (ISO), the Oklahoma
17 Military Department (OMD) and the International Electrotechnical
18 Commission (IEC)-Security techniques-Code of Practice for
19 Information Security Controls or National Institute of Standards and
20 Technology.

21 SECTION 9. AMENDATORY 62 O.S. 2021, Section 35.5, is
22 amended to read as follows:

23 Section 35.5 A. 1. All state agencies shall provide to the
24 Chief Information Officer a list of information technology assets of

1 the agency which are integral to agency-specific applications or
2 functions and a list of information technology positions which are
3 directly associated with the assets. The agency shall further
4 provide the reference to federal or state statutory or
5 constitutional provisions which require it to perform the
6 applications or functions.

7 2. If the Chief Information Officer disputes the identification
8 of assets or positions provided by a state agency as being integral
9 to agency-specific applications or functions, the Director of the
10 Office of Management and Enterprise Services shall make the final
11 determination.

12 B. Not later than December 1 of each year, the Chief
13 Information Officer shall modify the assessment required by
14 subsection D of Section 34.11.1 of this title to include
15 identification of:

16 1. All information technology assets of all state agencies,
17 which are not integral to agency-specific applications or functions,
18 and the transfer of which to the Information Services ~~Division of~~
19 ~~the Office of Management and Enterprise Services~~ Agency and the
20 Chief Information Officer would result in a cost savings to the
21 taxpayers of this state or improved efficiency of state government
22 operations, including all furniture, equipment, vehicles, supplies,
23 records, current and future liabilities, fund balances,

1 encumbrances, obligations, and indebtedness associated with the
2 information technology assets;

3 2. All information technology positions associated with the
4 information technology assets identified pursuant to paragraph 1 of
5 this subsection. The assessment shall identify the amount of
6 compensation and related liabilities for accrued sick leave, annual
7 leave, holidays, unemployment benefits, and workers' compensation
8 benefits for the positions;

9 3. The amount of savings to the taxpayers of this state
10 resulting from the provisions of the Information Technology
11 Consolidation and Coordination Act; and

12 4. Any changes in law required or any changes to the amount of
13 state appropriations or other state funds associated with the
14 transfer of the information technology assets or positions.

15 C. The information technology assets and positions of each
16 appropriated state agency identified pursuant to this section shall
17 be transferred as part of the consolidation of information
18 technology operations of the state agency to the ~~Information~~
19 ~~Services Division of the Office of Management and Enterprise~~
20 ~~Services~~ Agency when determined by the ~~Information Services Division~~
21 Agency. The costs of operation, maintenance, licensing and service
22 of the information technology assets shall remain the responsibility
23 of the state agency from which the assets are transferred until the
24 state agency information technology operations are consolidated in

1 the ~~Information Services Division~~ Agency, unless otherwise agreed to
2 by the state agency and the ~~Information Services Division~~ Agency.
3 Appropriate conveyances and other documents shall be executed to
4 effectuate the transfer of the information technology assets and
5 positions to the ~~Information Services Division of the Office of~~
6 ~~Management and Enterprise Services~~ Agency.

7 D. The Chief Information Officer shall recommend changes to the
8 ~~Director of the Office of Management and Enterprise Services~~ and the
9 Governor for inclusion in the next executive budget to be submitted
10 to the Legislature.

11 E. The ~~Information Services Division~~ Agency shall provide
12 shared services to each state agency and shall bill agencies for
13 those shared services at an estimated cost to provide the services.
14 The estimated cost shall include the full cost of the services,
15 including materials, depreciation related to capital costs, labor,
16 and administrative expenses of the ~~Information Services Division of~~
17 ~~the Office of Management and Enterprise Services~~ Agency in
18 connection with the operation of the data center and ~~Information~~
19 ~~Services Division~~ Agency operations and shall include expenses
20 associated with acquiring, installing, and operating information
21 technology and telecommunications infrastructure, hardware and
22 software for use by state agencies. The ~~Information Services~~
23 ~~Division~~ Agency shall publish a schedule of costs for each available
24 shared service and shall enter into an agreement with each state

1 agency for the shared services that will be provided to the agency.
2 The aggregated cost of shared services to be provided to each state
3 agency shall be budgeted annually as a separate line item through
4 each state agency. State agencies shall process request for
5 payments as provided for under the agreement entered into with the
6 ~~Information Services Division~~ Agency in a timely manner. If
7 payments are deemed to be delinquent for shared services provided to
8 a state agency, the ~~Information Services Division~~ Agency may request
9 the Division of Central Accounting and Reporting of the Office of
10 Management and Enterprise Services to create vouchers and process
11 payments to the ~~Information Services Division~~ Agency against the
12 funds of the delinquent state agency. If the state agency for which
13 shared services were provided disputes the provision of shared
14 services in accordance with its agreement with the ~~Information~~
15 ~~Services Division~~ Agency, no voucher shall be processed against the
16 funds of the delinquent agency until the dispute over services has
17 been resolved, at which point a voucher may be processed in
18 accordance with the terms of the dispute resolution.

19 F. The ~~Information Services Division of the Office of~~
20 ~~Management and Enterprise Services~~ Agency shall succeed to any
21 contractual rights, easement rights, lease rights, and other similar
22 rights and responsibilities related to the information technology
23 assets that are transferred as provided for in this section and
24 incurred by an appropriated state agency.

SECTION 10. This act shall become effective November 1, 2023.

COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND
TECHNOLOGY, dated 02/21/2023 - DO PASS, As Coauthored.