

ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE BILL NO. 2133

BY: HAMILTON (James),  
WILLIAMS, NIEMI, STITES  
and HENSHAW of the HOUSE

and

ROBINSON of the SENATE

( TELECOMMUNICATIONS - CREATING THE  
OKLAHOMA NETWORK - AMENDING SECTIONS IN  
TITLES 47, 62 AND 65 - CODIFICATION -  
EFFECTIVE DATE )

AUTHOR: Add the following Senate Coauthor: WILLIAMS (Penny)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

[ TELECOMMUNICATIONS - CREATING NETWORK - AMENDING  
SECTIONS IN TITLES 47, 51, 62 AND 65 - CODIFICATION  
-

EFFECTIVE DATE ]

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 41.5m of Title 62, unless there  
is created a duplication in numbering, reads as follows:

A. There is hereby created a wide area telecommunication  
network to be known and referred to as the "Oklahoma Government  
Telecommunications Network" (OGTN). The OGTN shall consist of the

telecommunications systems and networks operated by the Office of State Finance and the Oklahoma State Regents for Higher Education and the networks of other state agencies which seek to become a part of the OGTN or are directed to do so by the Legislature.

B. The Office of State Finance, together with the State Regents, shall be responsible for developing, operating and maintaining the OGTN. The purposes of the OGTN shall include the following:

1. Development of a comprehensive, unified statewide telecommunications network to effectively and efficiently meet the communication needs of this state; and

2. Effective and efficient utilization of existing telecommunications systems operated by this state.

C. In developing, operating and maintaining the OGTN, the Office of State Finance and State Regents shall:

1. Develop a master plan for meeting the telecommunications needs of this state;

2. Identify the most cost-effective means of meeting the telecommunications needs;

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

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

5. Recommend a fee structure for users of the OGTN which provides for the operating and maintenance expenses of the system without requiring that the Oklahoma Department of Libraries pass along operating and maintenance charges to persons visiting public libraries to use information received via the OGTN; and

6. Seek the advice of the State Data Processing and Telecommunications Advisory Committee created by Section 2 of this

act and the Industry Advisory Committee created pursuant to Section 41.5b of Title 62 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5n of Title 62, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until July 1, 1998, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, a State Data Processing and Telecommunications Advisory Committee. The Committee shall assist the Office of State Finance and the Oklahoma State Regents for Higher Education in addressing the state's data processing and telecommunications needs. The Committee shall consist of thirteen (13) members, eleven of whom shall be chief administrative officers of state agencies or their designees and two of whom shall be members of the Legislature. One member of the Legislature who is a member of the Joint Legislative Committee on Data Processing and Telecommunication shall be appointed by the Speaker of the House of Representatives and one member of the Legislature who is a member of the Joint Legislative Committee on Data Processing and Telecommunication shall be appointed by the President Pro Tempore of the Senate. The following agencies shall maintain permanent representation on the Committee:

1. Office of State Finance;
2. State Department of Education;
3. Oklahoma State Regents for Higher Education;
4. Department of Public Safety;
5. Department of Human Services;
6. Department of Commerce;
7. Department of Libraries;
8. Oklahoma Educational Television Authority;
9. Oklahoma Corporation Commission; and
10. Nonprofit Corporations indicating interest in this program.

The remaining two positions shall be rotated among other state agencies at the discretion of the Governor. The chairmanship of the committee shall alternate every two (2) years between the House of Representatives and the Senate at the beginning of each odd-numbered year. Meetings of the Committee shall be called by the Chairman not less than two times each year and shall be open. Members of the State Data Processing and Telecommunications Advisory Committee shall receive no additional compensation for serving on the Committee but shall be reimbursed for any travel in connection with such service by their respective agencies in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

B. The duties of the State Data Processing and Telecommunications Advisory Committee shall include:

1. Advising the Office of State Finance and the State Regents in the development of the master plan for telecommunications and in the development of the Oklahoma Government Telecommunications Network (OGTN);

2. Providing a forum for discussion of major technical and financial issues facing state agencies in the areas of data processing and telecommunications;

3. Meeting jointly with the Industry Advisory Committee created pursuant to Section 41.5b of Title 62 of the Oklahoma Statutes at least annually to ensure that the state's planned activities are consistent with the direction of industry data processing and telecommunications; and

4. Advising the Information Services Division of the Office of State Finance on the development and implementation of statewide data processing policies.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 2-124, is amended to read as follows:

Section 2-124. A. There is hereby created within the Department of Public Safety an Oklahoma Law Enforcement Telecommunication Systems Division.

B. The Division shall ~~operate~~;

1. Operate and maintain an on-line, realtime computer system and a statewide law enforcement data communication network. ~~The Division shall utilize;~~

2. Utilize and distribute information on vehicle registration, driver records, criminals and the commission of crimes. ~~The Division shall be;~~

3. Be responsible for the coordination of user agencies with the National Crime Information Center in Washington, D.C., and the National Law Enforcement Telecommunication System, or its successor. ~~The Division shall be;~~

4. Be the central access and control point for Oklahoma's input, retrieval and exchange of law enforcement information in the National Crime Information Center and the National Law Enforcement Telecommunication System.

~~The Division shall provide;~~ and

5. Provide user agencies a data communication network, in order to exchange and distribute law enforcement data rapidly, and training in the use of the Oklahoma Law Enforcement Telecommunication Systems.

C. The statewide law enforcement data communications network shall utilize, whenever deemed advisable by the Commissioner of Public Safety, the Oklahoma Government Telecommunications Network (OGTN) created in Section 1 of this act.

SECTION 4. AMENDATORY 62 O.S. 1991, Section 41.5a, is amended to read as follows:

Section 41.5a The Information Services Division of the Office of State Finance shall:

1. Coordinate data processing planning through analysis of each agency's long-term data processing plans; ~~and~~

2. Develop a state-wide data processing plan with annual modifications to include as a minimum:

- a. individual agency plans,
- b. information systems plans for the state-wide electronic data processing function,
- c. major development projects proposed for the current year and the next three (3) years, and
- d. an explanation of revisions to previous plans; and

3. Establish minimum mandatory technical standards for:

- a. information systems planning,
- b. systems development methodology,
- c. documentation,
- d. hardware requirements and compatibility,
- e. operating systems compatibility,
- f. software and hardware acquisition,
- g. data security and internal controls,
- h. data base compatibility, and
- i. contingency planning and disaster recovery.

Such 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 (OGTN). Individual agency standards may be more specific than state-wide requirements but shall in no case be less strict 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;

5. Operate a data processing service center to provide operations and hardware support for agencies requiring such services and for state-wide systems. ~~The employees of the Data Processing Planning Division of the Department of Transportation, and such funds, records, equipment, furniture and fixtures, files and supplies of whatsoever kind and character now utilized in said division shall be and are ordered transferred to the Information Services Division of the Office of State Finance when such transfer may be effectuated with minimum interruption of the work theretofore carried on by the Data Processing Planning Division and when the equipment requirements of the Department of Transportation can be adequately met by acquisition or transfer of such equipment from the Data Processing Planning Division or other available sources. The transfer shall be completed by January 1, 1985. The transfer or division of resources provided herein, to be effected by an agreement between the Executive Director of the Department of Transportation and the Director of State Finance, shall not operate to prevent completion of any unconsummated legal contracts with corporations, individual parties, agencies of the federal government, and other governmental units and other legal contracts previously entered into by said agencies. No employee transferred pursuant to the above agreement to the Information Services Division shall be required to accept a lesser grade or salary than presently received plus any salary adjustments provided by the Legislature for state employees and no entrance examination shall be required for continued employment in the same or similar positions with the Office of State Finance;~~

6. Maintain a directory of application systems, systems software, hardware, internal and external data processing studies and training courses in use by all agencies of the state; and facilitate the utilization of such resources by any agency having

requirements which are found to be available within any agency of the state;

7. Assist agencies in the acquisition and utilization of data processing systems and hardware to effectuate the maximum benefit for the provision of services and accomplishment of the duties and responsibilities of agencies of the state;

8. In conjunction with the Office of Personnel Management, establish training guidelines for electronic data processing personnel, assist agencies in placing personnel in appropriate courses offered by other agencies of the state, and sponsor training courses for attendance by data processing personnel of all agencies;

9. ~~Coordinate~~ For the executive branch of state government, coordinate agency data processing activities, encourage joint projects and common systems, and linking of agency systems through the review of agency plans, development of a state-wide plan and its integration with the budget process to ensure that developments and/or acquisitions are consistent with state-wide objectives and that proposed systems are justified and cost effective;

~~10. Upon assumption of the operation of the service center, provide operational support for the Oklahoma Financial Information System Management Division, and in the interim, contract for such support through the Data Processing Planning Division of the Department of Transportation;~~

~~11.~~ Develop performance reporting guidelines for data processing facilities and conduct an annual review to compare agency plans and budgets with results and expenditures;

~~12.~~ 11. Establish operations review procedures for data processing installations operated by agencies of the state for independent assessment of productivity, efficiency, and cost effectiveness;

~~13.~~ 12. Establish service center user charges for billing costs to agencies based on the use of all resources; ~~and~~

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

14. Provide support for telecommunication networks of state agencies through analysis of each agency's telecommunications needs and requirements and promotion of the use of the Oklahoma Government Telecommunications Network (OGTN) created in Section 1 of this act.

Provided, the provisions of this act shall not require the disclosure, directly or indirectly, of any information of a state agency which is declared to be confidential or privileged by state or federal statute or the disclosure of which is restricted by agreement with the United States or one of its agencies, nor the disclosure of data processing system details that may permit the access to confidential information.

SECTION 5. AMENDATORY 62 O.S. 1991, Section 41.5i, is amended to read as follows:

Section 41.5i In addition to the powers and duties as defined elsewhere in this title, the Information Services Division of the Office of State Finance shall:

1. Coordinate statewide planning for communication and telecommunications needs of the executive branch of state government, including, but not limited to, voice, data, radio, video and facsimile transmissions through analysis of each agency's long-term communication and telecommunications plans;

2. Develop and integrate a statewide communications plan to address the design requirements and networks necessary to serve agency needs of executive branch agencies, which will consist of as a minimum:

- a. an inventory of communication or telecommunication equipment owned, leased or rented for use in communication services for state government, including communication services provided as part of any other

total system to be used by the state or any of its agencies,

- b. current budget plans, expenditures and resources necessary to operate any and all systems included in the above inventory,
- c. major development projects proposed for the current fiscal year and the next three (3) fiscal years and the anticipated results and benefits to be achieved, and
- d. an explanation of revisions to previous plans;

3. Establish minimum mandatory standards for:

- a. communication networks and equipment,
- b. wide area and local area systems,
- c. integration of equipment, systems and joint usage,
- d. operating systems or methods to be used to meet communications requirements efficiently and effectively,
- e. rendering of aid between state government and its political subdivisions with respect to organizing of communications systems, and
- f. an economical and cost-effective utilization of communication services.

Such standards shall be compatible with the technical standards established for the Oklahoma Government Telecommunications Network (OGTN);

4. Serve as a focal point for all statewide projects involving current communications vendors where the focus of such authority can substantially enhance the state communications plan or the savings which can be achieved thereunder;

5. Provide, when requested by political subdivisions of the state, for the organizing of communications or telecommunications systems and service between the state and its political subdivisions

and enter into agreements to ~~affect~~ effect the purposes of this section;

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

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

8. Accomplish such other purposes as may be necessary or incidental to the administration ~~of any~~ of its authority or functions pursuant to law.

SECTION 6. AMENDATORY 62 O.S. 1991, Section 41.5j, is amended to read as follows:

Section 41.5j A. ~~Except for the three (3) phase project recommended by the Ad Hoc Network Communication Committee of the Oklahoma State Regents for Higher Education, from July 1, 1985, through June 30, 1986, no~~ No executive branch agency of the state shall use state funds for or enter into any agreement for the acquisition, development or enhancement of a communication or telecommunication system including voice, data, radio, video and facsimile systems, without written authorization of the Director of State Finance. The Director of State Finance shall verify that any such acquisition, development or enhancement is compatible with the Oklahoma Government Telecommunications Network (OGTN) created in Section 1 of this act.

B. ~~Not later than September 1, 1985, and not less than annually thereafter~~ of each year, all executive branch agencies of the state presently using or contemplating the use of voice, data, radio, video and facsimile communication or telecommunication systems shall submit to the Information Services Division of the Office of State Finance a long-range plan summarizing the agency's detailed plan,

for not less than the current fiscal year and the ensuing three (3) fiscal years. Agencies may submit to the Information Services Division of the Office of State Finance revisions or amendments to its long-range plan as deemed necessary by the agencies. The plan shall include ~~as~~ at a minimum:

1. An inventory of communication or telecommunication equipment owned, leased or rented for use in all communication services for state government, including communication services provided as part of any other total system to be used by the state or any of its agencies;

2. Current budget plans, expenditures and resources necessary to operate any and all systems included in the above inventory;

3. Major development projects proposed for the current fiscal year and the next three (3) fiscal years and the anticipated results and benefits to be achieved;

4. An explanation of revisions to previous plans;

5. Key project dates; and

6. Specific segments which will be included in the agency budget request for the ensuing fiscal year.

C. ~~After June 30, 1986, no~~ No executive branch agency of the state shall enter into any agreement for the acquisition, development or enhancement of a communication or telecommunication system including voice, data, radio, video and facsimile systems, unless the cost of such addition, change, improvement or development has been included in the statewide communications plan of the Information Services Division, as said plan may have been amended or revised.

D. State agencies may enter into interagency contracts to share communications and telecommunications resources for mutually beneficial purposes.

The contract shall clearly state how its purpose contributes to the development or enhancement or cost reduction of a state network which includes voice, data, radio, video or facsimile systems.

The contract shall be approved by the Information Services Division before any payments are made.

SECTION 7. AMENDATORY 62 O.S. 1991, Section 41.5k, is amended to read as follows:

Section 41.5k A. There is hereby established the Joint Legislative Committee on Data Processing and Telecommunication. Such committee shall be composed of three (3) members of the Senate and three (3) members of the House of Representatives, who shall be appointed every two (2) years by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively. The chairmanship of the committee shall alternate every two (2) years between the Senate and House of Representatives at the beginning of each odd-numbered year.

B. The committee shall meet at least quarterly and at such other times as called by the chairman thereof for the purposes of:

1. Reviewing and making recommendations regarding state plans, standards, and rules ~~and regulations~~ developed under the administrative control of the Director of State Finance as prescribed in Sections 41.5a through 41.5g of this title;

2. Providing a forum for the Office of State Finance, the Industry Advisory Committee, the ~~Data Processing Advisory Committee~~ State Data Processing and Telecommunications Advisory Committee and state agencies, as necessary to accomplish the legislative intent of this legislation;

3. Coordinating and reporting to the Legislature the development and progress of the long-range plans, proposed systems and joint projects required to accomplish the statewide objectives; and

4. Reviewing agency budget requests for new and expanded programs in the areas of data processing and telecommunications and making such recommendations as it deems necessary to the appropriations committees of the Legislature.

SECTION 8. AMENDATORY 65 O.S. 1991, Section 56, is amended to read as follows:

Section 56. A. The Oklahoma State Library is hereby authorized and directed to establish at the earliest possible date an automated data processing and information retrieval system and a statewide information network. The automated data processing and information retrieval system shall be a part of, and whenever deemed advisable by the Director of the Oklahoma Department of Libraries shall utilize the equipment and services of, the Oklahoma Government Telecommunications Network (OGTN) created in Section 1 of this act.

B. The automated data processing and information retrieval system shall include ~~these~~ the following elements and operations as rapidly as circumstances permit:

~~(a)~~ 1. Legislative reference and research, including current legislative data~~;~~;

~~(b)~~ 2. Circulation of books and other types of library holdings~~;~~;

~~(c)~~ 3. Statistical information and reports of state institutions~~;~~;

~~(d)~~ 4. Rules and regulations of state agencies~~;~~;

~~(e)~~ 5. Laws of the state~~;~~;

~~(f)~~ 6. Public documents of Oklahoma, the United States and other governments~~;~~;

~~(g)~~ 7. Opinions of the Attorney General~~;~~;

~~(h)~~ 8. General reference and research~~;~~;

~~(i)~~ 9. Oklahoma information center~~;~~;

~~(j)~~ 10. Legal reference and research~~;~~;

~~(k)~~ 11. Archives and records of the state~~;~~;

~~(1)~~ 12. Printed catalog of Oklahoma State Library Collections~~;~~  
and

~~(m)~~ 13. Any other operation considered desirable, necessary or  
feasible.

SECTION 9. AMENDATORY 51 O.S. 1991, Section 24A.5, is  
amended to read as follows:

Section 24A.5 All records of public bodies and public officials  
shall be open to any person for inspection, copying, and/or  
mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act does not apply to records  
specifically required by law to be kept confidential including:

- a. records protected by a state evidentiary privilege  
such as the attorney-client privilege, the work  
product immunity from discovery and the identity of  
informer privileges; or
- b. records of what transpired during meetings of a public  
body lawfully closed to the public such as executive  
sessions authorized under the Oklahoma Open Meeting  
Act, Section 301 et seq. of Title 25 of the Oklahoma  
Statutes.

2. Any reasonably segregable portion of a record containing  
exempt material shall be provided after deletion of the exempt  
portions, provided however, the Oklahoma Department of Public Safety  
shall not be required to assemble for the requesting person specific  
information requested from the Oklahoma Department of Public  
Safety's Driver License file relating to persons whose names are not  
furnished by the requesting person.

3. Any request for a record which contains individual records  
of persons and the cost of copying, reproducing or certifying such  
individual record which is otherwise prescribed by state law, the  
cost may be assessed for each individual record, or portion thereof  
requested as prescribed by state law. Otherwise, a public body may

charge a fee only for recovery of the reasonable, direct costs of document copying, and/or mechanical reproduction. ~~In~~

Notwithstanding any state or local provision to the contrary, in no instance shall said document copying fee exceed twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request is:

- a. solely for commercial purpose; or
- b. clearly would cause excessive disruption of the public body's essential functions;

then the public body may charge a reasonable fee to recover the direct cost of document search.

Any public body establishing fees under this act shall post a written schedule of said fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

Said fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

4. The land description tract index of all recorded instruments concerning real property required to be kept by the county clerk of any county shall be available for inspection or copying in accordance with the provisions of the Oklahoma Open Records Act; provided, however, such index shall not be copied and/or mechanically reproduced for the purpose of sale of such information.

5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.

6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one such person shall be available at all times to release records during the regular business hours of the public body.

SECTION 10. AMENDATORY 51 O.S. 1991, Section 24A.11, is amended to read as follows:

Section 24A.11 A. A public body may keep confidential library, archive, or museum materials donated to the public body to the extent of any limitations imposed as a condition of the donation ~~or~~ and any information which would reveal the identity of an individual who lawfully makes a donation to or on behalf of a public body ~~if~~ anonymity of the donor is a condition of the donation including, but not limited to, donations made through a foundation operated in compliance with Sections 5-145 and 4306 of Title 70 of the Oklahoma Statutes.

B. If library, archive, or museum materials are donated to a public body and the donation may be claimed as a tax deduction, the public body may keep confidential any information required as a condition of the donation except the date of the donation, the appraised value claimed for the donation, and a general description of the materials donated and their quantity.

SECTION 11. REPEALER 62 O.S. 1991, Section 41.5d, is hereby repealed.

SECTION 12. This act shall become effective September 1, 1992."

Passed the Senate the 7th day of April, 1992.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of  
\_\_\_\_\_, 1992.

Speaker of the House of  
Representatives