

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)

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

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 Network".

B. The Office of State Finance shall be responsible for
developing, implementing, operating and maintaining the Oklahoma
Network. The purposes of the Oklahoma Network shall include the
following:

1. Development of a comprehensive, unified statewide
telecommunications network to effectively and efficiently meet the
communication needs of state agencies, The Oklahoma State System of
Higher Education, public school districts and area vocational-
technical school districts;

2. Effective and efficient utilization of existing
telecommunications systems operated by state agencies, The Oklahoma

State System of Higher Education, public school districts and area vocational-technical school districts; and

3. Elimination and prevention of duplicative telecommunications systems operated by state agencies, The Oklahoma State System of Higher Education, public school districts and area vocational-technical school districts.

C. In developing, implementing, operating and maintaining the Oklahoma Network, the Office of State Finance shall:

1. Develop a statewide master plan for meeting the communications needs of state agencies, The Oklahoma State System of Higher Education, public school districts and area vocational-technical school districts;

2. Identify the most cost-effective alternative for implementing a statewide network to provide voice telephoning, computer data transmission and electronic video transmission;

3. Develop minimum mandatory communication standards for equipment, facilities and services of the Oklahoma Network;

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 Oklahoma Network to provide for the operating and maintenance expenses of the system; 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 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 shall be appointed by the Speaker of the House of Representatives and one member of the Legislature 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; and
9. Oklahoma Corporation Commission.

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 to data processing and telecommunications managers from all state agencies. Members of the State Data Processing and Telecommunications Advisory Committee shall receive no additional compensation for serving on the Committee and 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 in the development of a statewide master plan for telecommunications and in the implementation of the Oklahoma Network;

2. Providing a forum for discussion of major 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 possible, the Oklahoma Network 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 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;

3. Establish minimum mandatory 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 Network. Individual agency standards may be more specific than state-wide requirements but shall in no case be less than the minimum mandatory standards. Where standards required of an individual agency of the state by agencies of the federal government are more strict than the state minimum standards, such federal requirements shall be applicable;

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

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

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

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

15. 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 Network 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 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, 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 standards established for the Oklahoma Network.

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 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 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 Network created in Section 1 of this act.

B. ~~Not later than September 1, 1985, and not less than annually thereafter~~ of each year, all 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 agency of the state shall enter into any agreement for the acquisition, development or enhancement of a communication or telecommunication system or service 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, 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 possible, shall utilize the equipment and services of the Oklahoma Network 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 ~~;~~i
- ~~(h)~~ 8. General reference and research ~~;~~i
- ~~(i)~~ 9. Oklahoma information center ~~;~~i
- ~~(j)~~ 10. Legal reference and research ~~;~~i
- ~~(k)~~ 11. Archives and records of the state ~~;~~i
- ~~(l)~~ 12. Printed catalog of Oklahoma State Library Collections ~~;~~i

and

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

SECTION 9. REPEALER 62 O.S. 1991, Section 41.5d, is hereby repealed.

SECTION 10. This act shall become effective September 1, 1992.

Passed the House of Representatives the 12th day of March, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate