

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2457

By: Pope and Sweeden of the
House

and

Price of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to waters and water rights; amending 82 O.S. 2001, Sections 1501-205.1 and 1501-205.2, which relate to Geographic Information System; deleting certain duties of the Oklahoma Conservation Commission; adding definition; increasing membership of the State Geographic Information Systems Council; providing for meetings of the Council; placing certain prohibitions on members of the Council; specifying duties of the Council; modifying certain revolving fund; creating an Office of Geographic Information; providing for an Executive Director; specifying duties of the Office; providing an exemption; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 1501-205.1,
is amended to read as follows:

Section 1501-205.1 A. ~~The Oklahoma Conservation Commission is hereby authorized to coordinate the preparation of a Strategy for Developing a Geographic Information System for the State of Oklahoma, focusing on, but not limited to, natural resources. The Strategy will:~~

~~1. Identify information and databases needed in Geographic Information Systems;~~

~~2. Develop a "data dictionary" listing available data;~~

~~3. Identify agencies that will be responsible for the maintenance of the data;~~

~~4. Recommend a standardized base map for recording data and recommend funding sources;~~

~~5. Recommend measures to provide public access to Geographic Information System data; and~~

~~6. Recommend measures to coordinate the development of Geographic Information System data with federal agencies responsible for natural resource management~~ As used in this section and in Section 1501-205.2 of this title and Section 3 of this act:

1. "Geographic information" means any data or databases in which location or spatial distribution is an essential element, including, but not limited to, land, air, water, and mineral resources, the distribution of plant, animal, and human populations, real property interests, zoning and other land development regulations, and political, jurisdictional, ownership, and other artificial divisions of geography;

2. "Geographic Information System" or "GIS" means computer systems that allow the analysis of data or databases containing geographic information; and

3. "Statewide data" means geographic information whose spatial extent is defined by the geographic boundary of the state of Oklahoma.

B. There is hereby created a State Geographic Information ~~Systems~~ Council composed of ~~fifteen (15)~~ nineteen (19) members as follows:

1. Director of the Oklahoma Conservation Commission or designee;

2. Director of the Department of Environmental Quality or designee;

3. ~~Chairman~~ Chair of the Corporation Commission or designee;

4. Director of the Oklahoma Department of Commerce or designee;

5. Commissioner of the ~~State~~ Oklahoma Department of Agriculture, Food, and Forestry or designee;
6. Director of the Oklahoma Water Resources Board or designee;
7. Director of the Department of Transportation or designee;
8. State Geographer or designee;
9. Director of the Oklahoma Geological Survey or designee;
10. Director of the Center for Spatial Analysis of the University of Oklahoma or designee;
11. Dean of the Division of Agricultural Sciences and Natural Resources of Oklahoma State University or designee;
12. Director of the Ad Valorem Division of the Oklahoma Tax Commission or designee;
13. A member appointed by the Director of the Conservation Commission from a list of names submitted to the Director from the Oklahoma regional universities;
14. Director of Information Services of the Office of State Finance or designee; ~~and~~
15. Director of Wildlife Conservation or designee;
16. Director of Homeland Security or designee; and
17. Three members to be appointed by the Governor pursuant to subsection C of this section.

~~The chairmanship of the Council shall be held by the Director of the Oklahoma Conservation Commission or designee. Meetings shall be called by the Chairman. The duty of the Council shall be to assist the Oklahoma Conservation Commission in preparation of a Strategy for Developing a Geographic Information System for the State of Oklahoma, as specified in subsection A of this section.~~

~~C. Each environmental agency shall:~~

~~1. Cooperate with the Oklahoma Conservation Commission in providing any information necessary to implement the provisions of this section and the duties of the Commission established pursuant to this section; and~~

~~2. After January 1, 1997, comply with federal standards for data documentation and transfer as adopted by the Council~~ The Governor shall appoint three members to the Council to serve initial terms as specified by this subsection. Thereafter, the terms of all appointed members shall be four (4) years. Gubernatorial members shall not be appointed more than three successive terms. Incumbent members may continue to serve on the Council until a new appointment is made. Upon recommendation by the Council, the following members shall be appointed by the Governor:

1. A representative of the Oklahoma Association of Regional Councils, appointed for an initial four-year term;

2. A representative of county assessors, appointed for an initial three-year term; and

3. A representative of city government, appointed for an initial two-year term.

~~D. Upon completion, the Oklahoma Conservation Commission shall submit the Strategy for Developing a Geographic Information System for the State of Oklahoma to the President Pro Tempore of the Oklahoma Senate and to the Speaker of the Oklahoma House of Representatives~~ The chair of the Council shall be the Director of the Oklahoma Conservation Commission or designee. Meetings shall be called by the chair.

E. 1. A majority of the membership of the Council constitutes a quorum for the conduct of business.

2. The Council shall meet at least twice each year, and the chair may call a meeting of the Council as often as necessary to transact business.

F. A member of the Council shall not:

1. Be an officer, employee, or paid consultant of a business entity that has, or an officer, employee, or paid consultant of a trade association for business entities that have, a substantial interest in the geographic information industry and are doing

business with state agencies or other governmental units of the state;

2. Own, control, or have directly or indirectly, more than ten percent (10%) interest in a business entity that has a substantial interest in the geographic information industry and is doing business with state agencies or other governmental units of the state;

3. Be an officer, employee, or paid consultant of a business entity that is connected with any contract or bid for furnishing to any governmental body of the state with Geographic Information Systems, the computers on which they are automated, or a service related to Geographic Information Systems;

4. Be a person required to register as a lobbyist because of activities for compensation on behalf of a business entity that has, or on behalf of a trade association of business entities that have a substantial interest in the geographic information industry; or

5. Accept or receive money or another thing of value from an individual, firm, or corporation to whom a contract may be awarded, directly or indirectly, by rebate, gift or otherwise.

G. The duties of the Council shall include overseeing the Office of Geographic Information concerning the following:

1. Development, adoption, and recommendation of standards and procedures that may be applied to geographic information and Geographic Information Systems to promote consistency of data elements;

2. Development of a strategy for the implementation and funding of a statewide Geographic Information System;

3. Development, delivery, and periodic revision of a statewide geographic information plan and annually reporting to the Governor and the Legislature. Such a plan shall include, but not be limited to, provisions for training and education; and

4. Promotion of collaboration and sharing of data and data development as well as other aspects of Geographic Information Systems.

H. Neither the Council nor its members shall have the power to form or award contracts or to employ staff. Members appointed by the Governor shall serve without compensation.

SECTION 2. AMENDATORY 82 O.S. 2001, Section 1501-205.2, is amended to read as follows:

Section 1501-205.2 A. There is hereby created in the State Treasury a revolving fund to be designated as the "~~Digital Orthophoto Base Mapping~~ Geographic Information Revolving Fund", which shall be under the control and supervision of the Oklahoma Conservation Commission, and subject to the recommendations of the State Geographic Information Systems Council. ~~Said~~

B. The fund shall be a continuing fund not subject to fiscal year limitations, and shall consist of all monies ~~donated~~ specifically appropriated to the fund by the Legislature within the Oklahoma Conservation Commission appropriation. The fund may obtain additional monies through donation by any private entity, obtained by grants or designated by any federal, state or local government agency, as recommended by the State Geographic Information Council and approved by the Executive Director of the Oklahoma Conservation Commission, with specific intention for use in the development of a base map that may be used by all state agencies for purposes of sharing spatial data in a uniform manner carrying out the duties of the Office of Geographic Information including, but not limited to, the development and maintenance of base map Geographic Information System (GIS) data layers.

C. Monies accruing to the fund may be expended by the Conservation Commission for expenses associated with the development of a digital orthophoto base map, the cost of which will be shared

~~and work performed by the U.S. Geological Survey according to national mapping standards~~ Office of Geographic Information.

D. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed with the Director of State Finance for approval and payment.

~~B. Donations made by private entities for the purposes of the development of the base map shall be made directly to the Fund.~~

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1501-205.3 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established an Office of Geographic Information in the Oklahoma Conservation Commission.

B. The Executive Director of the Oklahoma Conservation Commission shall appoint, after consultation with the Council, a person of suitable training, experience, and knowledge to manage the Office with the title of State Geographic Information Coordinator who shall serve at the pleasure of the Executive Director.

C. The Office may solicit, receive and consider proposals for funding from any state agency, federal agency, local government, university, nonprofit organization, or private person or corporation. The Office may also solicit and accept money by grant, gift, bequest, or other conveyance recommended by the Geographic Information Council and approved by the Executive Director of the Oklahoma Conservation Commission. Additionally, the Office may receive a specific legislative appropriation within the appropriation for the Oklahoma Conservation Commission. Any funds received by the Office shall be deposited into the Geographic Information Revolving Fund pursuant to Section 1501-205.2 of Title 82 of the Oklahoma Statutes.

D. The Office shall:

1. Provide staff support and technical assistance to the Council established pursuant to Section 1501-205.1 of Title 82 of the Oklahoma Statutes;

2. Establish a central statewide geographic information clearinghouse to maintain data inventories, information on current and planned Geographic Information System applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;

3. Coordinate any grant programs for local governments to establish and maintain Geographic Information Systems as such programs may be established by the Legislature;

4. Coordinate multiagency Geographic Information System projects, including working with state and local agencies in the development and maintenance of statewide data and Geographic Information Systems;

5. Provide access to both consulting and technical assistance, and education and training on the application and use of geographic information technologies to state and local agencies;

6. Develop, maintain, update, and interpret Geographic Information System standards under the direction of the Council and working with state and local agencies;

7. Provide Geographic Information System services, as requested, to agencies wishing to augment their Geographic Information System capabilities;

8. Evaluate, participate in pilot studies, and make recommendations on Geographic Information System hardware and software in cooperation with other agencies;

9. Prepare proposed legislation and funding proposals for the Legislature that will further coordinate and expedite the implementation of Geographic Information Systems as recommended by

the Geographic Information Council and approved by the Executive Director of the Conservation Commission;

10. Address data sensitivity issues so that information is made available to the public but protects confidentiality of the information; and

11. Provide an annual report to the Governor and Legislature on the status and needs of the geographic information infrastructure of the State of Oklahoma.

E. The Oklahoma House of Representatives and Oklahoma Senate may cooperate with the Office of Geographic Information but shall be exempt from all requirements of this section.

SECTION 4. This act shall become effective November 1, 2004.

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