

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1599

By: Anthony

AS INTRODUCED

An Act relating to telecommunications; amending Section 1, Chapter 268, O.S.L. 1992 and Section 2, Chapter 268, O.S.L. 1992, as last amended by Section 1, Chapter 21, O.S.L. 1994 (62 O.S. Supp. 1994, Sections 41.5m and 41.5n), which relate to certain telecommunications network and committee; changing administering entity for the Oklahoma Government Telecommunications Network; changing name of the State Data Processing and Telecommunications Advisory Committee to Commission; expanding membership; modifying rotation of chair position; modifying and expanding duties of Commission; authorizing Commission to employ a Director of Telecommunications; providing for office space and support; stating duties of Director; defining terms; allowing certain entities to utilize services of the Director; creating the State Data Processing and Telecommunications Commission Revolving Fund; providing for expenditures and disbursement; repealing 62 O.S. 1991, Section 41.5k, which relates to the Joint Legislative Committee on Data Processing and Telecommunications; providing for codification;

providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 268, O.S.L. 1992 (62 O.S. Supp. 1994, 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~~ State Data Processing and Telecommunications Commission for review and approval within the context of the statewide telecommunications network provided for in subsection C of this section ~~and~~. The Regents 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~~ State Data Processing and Telecommunications Commission for review and approval ~~and~~. The Department of Public Safety shall participate with the Office of State Finance in joint efforts to provide services for the OGTN.

C. The ~~Office of State Finance~~ State Data Processing and Telecommunications Commission 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.

D. In developing, operating and maintaining the OGTN, the ~~Office of State Finance~~ State Data Processing and Telecommunications Commission 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~~ State Data Processing and Telecommunications Commission 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~~ State Data Processing and Telecommunications Commission 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~~ State Data Processing and Telecommunications Commission 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~~ State Data Processing and Telecommunications Commission 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~~ State Data Processing and Telecommunications Commission 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~~ Commission 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 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. 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~~ this title.

SECTION 2. AMENDATORY Section 2, Chapter 268, O.S.L. 1992, as last amended by Section 1, Chapter 21, O.S.L. 1994 (62 O.S. Supp. 1994, 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 Commission~~. The Committee Commission shall ~~assist the Office of State Finance in addressing~~ address the state's data processing and telecommunications needs of the State of Oklahoma. The Committee Commission shall consist of ~~twenty-six (26)~~ twenty nine (29) members, nine of whom shall be voting members and ~~seventeen~~ twenty 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;
14. Office of Personnel Management;
15. State Election Board;
16. Department of Mental Health and Substance Abuse Services;
17. The Department of Transportation;
18. The Oklahoma Turnpike Authority; and
19. The Oklahoma Conservation Commission.

The remaining ex officio nonvoting position shall be rotated among other state agencies at the discretion of the Governor. The ~~chairmanship~~ chair of the ~~Committee~~ Commission shall alternate every two (2) years among one of the three members of the House of Representatives, and one of the three members of the Senate ~~and the Director of the Office of State Finance~~ at the beginning of each odd-numbered year. Meetings of the ~~Committee~~ Commission shall be called by the ~~Chairman~~ Chair 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~~ Commission shall constitute a quorum.

B. Members of the State Data Processing and Telecommunications ~~Advisory Committee~~ Commission shall receive no compensation for serving on the ~~Committee~~ Commission, 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~~ Commission 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~~ Commission shall include:

1. ~~Advising the Office of State Finance in the development of~~ Developing a statewide master plan for telecommunications ~~and in the~~ which will outline the development of the statewide telecommunications networks and 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. Approving minimum mandatory standards and protocols for data and video transmission services on the statewide telecommunications networks;

~~Advising~~ 5. Working with the Information Services Division of the Office of State Finance on the development and implementation of statewide data processing policies for state agencies; ~~and~~

~~5- 6.~~ 6. 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~~ the recommendations shall not become final and no ~~such~~ expenditures shall be made unless approved by the Contingency Review Board;

7. Setting policy, guidelines, utilization, confidentiality and privacy standards for the statewide telecommunications networks;

8. Working with state agencies, educational entities, local governments and private entities to develop a uniform system of data sharing and standards for the state and private networks, including telemedicine networks;

9. Working with and providing input to the governing body of the OneNet network developed by the Oklahoma State Regents for Higher Education on the administration, development and coordination of the network; and

10. Researching and applying for funding sources for telecommunications efforts in the state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5o of Title 62, unless there is created a duplication in numbering, reads as follows:

A. The State Data Processing and Telecommunications Commission shall contract for or employ a Director of Telecommunications to assist the Commission in fulfilling the duties and responsibilities of the Commission and to perform such other duties as provided for by law.

B. The Information Services Division of the Office of State Finance shall provide office space, administrative support and staff assistance to the Director of Telecommunications.

C. The duties of the Director of Telecommunications shall include:

1. Serving as the coordinator for all state telecommunications projects that involve data, video and voice transmission services;

2. Providing assistance to the State Data Processing and Telecommunications Commission in the development and oversight of the OGTN created pursuant to Section 41.5m of Title 62 of the Oklahoma Statutes;

3. Coordinating all contracts for state agencies for data and video transmission services. Beginning July 1, 1996, the Director shall either approve or serve as the contracting entity for all state agency contracts for data or video transmission services. For any contracts for services entered into prior to July 1, 1996, the failure of the Director to approve or serve as the contracting entity shall not affect the validity of the contracts. From July 1,

1995, to July 1, 1996, the Director may upon request of a state agency, approve or serve as the contracting entity for contracts on such services;

4. Assisting the Commission in establishing minimum mandatory standards and protocols for data and video transmission services. Such standards shall, upon approval of the State Data Processing and Telecommunications Commission, be the minimum requirements applicable to all state agencies; and

5. Providing technical assistance to state agencies in network development including, but not limited to planning, purchasing and training for data and video transmission services.

D. As used in this section:

1. "State agency" means any executive agency of state government, the Oklahoma State Regents for Higher Education and any institution of The State System for Higher Education, any public elementary or secondary school of this state, and any area vocational-technical school district, as defined in Section 14-108 of Title 70 of the Oklahoma Statutes; and

2. "Data and video transmission services and equipment" shall be defined by the Director.

E. Any agency of the legislative or judicial branches of state government, any hospital as defined in Section 1-701 of Title 63 of the Oklahoma Statutes, any public library and any political subdivision of this state may utilize the services of the Director.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.5p of Title 62, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Office of State Finance, to be designated the "State Data Processing and Telecommunications Commission Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State

Data Processing and Telecommunications Commission from any source. All monies accruing to such fund are hereby appropriated and may be budgeted and expended by the State Data Processing and Telecommunications Commission. Expenditures from said 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.

SECTION 5. REPEALER 62 O.S. 1991, Section 41.5k, is hereby repealed.

SECTION 6. This act shall become effective July 1, 1995.

SECTION 7. 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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