

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)  
CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 782

By: Robinson of the Senate

and

Anthony of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state government and public finance; amending Section 2, Chapter 268, O.S.L. 1992, as last amended by Section 5, Chapter 246, O.S.L. 1995 (62 O.S. Supp. 1995, Section 41.5n), which relates to the State Data Processing and Telecommunications Advisory Committee; creating the Oklahoma Telecommunications Commission; providing for number of commissioners; designating certain public officials as commissioners; providing for appointment of certain commissioners and their condition of service; authorizing appointment of certain designees; providing for quorum; providing for officers; providing for travel reimbursement; providing for compliance with certain acts; stating duties and powers; stating exception; creating certain revolving fund; providing for appropriation of certain monies; authorizing budgeting and expenditure of certain monies pursuant to certain warrants; requiring certain audit; requiring certain approval of certain proposed actions; prohibiting certain actions without certain approval; modifying duties of State Data Processing and Telecommunications Advisory Committee; changing membership of committee; providing for reorganization of committee and certain reduction in membership upon completion of certain duties; providing for codification; repealing 62 O.S. 1991, Section 41.5k, as last amended by Section 3, Chapter 246, O.S.L. 1995 (62 O.S. Supp. 1995, Section 41.5k), which relates to Joint Legislative Committee on Data Processing and Telecommunication; providing an effective date; and declaring an emergency.

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 8201 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Telecommunications Commission. The Commission shall consist of five voting commissioners and one ex officio nonvoting commissioner, who shall

be the chair of the State Data Processing and Telecommunications Advisory Committee. The five voting commissioners shall be:

1. The Director of State Finance, or the Director's designee;
2. A commissioner who shall be appointed by, and serve at the pleasure of, the Oklahoma State Regents for Higher Education;
3. The Commissioner of Public Safety, or the Commissioner's designee;
4. A commissioner who shall be appointed by, and serve at the pleasure of, the State Board of Education; and
5. The Attorney General, or the Attorney General's designee.

B. Three voting commissioners shall constitute a quorum. No vacancy in the membership of the Commission shall impair the rights of a quorum to exercise and perform all the powers and duties of the Commission.

C. The Director of State Finance shall chair the Commission. The commissioners shall, for each fiscal year, elect such other officers as they deem appropriate.

D. Commissioners shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

E. The Commission shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8202 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The duties of the Oklahoma Telecommunications Commission shall be to:

1. Oversee the work of the Information Services Division of the Office of State Finance as it carries out its responsibilities for the operation, maintenance, and development of the Oklahoma Government Telecommunications Network (OGTN), pursuant to Section 41.5m of Title 62 of the Oklahoma Statutes;
2. Establish policies as necessary for the secure and efficient interoperation of the networks comprising the OGTN;

3. Provide a forum for the discussion of policies relating to telecommunications; and

4. Resolve conflicts, questions of authority, and issues of governance pertaining to OneNet or such other component networks of the OGTN as furnish services to users not otherwise subject to the authority of the entity responsible for the network.

B. The Oklahoma Telecommunications Commission shall have the power to:

1. Promulgate rules;

2. Make and enter into contracts and agreements for the provision of services to the OGTN, networks of which the OGTN is comprised, or for the performance of the duties of the Commission and exercise of its powers;

3. Fix and revise from time to time user charges for the OGTN or the use of any one or more of the networks comprising the OGTN;

4. Receive revenues, gifts, grants, and monies from whatever source derived; and

5. Do all things necessary or convenient to carry out the duties set forth in this act.

C. The Commission shall be assisted and advised regarding technical matters by the Information Services Division of the Office of State Finance and the State Data Processing and Telecommunications Advisory Committee, and it shall be assisted and advised as to legal matters by the Office of the Attorney General.

D. Nothing in this section shall apply to telemedicine networks owned or operated by the Medical Technology and Research Authority of Oklahoma.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8203 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Telecommunications Commission to be designated as the "Telecommunications Commission Revolving Fund." The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of fees, appropriated monies,

donations, proceeds of sale, and such other monies as may accrue for the use of the Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Telecommunications Commission toward fulfillment of its lawful purposes. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The Commission shall provide for an annual independent audit of its funds.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8204 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. State and education entities responsible for the operation of wide area networks that are components of the Oklahoma Government Telecommunications Network (OGTN) shall, whenever proposing changes in operational procedures, policies, or rules relating to said wide area networks that are potentially detrimental in their effects to access or usage by current network users that are not otherwise subject to the authority of the entity proposing the changes, submit the proposed changes to the Oklahoma Telecommunications Commission for approval. No such changes shall be effected without the approval of the Commission.

B. No state or education entity responsible for a wide area network utilized by users that are not otherwise subject to the authority of the entity shall sell or otherwise convey any unit or units of its wide area network or make any contract or other agreement for the operation or management of the network without the approval of the Oklahoma Telecommunications Commission.

C. Nothing in this section shall apply to telemedicine networks owned or operated by the Medical Technology and Research Authority of Oklahoma.

SECTION 5. AMENDATORY Section 2, Chapter 268, O.S.L. 1992, as last amended by Section 5, Chapter 246, O.S.L. 1995 (62 O.S. Supp. 1995, 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 and shall assist the Oklahoma Telecommunications Commission in matters relating to the duties of that body. The Committee shall consist of ~~twenty-six (26)~~ twenty-eight (28) members, nine of whom shall be voting members and ~~seventeen~~ nineteen 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~~ Department of Transportation;
2. Oklahoma ~~State Regents for Higher Education~~ Turnpike Authority;
3. ~~Department of Public Safety~~ Oklahoma Conservation Commission;
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;
14. Office of Personnel Management;
15. State Election Board; ~~and~~

16. Department of Mental Health and Substance Abuse Services;
17. Oklahoma Health Care Authority; and
18. Administrative Office of the Judiciary.

The remaining ex officio nonvoting position shall be rotated among other state agencies at the discretion of the Governor. ~~The chairmanship~~ Until such time as the provisions of subsection D of this section take effect, the chair 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~~ chair not ~~less~~ fewer than two times each year and shall be open to data processing and telecommunications managers from all state and education 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~~ Oklahoma Telecommunications Commission 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~~ (OGTN);

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

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

4. 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.

D. At such time as the State Data Processing and Telecommunications Advisory Committee fulfills its obligations pursuant to Section 57.303 of this title and Section 43 of Article X of the Oklahoma Constitution, the chair shall call the Committee to a reorganization meeting at which, in addition to such other business as the chair may deem appropriate to conduct:

1. The ex officio nonvoting members shall become full voting members and shall elect from among their numbers a chair and such additional officers as they deem appropriate, who shall serve the remainder of the fiscal year, after which the Committee shall annually elect officers to serve concurrent with the fiscal year; and

2. The nine members who previously were the only voting members shall cease to serve.

SECTION 6. REPEALER 62 O.S. 1991, Section 41.5k, as last amended by Section 3, Chapter 246, O.S.L. 1995 (62 O.S. Supp. 1995, Section 41.5k), is hereby repealed.

SECTION 7. This act shall become effective July 1, 1996.

SECTION 8. 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.

45-2-2758

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