

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2514

By: Williams

COMMITTEE SUBSTITUTE

An Act relating to schools; creating the Educational Technology Consortium; stating legislative intent; providing for membership of the Consortium; providing for terms of members; providing for election of chairperson; providing for meetings and a quorum; providing for travel reimbursement; requiring the development of certain plans for computer technology; requiring coordination of work; providing considerations for the Consortium; providing an exemption from antitrust laws; stating methods for acquisition of computer technology; requiring a report; providing for codification; and providing an 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 12-201 of Title 70, unless there is created a duplication in numbering, reads as follows:

In order to meet the present and future technological need of the children of this state, it is the intent of the Legislature that all students enrolled in the public schools of this state have access to computers and computer technology in their schools and that educational software be developed to assist students in learning and to enhance their technological skills.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-202 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created to continue until July 1, 2000, in accordance with the Oklahoma Sunset Law, the Educational Technology Consortium. No later than September 30, 1994, the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint members to the

Consortium. Members of the Consortium shall represent both the public and private sectors and shall be knowledgeable about the present and future development of computers, telecommunications systems and computer software.

B. Members of the Consortium shall include the following:

1. One member of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;
2. One member of the State Senate appointed by the President Pro Tempore of the Senate;
3. The Superintendent of Public Instruction or his or her designee;
4. The Director of the Oklahoma Department of Commerce or his or her designee; and
5. The following members appointed by the Governor:
 - a. three members who represent manufacturers or sellers of computer hardware,
 - b. three members who represent manufacturers or sellers of computer software,
 - c. one member who is an educational practitioner, and
 - d. one member who is a librarian.

C. The members of the Consortium shall be appointed for three-year terms. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment.

D. The Consortium shall at its first meeting elect one of its members as chairperson, who shall preside over meetings of the Consortium and perform such other duties as may be required by the Consortium.

E. The first meeting of the Consortium shall be called by the Governor. The chairperson shall establish the time, manner and place of all meetings and shall provide notice of such meetings. A majority of the members of the Consortium shall constitute a quorum for the transaction of any business.

F. Members of the Consortium shall receive no compensation for serving on the Consortium but shall receive travel reimbursement as follows:

1. Legislative members of the Consortium 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 Consortium shall be reimbursed by their respective agencies or appointing authority for their necessary travel expenses in accordance with the State Travel Reimbursement Act, Section 500.1 et seq of Title 74 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Consortium shall develop a plan for computer hardware and software for the use of children in this state. In developing its plan, the Consortium shall examine the need for ensuring equal access to educational technology and make recommendations relating to optimal specifications for educational technology and software that is needed for school use. The Consortium shall consider options for encouraging the development of products that meet the optimal specifications if, in the Consortium's estimation, such products will not be available at a reasonable price within the next three (3) years.

The Consortium shall also consider the development of a risk management plan to cover the potential for loss and damage to components of the hardware and software. The Consortium shall also promote cooperation with other states which might share in the development of the hardware and software.

In carrying out the duties described in this section, the Consortium shall coordinate its work with the State Department of Education.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-204 of Title 70, unless there is created a duplication in numbering, reads as follows:

As it develops its recommendations, the Consortium shall consider the following:

1. Capabilities needed for the hardware system, including but not limited to, processing, memory, display, audio capabilities, storage capacity, input devices, connectivity, ability to be upgraded, portability, durability, telecommunication capabilities, expandability, obsolescence, versatility for running diverse software and usability for school;

2. Capabilities needed for the software for school use, including but not limited to, present educational needs and potential for meeting future needs of the education system. The members of the Consortium shall consult with representatives of education agencies, educational institutions, school corporations, nonpublic schools and with licensed education practitioners in considering existing educational software and the potential for developing new educational software;

3. Economic development benefits, including but not limited to, the following:

- a. the feasibility of manufacturing or assembling the computer and peripheral devices in this state and whether maintenance and support services can be based in this state,
- b. determination, given the size of the proposed acquisition, of whether new commercial interests would be fostered or existing commercial interests could expand due to the markets created by the sales of the hardware and software,
- c. consideration of whether market opportunities exist, by the proposed acquisition for the development of educational software, that have potential for sales in other states or nations,
- d. consideration of whether coordination of acquisitions needs for multiple commercial interests for computer processing power and memory is possible or advisable, and if so, identification of the benefits, and
- e. potential for improving the technological skills not only of students but of their parents or guardian;

4. The current computer hardware inventories of the school districts and of the parents or guardian of students enrolled in public school districts; and

5. Multimedia presentation hardware and software currently used or available for use by a school district.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-205 of Title 70, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any contrary provisions in law, for purposes of participating in the computer initiative for schools, commercial interests shall be exempt from any applicable state antitrust laws. If necessary, the Consortium shall seek exemption from federal antitrust laws or similar law in the regulation of trade or commerce for those commercial interests participating in the initiative.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-206 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Consortium shall estimate the number of units to be acquired to optimize economies of scale in acquisitions. The Consortium shall develop recommendations relating to funding options for the acquisition of the hardware and software. These include, but are not limited to, use of student fees, use of existing technology acquisition budgets, user charges using a sliding fee scale, charges for information transmission, taxation of those entities in the private sector benefiting from the acquisition, use of federal moneys, use of grants and gifts, generation of royalties from the sale of software developed for the initiative, use of in-kind contributions and coordination of existing spending by schools, students or parents.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-207 of Title 70, unless there is created a duplication in numbering, reads as follows:

On January 15, 1995, and each January 15 thereafter, the Consortium shall file a report of its progress with the Governor, the Speaker of the House of Representatives and the President Pro

Tempore of the Senate, in both paper format and electronic technology.

SECTION 8. This act shall become effective September 1, 1994.

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