

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2244

By: Williams

COMMITTEE SUBSTITUTE

An Act relating to telecommunications; amending 62 O.S. 1991, Section 41.5j, as amended by Section 7, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 1993, Section 41.5j), which relates to authorization for telecommunications systems; modifying restriction on the use of funds; authorizing the Director of State Finance to review certain bids and agreements; amending Section 1, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 1993, Section 41.5m), which relates to the Oklahoma Governmental Telecommunications Network (OGTN); expanding scope of the OGTN; amending Section 2, Chapter 268, O.S.L. 1992, as amended by Section 130, Chapter 189, O.S.L. 1993 (62 O.S. Supp. 1993, Section 41.5n), which relates to the State Data Processing and Telecommunications Advisory Committee; adding duty to review certain bids and agreements; and declaring an emergency.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 41.5j, as amended by Section 7, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 1993, Section 41.5j), is amended to read as follows:

Section 41.5j A. No agency of the executive branch of the state shall use state or federal 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 review all requests for bids, bids or agreements to verify that any such acquisition, development or enhancement is compatible with the Oklahoma Government Telecommunications Network created in Section ~~±~~ 41.5m of this ~~act~~ title.

B. Not later than September 1 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 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. No agency of the executive branch 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 2. AMENDATORY Section 1, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 1993, Section 41.5m), is amended to read as follows:

Section 41.5m A. There is hereby created a wide area telecommunications network to be known and referred to as the "Oklahoma Government Telecommunications Network (OGTN)". The OGTN shall consist of the telecommunications systems and networks of educational entities and agencies of state government.

B. Notwithstanding the provisions of subsection A of this section:

1. The Oklahoma State Regents for Higher Education may continue to operate, maintain and enhance the State Regents Educational Telecommunications Network; provided, however, the Oklahoma State Regents for Higher Education shall submit all plans for the enhancement of the State Regents Educational Telecommunications Network to the Office of State Finance for review and approval within the context of the statewide telecommunications network provided for in subsection C of this section and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN; and

2. The Department of Public Safety may continue to operate, maintain and enhance the statewide law enforcement data communications network provided for in Section 2-124 of Title 47 of the Oklahoma Statutes; provided, however, the Department of Public Safety shall submit all plans for the enhancement of the statewide law enforcement data communications network to the Office of State Finance for review and approval and shall participate with the Office of State Finance in joint efforts to provide services for the OGTN.

C. The Office of State Finance 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 educational entities and agencies of state government;

2. Effective and efficient utilization of existing telecommunications systems operated by educational entities and agencies of state government; ~~and~~

3. Elimination and prevention of unnecessarily duplicative telecommunications systems operated by educational entities and agencies of state government-; and

4. Adherence to a predetermined set of technical standards, to include but not be limited to technical compatibility and system interoperability and open architecture.

D. In developing, operating and maintaining the OGTV, the Office of State Finance shall:

1. Develop a statewide master plan for meeting the communications needs of educational entities and of agencies of state government. To facilitate the development of a statewide master plan as provided for in this paragraph:

- a. the Oklahoma State Regents for Higher Education shall submit a report annually to the Director of State Finance identifying the telecommunications plans of each member of The Oklahoma State System of Higher Education. For purposes of developing such report, each member shall cooperate with and submit to the State Regents a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
- b. the State Superintendent of Public Instruction shall submit a report annually to the Director of State Finance identifying the telecommunications plans of the public common school system of the state. For purposes of developing such report, the respective public elementary and secondary schools shall cooperate with and submit to the State

- Superintendent a plan of their telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
- c. the State Director of Vocational and Technical Education shall submit a report annually to the Director of State Finance identifying the telecommunications plans of area vocational-technical school districts. For purposes of developing such report, each area vocational-technical school district as defined in Section 14-108 of Title 70 of the Oklahoma Statutes shall cooperate with and submit to the State Director of Vocational and Technical Education a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services,
 - d. the chief administrative officer of each state agency of the executive branch shall submit a plan annually to the Director of State Finance identifying the telecommunications needs of the state agency, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records, and the use of telecommunications equipment or services, and
 - e. the Director of the Oklahoma Department of Libraries shall submit a report annually to the Director of State Finance identifying the telecommunications plans of public libraries and public library systems. For purposes of developing such report, the chief administrative officer of any public

library or public library system not otherwise required to submit a plan of its telecommunications needs pursuant to the provisions of this paragraph shall cooperate with and submit annually to the Director of the Oklahoma Department of Libraries a plan of its telecommunications needs, including, but not limited to, any interactive video plans, the purchase of informational data bases, software for manipulation of bibliographic records and the use of telecommunications equipment or services. To assure inclusion in the report of the plans of the telecommunications needs of any library that is a part of any member of The Oklahoma State System of Higher Education, a public elementary or secondary school, or area vocational-technical school district, all such plans relating to libraries received by the Oklahoma State Regents for Higher Education, the State Superintendent of Higher Education, and the State Director of Vocational and Technical Education shall be submitted to the Director of the Oklahoma Department of Libraries by the respective recipients thereof as soon as practicable after receipt. The Director of the Oklahoma Department of Libraries shall certify to the Office of State Finance that such plans are consistent with the plan developed by the Oklahoma Library Technology Network or explain any inconsistencies therewith;

2. Identify the most cost-effective means of meeting the telecommunications needs of educational entities and of agencies of state government;

3. Develop minimum mandatory technical standards and protocols 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 to provide for the operation and maintenance of the OGTN; ~~and~~

6. Survey existing systems of educational entities and agencies of state government to insure compatibility and eliminate unnecessary duplication;

7. Survey existing telecommunications systems of cities and counties to determine the extent of all systems in the state and encourage participation in the OGTN; and

8. Seek the advice of the State Data Processing and Telecommunications Advisory Committee created by Section ~~2~~ 41.5n of this ~~act~~ title and the Industry Advisory Committee created pursuant to Section 41.5b of ~~Title 62 of the Oklahoma Statutes~~ this title.

SECTION 3. AMENDATORY Section 2, Chapter 268, O.S.L. 1992, as amended by Section 130, Chapter 189, O.S.L. 1993 (62 O.S. Supp. 1993, Section 41.5n), is amended to read as follows:

Section 41.5n 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 twenty-five (25) members, nine of whom shall be voting members and sixteen of whom shall be ex officio nonvoting members. Voting members shall include three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the State Senate appointed by the President Pro Tempore of the Senate, two members appointed by the Governor, and the Director of the Office of State Finance or the Director's designee. Ex officio nonvoting members shall include the chief administrative officer of each of the following state agencies or his or her designee:

1. State Department of Education;
2. Oklahoma State Regents for Higher Education;
3. Department of Public Safety;
4. Department of Human Services;

5. Department of Commerce;
6. Department of Libraries;
7. Oklahoma Educational Television Authority;
8. Oklahoma Corporation Commission;
9. State Department of Vocational and Technical Education;
10. Department of Corrections;
11. Oklahoma Tourism and Recreation Department;
12. State Department of Health;
13. Oklahoma Tax Commission; and
14. State Election Board.

The remaining two ex officio nonvoting 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 among the House of Representatives, the Senate and the Director of the Office of State Finance 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. A majority of the voting members of the Committee shall constitute a quorum.

B. Members of the State Data Processing and Telecommunications Advisory Committee shall receive no compensation for serving on the Committee, but shall receive travel reimbursement as follows:

1. Legislative members of the Committee shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the Committee shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

C. 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 development of the Oklahoma Government Telecommunications Network created in Section 41.5m of this title;

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 this title at least annually to ensure that the state's planned activities are consistent with the direction of industry data processing and telecommunications;

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

5. Making recommendations to the Office of State Finance for expenditures for telecommunications as provided in Section 57.303 of this title and Section 43 of Article X of the Oklahoma Constitution; provided, however, no such recommendations shall become final and no such expenditures shall be made unless approved by the Contingency Review Board; and

6. Reviewing any request for bids, bids or agreements issued or entered into by any state agency for the acquisition, development or enhancement of a communication or telecommunication system and advise the Office of State Finance on the advantages and disadvantages of such acquisition, development or enhancement.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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