

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 74

Representatives Hall, Lightbody

**Cosponsors: Representatives Johnson, Brennan, Upchurch, Dell'Aquila, Forhan,
Seitz, Creech**

A BILL

To amend sections 107.03, 125.18, and 126.506 and 1
to enact sections 103.28, 126.41, and 126.42 of 2
the Revised Code regarding the state's 3
information technology systems and shared 4
services. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 107.03, 125.18, and 126.506 be 6
amended and sections 103.28, 126.41, and 126.42 of the Revised 7
Code be enacted to read as follows: 8

Sec. 103.28. (A) As used in this section: 9

(1) "Department" has the same meaning as in section 121.01 10
of the Revised Code, except that it also includes the bureau of 11
workers' compensation, department of education, department of 12
higher education, department of taxation, and public utilities 13
commission of Ohio. 14

(2) "Statewide elected official" means the governor, 15
lieutenant governor, secretary of state, auditor of state, 16
attorney general, and treasurer of state. 17

(B) (1) Not later than ninety days after the effective date 18
of this section, or as soon as practicable thereafter, and not 19
later than the first day of October of every even-numbered year 20
thereafter, the administrative head of each department and each 21
statewide elected official shall submit to the director of 22
budget and management a report that includes information 23
regarding each department's and official's total expenditures on 24
information technology systems and services with respect to the 25
previous biennium. 26

(2) The administrative department heads and statewide 27
elected officials shall include in the report described under 28
division (B) (1) of this section expenditures for the following 29
types of information technology systems and services: 30

(a) Internet service; 31

(b) Information technology hardware, software, security, 32
and services; 33

(c) Contracts with respect to any services related to 34
maintaining and repairing information technology systems; 35

(d) Projects undertaken with respect to information 36
technology; 37

(e) The salaries, wages, and benefits paid to employees 38
whose duties primarily include performing information technology 39
services. 40

(C) The director of budget and management shall compile 41
the information the director receives under division (B) (1) of 42
this section. Not later than one hundred twenty days after the 43
effective date of this section, or as soon as practicable 44
thereafter, and not later than the first day of November of 45
every even-numbered year thereafter, the director of budget and 46

management shall submit the information to the director of the 47
legislative service commission. 48

(D) (1) On receiving the information compiled under 49
division (C) of this section, the director of the legislative 50
service commission shall use the information to create a state 51
information technology biennial expenditure report. The director 52
shall make the report as brief as practicable and include both 53
of the following in the report: 54

(a) The name of each department and each statewide elected 55
official's office; 56

(b) Each department's and office's total expenditures in 57
the previous biennium with respect to information technology 58
systems and services. 59

(2) Not later than one hundred eighty days after the 60
effective date of this section, or as soon as practicable 61
thereafter, and not later than the first day of February of each 62
odd-numbered year thereafter, the director shall submit the 63
report to the general assembly in accordance with section 101.68 64
of the Revised Code. 65

Sec. 107.03. (A) As used in this section, "transportation 66
budget" means the biennial budget that primarily includes the 67
following: 68

(1) Motor fuel excise tax-related appropriations for the 69
department of transportation, public works commission, and 70
department of development; 71

(2) Other appropriations that pertain to transportation 72
and infrastructure related to transportation. 73

(B) The governor shall submit a transportation budget to 74

the general assembly not later than four weeks after the general 75
assembly's organization. 76

(C) The governor shall submit to the general assembly, not 77
later than four weeks after its organization, a state budget 78
containing a complete financial plan for the ensuing fiscal 79
biennium, excluding items of revenue and expenditure described 80
in section 126.022 of the Revised Code. However, in years of a 81
new governor's inauguration, this budget shall be submitted not 82
later than the fifteenth day of March. 83

(D) In years of a new governor's inauguration, only the 84
new governor shall submit a budget to the general assembly. In 85
addition to other things required by law, each of the governor's 86
budgets shall contain: 87

(1) A general budget summary by function and agency 88
setting forth the proposed total expenses from each and all 89
funds and the anticipated resources for meeting such expenses; 90
such resources to include any available balances in the several 91
funds at the beginning of the biennium and a classification by 92
totals of all revenue receipts estimated to accrue during the 93
biennium under existing law and proposed legislation. 94

(2) A detailed statement showing the amounts recommended 95
to be appropriated from each fund for each fiscal year of the 96
biennium for current expenses, including, but not limited to, 97
information technology systems and services, personal services, 98
supplies and materials, equipment, subsidies and revenue 99
distribution, merchandise for resale, transfers, and nonexpense 100
disbursements, obligations, interest on debt, and retirement of 101
debt, and for the biennium for capital outlay, to the respective 102
departments, offices, institutions, as defined in section 121.01 103
of the Revised Code, and all other public purposes; and, in 104

comparative form, the actual expenses by source of funds during 105
each fiscal year of the previous two bienniums for each such 106
purpose. No alterations shall be made in the requests for the 107
legislative and judicial branches of the state filed with the 108
director of budget and management under section 126.02 of the 109
Revised Code. If any amount of federal money is recommended to 110
be appropriated or has been expended for a purpose for which 111
state money also is recommended to be appropriated or has been 112
expended, the amounts of federal money and state money involved 113
shall be separately identified. 114

(3) A detailed estimate of the revenue receipts in each 115
fund from each source under existing laws during each year of 116
the biennium; and, in comparative form, actual revenue receipts 117
in each fund from each source for each year of the two previous 118
bienniums; 119

(4) The estimated cash balance in each fund at the 120
beginning of the biennium covered by the budget; the estimated 121
liabilities outstanding against each such balance; and the 122
estimated net balance remaining and available for new 123
appropriations; 124

(5) A detailed estimate of the additional revenue receipts 125
in each fund from each source under proposed legislation, if 126
enacted, during each year of the biennium; 127

(6) The most recent report prepared by the department of 128
taxation under section 5703.48 of the Revised Code, which shall 129
be submitted to the general assembly as an appendix to the 130
governor's budget; 131

(7) The most recent TANF spending plan prepared by the 132
department of job and family services under section 5101.806 of 133

the Revised Code, which shall be submitted to the general 134
assembly as an appendix to the governor's budget. 135

Sec. 125.18. (A) There is hereby established the office of 136
information technology within the department of administrative 137
services. The office shall be under the supervision of a state 138
chief information officer to be appointed by the director of 139
administrative services and subject to removal at the pleasure 140
of the director. The chief information officer is an assistant 141
director of administrative services. 142

(B) Under the direction of the director of administrative 143
services, the state chief information officer shall lead, 144
oversee, and direct state agency activities related to 145
information technology development and use. In that regard, the 146
state chief information officer shall do all of the following: 147

(1) Coordinate and superintend statewide efforts to 148
promote common use and development of technology by state 149
agencies. The office of information technology shall establish 150
policies and standards that govern and direct state agency 151
participation in statewide programs and initiatives. 152

(2) Coordinate with the office of procurement services to 153
establish policies and standards for state agency acquisition of 154
information technology supplies and services; 155

(3) Establish policies and standards for the use of common 156
information technology by state agencies, including, but not 157
limited to, hardware, software, technology services, and 158
security, and the extension of the service life of information 159
technology systems, with which state agencies shall comply; 160

(4) Establish criteria and review processes to identify 161
state agency information technology projects or purchases that 162

require alignment or oversight. As appropriate, the department 163
of administrative services shall provide the governor and the 164
director of budget and management with notice and advice 165
regarding the appropriate allocation of resources for those 166
projects. The state chief information officer may require state 167
agencies to provide, and may prescribe the form and manner by 168
which they must provide, information to fulfill the state chief 169
information officer's alignment and oversight role; 170

(5) Establish policies and procedures for the security of 171
personal information that is maintained and destroyed by state 172
agencies; 173

(6) Employ a chief information security officer who is 174
responsible for the implementation of the policies and 175
procedures described in division (B)(5) of this section and for 176
coordinating the implementation of those policies and procedures 177
in all of the state agencies; 178

(7) Employ a chief privacy officer who is responsible for 179
advising state agencies when establishing policies and 180
procedures for the security of personal information and 181
developing education and training programs regarding the state's 182
security procedures; 183

(8) Establish policies on the purchasing, use, and 184
reimbursement for use of handheld computing and 185
telecommunications devices by state agency employees; 186

(9) Establish policies for the reduction of printing and 187
for the increased use of electronic records by state agencies; 188

(10) Establish policies for the reduction of energy 189
consumption by state agencies; 190

(11) Compute the amount of revenue attributable to the 191

amortization of all equipment purchases and capitalized systems	192
from information technology service delivery and major	193
information technology purchases, MARCS administration,	194
enterprise applications, and the professions licensing system	195
operating appropriation items and major computer purchases	196
capital appropriation items that is recovered as part of the	197
information technology services rates the department of	198
administrative services charges and deposits into the	199
information technology fund created in section 125.15 of the	200
Revised Code, the user fees the department of administrative	201
services charges and deposits in the MARCS administration fund	202
created in section 4501.29 of the Revised Code, the rates the	203
department of administrative services charges to benefiting	204
agencies for the operation and management of information	205
technology applications and deposits in the enterprise	206
applications fund, and the rates the department of	207
administrative services charges for the cost of ongoing	208
maintenance of the professions licensing system and deposits in	209
the professions licensing system fund. The enterprise	210
applications fund is hereby created in the state treasury.	211
(12) Regularly review and make recommendations regarding	212
improving the infrastructure of the state's cybersecurity	213
operations with existing resources and through partnerships	214
between government, business, and institutions of higher	215
education;	216
(13) Assist, as needed, with general state efforts to grow	217
the cybersecurity industry in this state;	218
<u>(14) Establish a strategic roadmap for migrating the</u>	219
<u>state's information technology systems to the state of Ohio</u>	220
<u>computer center and to the state's commercial cloud providers</u>	221

managed by the office of information technology. 222

(C) (1) The chief information security officer shall assist 223
each state agency with the development of an information 224
technology security strategic plan and review that plan, and 225
each state agency shall submit that plan to the state chief 226
information officer. The chief information security officer may 227
require that each state agency update its information technology 228
security strategic plan annually as determined by the state 229
chief information officer. 230

(2) Prior to the implementation of any information 231
technology data system, a state agency shall prepare or have 232
prepared a privacy impact statement for that system. 233

(D) When a state agency requests a purchase of information 234
technology supplies or services under Chapter 125. of the 235
Revised Code, the state chief information officer may review and 236
reject the requested purchase for noncompliance with information 237
technology direction, plans, policies, standards, or project- 238
alignment criteria. 239

(E) The office of information technology may operate 240
technology services for state agencies in accordance with this 241
chapter. 242

Notwithstanding any provision of the Revised Code to the 243
contrary, the office of information technology may assess a 244
transaction fee on each license or registration issued as part 245
of an electronic licensing system operated by the office in an 246
amount determined by the office not to exceed three dollars and 247
fifty cents. The transaction fee shall apply to all 248
transactions, regardless of form, that immediately precede the 249
issuance, renewal, reinstatement, reactivation of, or other 250

activity that results in, a license or registration to operate 251
as a regulated professional or entity. Each license or 252
registration is a separate transaction to which a fee under this 253
division applies. Notwithstanding any provision of the Revised 254
Code to the contrary, if a fee is assessed under this section, 255
no agency, board, or commission shall issue a license or 256
registration unless a fee required by this division has been 257
received. The director of administrative services may collect 258
the fee or require a state agency, board, or commission for 259
which the system is being operated to collect the fee. Amounts 260
received under this division shall be deposited in or 261
transferred to the professions licensing system fund created in 262
division ~~(H)~~(I) of this section. 263

(F) With the approval of the director of administrative 264
services, the office of information technology may establish 265
cooperative agreements with federal and local government 266
agencies and state agencies that are not under the authority of 267
the governor for the provision of technology services and the 268
development of technology projects. 269

(G) The office of information technology may operate a 270
program to make information technology purchases. The director 271
of administrative services may recover the cost of operating the 272
program from all participating government entities by issuing 273
intrastate transfer voucher billings for the procured technology 274
or through any pass-through billing method agreed to by the 275
director of administrative services, the director of budget and 276
management, and the participating government entities that will 277
receive the procured technology. 278

If the director of administrative services chooses to 279
recover the program costs through intrastate transfer voucher 280

billings, the participating government entities shall process 281
the intrastate transfer vouchers to pay for the cost. Amounts 282
received under this section for the information technology 283
purchase program shall be deposited to the credit of the 284
information technology governance fund created in section 125.15 285
of the Revised Code. 286

(H) Upon request from the director of administrative 287
services, the director of budget and management may transfer 288
cash from the information technology fund created in section 289
125.15 of the Revised Code, the MARCS administration fund 290
created in section 4501.29 of the Revised Code, the enterprise 291
applications fund created in division (B)(11) of this section, 292
or the professions licensing system fund created in division (I) 293
of this section to the major information technology purchases 294
fund in an amount not to exceed the amount computed under 295
division (B)(11) of this section. The major information 296
technology purchases fund is hereby created in the state 297
treasury. 298

(I) There is hereby created in the state treasury the 299
professions licensing system fund. The fund shall be used to 300
operate the electronic licensing system referenced in division 301
(E) of this section. 302

(J) As used in this section: 303

(1) "Personal information" has the same meaning as in 304
section 149.45 of the Revised Code. 305

(2) "State agency" means every organized body, office, or 306
agency established by the laws of the state for the exercise of 307
any function of state government, other than any state-supported 308
institution of higher education, the office of the auditor of 309

state, treasurer of state, secretary of state, or attorney 310
general, the adjutant general's department, the bureau of 311
workers' compensation, the industrial commission, the public 312
employees retirement system, the Ohio police and fire pension 313
fund, the state teachers retirement system, the school employees 314
retirement system, the state highway patrol retirement system, 315
the general assembly or any legislative agency, the capitol 316
square review advisory board, or the courts or any judicial 317
agency. 318

Sec. 126.41. (A) The biannual advisory committee on state 319
information and technology is created. The committee shall 320
examine the state's information technology systems and services, 321
including all of the following topics: 322

(1) The state's spending on information technology systems 323
and services; 324

(2) Possible enhancements to the state's information 325
technology systems and services, including improvements to 326
state-owned application software; 327

(3) Initiatives regarding the state's information 328
technology systems and services; 329

(4) Any feedback from state and county users of the 330
state's information technology systems and services. 331

(B) (1) The committee may develop recommendations with 332
respect to the topics the committee examines under division (A) 333
of this section. In developing the recommendations, the 334
committee shall consider the report the cybersecurity and fraud 335
advisory board submits to the committee pursuant to section 336
126.42 of the Revised Code. 337

(2) After the committee receives the report from the 338

cybersecurity and fraud advisory board, the committee may submit 339
its recommendations to the director of administrative services, 340
who shall make them publicly available on the internet web site 341
maintained by the department of administrative services. 342

(3) The committee may require the cybersecurity and fraud 343
advisory board to submit an updated report as the committee 344
determines necessary to ensure the report reflects the best 345
practices regarding cybersecurity and fraud prevention that 346
exist at the time the board submits the updated report. If the 347
committee requires the updated report, the committee may update 348
the committee's recommendations and submit them to the director, 349
who shall make them publicly available on the department's 350
internet web site. 351

(C) The committee consists of the following nine members: 352

(1) The chairpersons of the standing committees of the 353
senate and the house of representatives to which legislation 354
pertaining to information technology is customarily referred, as 355
appointed by the president of the senate and the speaker of the 356
house of representatives, respectively; 357

(2) Two members of the senate, appointed by the president 358
of the senate, not more than one of whom shall be a member of 359
the majority party; 360

(3) Two members of the house of representatives, appointed 361
by the speaker of the house of representatives, not more than 362
one of whom shall be a member of the majority party; 363

(4) The state chief information officer appointed under 364
section 125.18 of the Revised Code or the officer's designee; 365

(5) The chief information security officer employed under 366
section 125.18 of the Revised Code or the officer's designee; 367

(6) One member who is a state employee appointed by the 368
governor. 369

(D) The committee member appointed by the governor serves 370
for a term of two years ending on the same day as the date of 371
the member's original appointment. Legislative members serve 372
during the session of the general assembly in which they are 373
appointed to the committee and for as long as they are members 374
of the general assembly. Vacancies shall be filled in the same 375
manner as original appointments. 376

(E) Members of the committee serve without compensation 377
and shall not be reimbursed for expenses. Members serve at the 378
pleasure of the appointing authority. 379

(F) (1) The committee shall organize itself and select co- 380
chairpersons from among its members, one of whom shall be a 381
member of the senate, and one of whom shall be a member of the 382
house of representatives. The committee shall meet at the call 383
of the co-chairpersons. 384

(2) The committee shall hold at least two meetings each 385
year. For at least one meeting, the committee shall focus solely 386
on soliciting feedback from county departments that use the 387
state's information technology systems and services. The 388
committee shall use the feedback to assist the committee in 389
developing recommendations regarding possible improvements to 390
those systems. 391

Sec. 126.42. (A) (1) The cybersecurity and fraud advisory 392
board is created. The board shall examine and develop 393
recommendations with regard to best practices in, shared 394
experiences regarding, and future efforts to improve 395
cybersecurity and fraud prevention with respect to the 396

information technology systems and shared services used across 397
state agencies. 398

(2) The board shall not examine open vulnerabilities, 399
security protocols, or legal issues with respect to the state's 400
cybersecurity and fraud prevention measures. 401

(B) (1) The board shall submit a report of its findings and 402
recommendations concerning the topics the board examines under 403
division (A) (1) of this section to the biannual advisory 404
committee on state information and technology not later than six 405
months after the date of the board's first meeting. Pursuant to 406
division (B) of section 126.41 of the Revised Code, the 407
committee may require the board to submit an updated report as 408
the committee determines necessary to ensure the report reflects 409
the best practices regarding cybersecurity and fraud prevention 410
that exist at the time the board submits the updated report. 411

(2) The board periodically shall review the most recent 412
report submitted under division (B) (1) of this section as the 413
board determines necessary to ensure the report reflects the 414
best practices that exist at the time of review. 415

(C) The board consists of the following six members, all 416
of whom must have a background and expertise in cybersecurity or 417
fraud prevention to be eligible for appointment: 418

(1) One member, who is an employee of the department of 419
administrative services, appointed by the governor; 420

(2) One member, who is an employee of the department, 421
appointed by the attorney general; 422

(3) One member, who is an employee of the department, 423
appointed by the auditor of state; 424

(4) One member, who is an employee of the department, 425
appointed by the secretary of state; 426

(5) One member, who is an employee of the department, 427
appointed by the treasurer of state; 428

(6) The chief information security officer employed under 429
section 125.18 of the Revised Code. 430

(D) The chief information security officer serves as the 431
chairperson of the board. The board shall meet at the call of 432
the chairperson and shall meet at least twice each year. 433

(E) Members serve without compensation and shall not be 434
reimbursed for expenses. Members serve at the pleasure of the 435
appointing authority. Vacancies shall be filled in the same 436
manner as original appointments. 437

(F) The board shall not hold an executive session pursuant 438
to division (G) of section 121.22 of the Revised Code. 439

Sec. 126.506. (A) Each state agency shall participate in 440
information technology consolidation projects implemented by the 441
state chief information officer under section 125.18 of the 442
Revised Code. 443

(B) At the direction of and in the format specified by the 444
director of administrative services, each state agency shall 445
maintain a list of information technology assets possessed by 446
the agency and associated costs related to those assets. 447

(C) The director shall maintain a list of state-owned 448
application software and associated hardware in a format 449
specified by the director. 450

Section 2. That existing sections 107.03, 125.18, and 451
126.506 of the Revised Code are hereby repealed. 452

Section 3. (A) As used in this section, "state agency" has	453
the same meaning as in section 126.50 of the Revised Code.	454
(B) Subject to division (C) of this section, the Director	455
of Administrative Services, in accordance with the requirements	456
for competitive sealed proposals under section 125.071 of the	457
Revised Code, shall enter into a contract with a private entity	458
pursuant to which the entity agrees to do both of the following:	459
(1) Study all of the following:	460
(a) The state's management practices regarding information	461
technology systems and shared services, including procurement,	462
centralization opportunities, and other future improvements;	463
(b) The state's best practices and standards regarding the	464
state's use of cloud services, including software as a service;	465
(c) Notwithstanding any provision of section 125.32 of the	466
Revised Code to the contrary, the state's data sharing practices	467
and opportunities to leverage the state's centralized data	468
sharing platform.	469
(2) Prepare a report that includes the entity's findings	470
from the study performed under division (B) (1) of this section	471
and submit the report to the General Assembly not later than	472
eighteen months after the date the Director awards the contract	473
to perform the study.	474
(C) Before entering into the contract described in	475
division (B) of this section, the Director shall request	476
approval from the Controlling Board to make expenditures under	477
the contract. If the Controlling Board denies the Director's	478
request, the Director shall not enter into the contract.	479
(D) (1) The Director shall do both of the following:	480

(a) Identify opportunities to leverage the buying power of the state for application software used at multiple state agencies;

(b) Identify existing data and information silos that exist throughout the state's information technology systems.

(2) The Director shall prepare and submit a report that includes the information described in division (D)(1) of this section to the General Assembly not later than twenty months after the effective date of this section.

(E) The Director of Administrative Services, in consultation with the Director of Budget and Management, shall conduct a study that analyzes the average industry fee rates charged for data hosting services. The Director of Administrative Services shall conclude the study and submit the findings of the study to the Director of Budget and Management not later than six months after the effective date of this section. Not later than six months after the Director of Administrative Services submits the study, the Director of Budget and Management may set the fees the Director of Budget and Management charges for data hosting services to rates that are comparable to average industry rates.