

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2329

By: Boatman

AS INTRODUCED

An Act relating to public finance; amending 62 O.S. 2021, Section 34.11.1, which relates to the Chief Information Officer; modifying salary; modifying eligibility requirements; modifying certain reporting requirements; modifying certain inclusions; modifying authority to contract; authorizing requirement that specific employees supply certain information to complete state and national criminal history record check; modifying exceptions; modifying oversight authority; amending 62 O.S. 2021, Section 34.11.2, which relates to the Oklahoma State Government 2.0 Initiative; requiring review by the State Governmental Review Board of certain information from the Chief Information 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 authority over the Information Services Division of the Office of Management and Enterprise Services, ~~shall also serve as Secretary of Information Technology and Telecommunications or successor cabinet~~

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

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

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

~~2.~~ 1. A minimum of ten (10) years of professional experience with responsibilities for management and support of information systems and information technology, including ~~seven (7)~~ five (5) years of direct management of a major information technology operation and cybersecurity operations;

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

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

~~5.~~ 4. Experience in developing technology budgets;

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

1       ~~7.~~ 6. Experience managing professional staff, teams, and  
2 consultants;

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

4       ~~9.~~ 7. Ability to develop and set strategic direction for  
5 information technology and telecommunications and to manage daily  
6 development and operations functions;

7       ~~10.~~ 8. An effective communicator who is able to build  
8 consensus;

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

11       ~~12.~~ 10. Effective verbal and written communications skills and  
12 effective presentation skills, geared toward coordination and  
13 education;

14       ~~13.~~ 11. Ability to negotiate and defuse conflict; and

15       ~~14.~~ 12. A self-motivator, independent, cooperative, flexible  
16 and creative.

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

1 Enterprise Services shall provide adequate office space, equipment  
2 and support necessary to enable the Chief Information Officer to  
3 carry out the information technology and telecommunications duties  
4 and responsibilities of the Chief Information Officer and the  
5 Information Services Division.

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

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,~~

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,~~

- e. ~~recommendations on the reallocation of information technology and telecommunication resources and personnel,~~
- f. ~~a cost benefit analysis to support the recommendations on the reallocation of information technology and telecommunication resources and personnel,~~
- g. ~~a calculation of the net savings realized through the reallocation and consolidation of information technology and telecommunication resources and personnel after compensating for the cost of contracting with a private consultant as authorized in paragraph 4 of this subsection, implementing the plan of action, and ongoing costs of the Information Services Division of the Office of Management and Enterprise Services, and~~
- h. ~~the information required in subsection B of Section 35.5 of this title.~~

3. ~~The plan of action report~~ Oklahoma IT 3-Year Strategic Plan shall be ~~presented to the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the State Senate~~ posted to the OMES website annually.

4. ~~The Chief Information Officer may contract with a private 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 3-year technology plan.

1. This 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. Planned changes to the architecture;
- d. Data protection and maintenance plans;
- e. Data retention policy;
- f. 3-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 reports of the various agencies into consolidated report and provide an analysis of the plans and their alignment with the state's architecture and IT plan. This compiled report shall be provided to

1 the State Governmental Technology Applications Review Board no later  
2 than the first day of December each year.

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

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

12 1. Formulate and implement the information technology strategy  
13 for all state agencies;

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

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

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

22 5. Provide direction for the professional development of  
23 information technology staff of state agencies and oversee the  
24



professional development of the staff of the Information Services  
Division of the Office of Management and Enterprise Services;

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

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

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

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

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

The Chief Information Officer shall be authorized to require  
Information Services employees, other OMES employees, and the  
employees of agency contractors in positions that have access to  
information and data protected by state and federal statute, to  
supply all information and documentation required to complete a  
criminal history record search by the Oklahoma State Bureau of

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

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

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

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

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

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

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

- 9            a. ~~a purchase less than or equal to Five Thousand Dollars~~  
10            ~~(\$5,000.00) if such product is purchased using a state~~  
11            ~~purchase card and the product is listed on either the~~  
12            ~~Approved Hardware or Approved Software list located on~~  
13            ~~the Office of Management and Enterprise Services~~  
14            ~~website, or~~
- 15            b. ~~a purchase over Five Thousand Dollars (\$5,000.00) and~~  
16            ~~less than or equal to Twenty-five Thousand Dollars~~  
17            ~~(\$25,000.00) if such product is purchased using a~~  
18            ~~state purchase card, the product is listed on an~~  
19            ~~information technology or telecommunications statewide~~  
20            ~~contract, and the product is listed on either the~~  
21            ~~Approved Hardware or Approved Software list located on~~  
22            ~~the Office of Management and Enterprise Services~~  
23            ~~website;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

5        SECTION 2.        AMENDATORY        62 O.S. 2021, Section 34.11.2, is  
6 amended to read as follows:

7        Section 34.11.2 A. There is hereby established the Oklahoma  
8 State Government 2.0 Initiative.

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

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

20        D. The ~~board~~ Board shall set a schedule by which state  
21 agencies, boards, commissions and public trusts having the State of  
22 Oklahoma as a beneficiary shall publish and update convenience  
23 information sets which shall be accessible through standardized  
24 application programming interfaces and published in standardized

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

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

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

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

1       H. The Board shall review the consolidated report of agency 3-  
2 year technology plans provided to it each year by the Chief  
3 Information Officer. The Board shall incorporate its own analysis  
4 into the report, highlighting deviations from industry best  
5 practices and policies, schedules and standards established by this  
6 section. The complete report shall be presented to the Governor,  
7 the Speaker of the Oklahoma House of Representatives and the  
8 President Pro Tempore of the Oklahoma State Senate no later than the  
9 15th day of January each year.

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

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

1 public access under the Oklahoma Open Records Act and which do not  
2 contain personally identifiable information.

3 SECTION 3. This act shall become effective November 1, 2023.

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