

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2329

By: Boatman of the House

and

7 **Weaver** of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to public finance; amending 62 O.S.
11 2021, Section 34.11.1, which relates to the Chief
12 Information Officer; modifying salary; modifying
13 eligibility requirements; modifying certain reporting
14 requirements; modifying certain inclusions; modifying
15 authority to contract; authorizing requirement that
16 specific employees supply certain information to
17 complete state and national criminal history record
18 check; modifying exceptions; modifying oversight
19 authority; amending 62 O.S. 2021, Section 34.11.2,
20 which relates to the Oklahoma State Government 2.0
21 Initiative; requiring review by the State
22 Governmental Technology Applications Review Board of
23 certain information from the Chief Information
24 Officer; and providing an effective date.

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

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

Section 34.11.1 A. There is hereby created the position of
Chief Information Officer who shall be appointed by the Governor.
The Chief Information Officer, ~~in addition to having~~ shall have

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

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

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

15 2. A minimum of ten (10) years of professional experience with
16 responsibilities for management and support of information systems
17 and information technology, including ~~seven (7)~~ five (5) years of
18 direct management of ~~a~~ major information technology ~~operation and~~
19 cybersecurity operations;

20 3. 2. Familiarity with local and wide-area network design,
21 implementation, and operation;

22 4. 3. Experience with data and voice convergence service
23 offerings;

24 5. 4. Experience in developing technology budgets;

1 ~~6.~~ 5. Experience in developing requests for proposal ~~and~~
2 ~~administering the~~ within bid ~~process~~ processes;

3 ~~7.~~ 6. Experience managing professional staff, teams, and
4 consultants;

5 ~~8.~~ ~~Knowledge of telecommunications operations;~~

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

9 ~~10.~~ 8. An effective communicator who is able to build
10 consensus;

11 ~~11.~~ 9. Ability to analyze and resolve complex issues, both
12 logical and interpersonal;

13 ~~12.~~ 10. Effective verbal and written communications skills and
14 effective presentation skills, geared toward coordination and
15 education;

16 ~~13.~~ 11. Ability to negotiate and defuse conflict; and

17 ~~14.~~ 12. A self-motivator, independent, cooperative, flexible
18 and creative.

19 C. The salary and any other expenses for the Chief Information
20 Officer shall be established by the State Chief Operating Officer,
21 or in the absence of a State Chief Operating Officer, the Governor
22 and budgeted as a separate line item through the Office of
23 Management and Enterprise Services. The operating expenses of the
24 Information Services Division shall be set by the Chief Information

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

8 D. 1. ~~Within twelve (12) months of appointment, the first~~ The
9 Chief Information Officer shall complete annually an ~~assessment,~~
10 ~~which shall be modified annually pursuant to Section 35.5 of this~~
11 ~~title, of the implementation of the transfer, coordination, and~~
12 ~~modernization of all information technology and telecommunication~~
13 ~~systems of all state agencies in the state as provided for in the~~
14 ~~Oklahoma Information Services Act. The assessment shall include the~~
15 ~~information technology and telecommunications systems of all~~
16 ~~institutions within The Oklahoma State System of Higher Education,~~
17 ~~the Oklahoma State Regents for Higher Education and the~~
18 ~~telecommunications network known as OneNet as assembled and~~
19 ~~submitted by the Oklahoma Higher Education Chief Information~~
20 ~~Officer, as designated by the Oklahoma State Regents for Higher~~
21 ~~Education~~ Oklahoma IT 3-Year Strategic Plan. The report shall
22 include the current and upcoming years' technology-based services, a
23 short-term and long-term direction for technology strategy, and
24

1 outline plans for data enablement and protection, digital
2 transformation and technology management for the State of Oklahoma.

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

- 6 a. ~~define the shared service model organization structure~~
7 ~~and the reporting relationship of the recommended~~
8 ~~organization,~~
- 9 b. ~~the implementation of an information technology and~~
10 ~~telecommunications shared services model that defines~~
11 ~~the statewide infrastructure environment needed by~~
12 ~~most state agencies that is not specific to individual~~
13 ~~agencies and the shared applications that are utilized~~
14 ~~across multiple agencies,~~
- 15 c. ~~define the services that shall be in the shared~~
16 ~~services model under the control of the Information~~
17 ~~Services Division of the Office of Management and~~
18 ~~Enterprise Services,~~
- 19 d. ~~define the roadmap to implement the proposed shared~~
20 ~~services model. The roadmap shall include~~
21 ~~recommendations on the transfer, coordination, and~~
22 ~~modernization of all information technology and~~
23 ~~telecommunication systems of all the state agencies in~~
24 ~~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, and~~
- 16 h. ~~the information required in subsection B of Section~~
17 ~~35.5 of this title.~~

18 3. ~~The plan of action report~~ Oklahoma IT 3-Year Strategic Plan
19 ~~shall be presented to the Governor, Speaker of the House of~~
20 ~~Representatives, and the President Pro Tempore of the State Senate~~
21 published annually on the Office of Management and Enterprise
22 Services Information Services website.

23 4. ~~The Chief Information Officer may contract with a private~~
24 ~~consultant or consultants to assist in the assessment and~~

~~development of the plan of action report as required in this subsection.~~

E. The Chief Information Officer shall be authorized to require all state agencies, regardless of whether they subscribe to services provided by the Information Services Division of the Office of Management and Enterprise Services or not, to annually provide a written three-year technology plan.

1. Each technology plan shall be submitted on a form to be developed by the Chief Information Officer, and shall include at a minimum:

- a. a description of the agency's technology needs to meet service delivery requirements,
- b. an overview of the agency's current technology reference architecture,
- c. any planned changes to the architecture,
- d. data protection and maintenance plans,
- e. data retention policy,
- f. a three-year budgetary forecast.

2. Each agency shall submit their annual technology plan to the Chief Information Officer no later than the first day of August each year.

3. The Chief Information Officer shall compile the plans of the various agencies into one consolidated report and provide an analysis of the plans and their alignment with the state's

1 architecture and the Oklahoma IT 3-Year Strategic Plan. This
2 compiled report shall be provided to the State Governmental
3 Technology Applications Review Board no later than the first day of
4 December each year.

5 F. The Chief Information Officer shall be authorized to employ
6 personnel, fix the duties and compensation of the personnel, not
7 otherwise prescribed by law, and otherwise direct the work of the
8 personnel in performing the function and accomplishing the purposes
9 of the Information Services Division of the Office of Management and
10 Enterprise Services.

11 ~~F.~~ G. The Information Services Division of the Office of
12 Management and Enterprise Services shall be responsible for the
13 following duties:

14 1. Formulate and implement the information technology strategy
15 for all state agencies;

16 2. Define, design, and implement a shared services statewide
17 infrastructure and application environment for information
18 technology and telecommunications for all state agencies;

19 3. Direct the development and operation of a scalable
20 telecommunications infrastructure that supports data and voice
21 communications reliability, integrity, and security;

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

1 5. Provide direction for the professional development of
2 information technology staff of state agencies and oversee the
3 professional development of the staff of the Information Services
4 Division of the Office of Management and Enterprise Services;

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

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

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

14 9. Direct the development, implementation, and management of
15 appropriate standards, policies and procedures to ensure the success
16 of state information technology and telecommunication initiatives;

17 10. Recruit, hire and transfer the required technical staff in
18 the Information Services Division of the Office of Management and
19 Enterprise Services to support the services provided by the Division
20 and the execution of the strategic information technology plan~~7~~.

21 The Chief Information Officer shall be authorized to require
22 Information Services employees, other OMES employees, and the
23 employees of agency contractors in positions that have access to
24 information and data protected by state and federal statute, to

1 supply all information and documentation required to complete a
2 criminal history record search by the Oklahoma State Bureau of
3 Investigation, as well as be fingerprinted for submission of the
4 fingerprints through the Oklahoma State Bureau of Investigation to
5 the Federal Bureau of Investigation for a national criminal history
6 record check as defined in Section 150.9 of Title 74 of the Oklahoma
7 Statutes. The OMES Information Services Division shall be
8 responsible for receiving the results for both the criminal history
9 record search and the national criminal history record check.

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

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

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

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

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

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

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

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

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

1 ~~the Office of Management and Enterprise Services~~
2 ~~website;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~O.~~ M. As used in this section:

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

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. AMENDATORY 62 O.S. 2021, Section 34.11.2, is
9 amended to read as follows:

10 Section 34.11.2 A. There is hereby established the Oklahoma
11 State Government 2.0 Initiative.

12 B. The State Governmental Technology Applications Review Board
13 shall consider and approve a standardized social media policy for
14 use by state agencies, boards, commissions and public trusts having
15 the State of Oklahoma as a beneficiary.

16 C. The ~~board~~ Board shall establish open technology standards
17 and a schedule by which state agencies, boards, commissions and
18 public trusts having the State of Oklahoma as a beneficiary shall
19 utilize these standards to provide citizens with web-based
20 interactivity to state government services. Whenever possible these
21 standards shall match commonly used standards by other government
22 entities.

23 D. The ~~board~~ Board shall set a schedule by which state
24 agencies, boards, commissions and public trusts having the State of

1 Oklahoma as a beneficiary shall publish and update convenience
2 information sets which shall be accessible through standardized
3 application programming interfaces and published in standardized
4 formats including but not limited to eXtensible Markup Language
5 (XML) and Comma Separated Value (CSV) formats. The ~~board~~ Board
6 shall establish application programming interface standards which
7 enable access to convenience information sets. The schedule shall
8 place an emphasis on first making accessible convenience information
9 sets most commonly requested in open records requests. A directory
10 and link to all available convenience information sets shall be
11 prominently featured on the portal system referenced in Section
12 34.24 of this title and if possible linked to the *data.ok.gov* web
13 portal.

14 E. The ~~board~~ Board may conduct events and contests to provide
15 recognition of software application development provided that the
16 application being recognized utilizes standards established in this
17 section to the benefit of the citizens of Oklahoma.

18 F. The ~~board~~ Board shall establish an application process
19 through which applicants can request the scheduled implementation of
20 application programming interfaces, creation of open technology
21 standards and publication of convenience information sets pursuant
22 to the provisions of this section. Instructions regarding the
23 application process shall be prominently featured on the portal
24 system referenced in Section 34.24 of this title.

1 G. State agencies, boards, commissions and public trusts having
2 the State of Oklahoma as a beneficiary shall comply with the
3 policies, schedules and standards established by this section.

4 H. The Board shall review the consolidated report of agency
5 three-year technology plans provided to it each year by the Chief
6 Information Officer. The Board shall incorporate its own analysis
7 into the report, highlighting deviations from industry best
8 practices and policies, schedules and standards established by this
9 section. The complete report shall be presented to the Governor,
10 the Speaker of the Oklahoma House of Representatives, and the
11 President Pro Tempore of the Oklahoma State Senate no later than the
12 fifteenth day of January each year.

13 I. ~~The board~~ Board shall promulgate performance information
14 metrics and guidelines which shall be used to establish criteria
15 which govern participation in the "State Government Employee
16 Performance Transparency Pilot Program". ~~The board~~ Board shall set
17 a schedule for the publication of performance information metrics
18 through the *data.ok.gov* website.

19 ~~I.~~ J. For the purposes of this section, "open technology
20 standards" are widely accepted standards and mechanisms for the web-
21 based connectivity and asynchronous communication between software
22 programs. "Application programming interface" is a standardized
23 interface enabling a standard form of connectivity between
24 convenience information sets and software programs, "performance

1 information metrics" are sets of information which reflect the
2 performance of state employees and state agencies, and "convenience
3 information sets" are sets of information which are subject to
4 public access under the Oklahoma Open Records Act and which do not
5 contain personally identifiable information.

6 SECTION 3. This act shall become effective November 1, 2023.
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8 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT MODERNIZATION AND
9 TECHNOLOGY, dated 02/22/2023 - DO PASS, As Amended and Coauthored.
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