

ENGROSSED HOUSE
BILL NO. 2590

By: Williams and Henshaw of
the House

and

Robinson of the Senate

An Act relating to state government; creating the Information Network of Oklahoma Act; providing short title; defining terms; creating the Information Network of Oklahoma; establishing the governing board; providing for membership and terms; requiring officers to be elected annually; providing quorum and voting requirements; stating purpose and duties of the INO; requiring state agencies to cooperate and provide services and information; authorizing certain contracts; providing for recoupment of costs; providing for a network manager; stating powers and duties of the network manager; authorizing an employment agreement; authorizing contracts for consulting, research and other services; permitting acceptance of gifts, donations and grants; stating duties of the Office of State Finance; creating the Information Network of Oklahoma Revolving Fund; providing for deposits to and expenditures from said fund; providing for financing of operations; dedicating certain monies for certain uses; providing restrictions on the use of certain earnings; requiring certain information prior to

releasing certain records; providing definition of certain term; making INO subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; providing for distribution of assets upon dissolution of INO; providing for codification; 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 8050 of Title 74, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 12 of this act shall be known and may be cited as the "Information Network of Oklahoma Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8051 of Title 74, unless there is created a duplication in numbering, reads as follows:

As used in the Information Network of Oklahoma Act:

1. "Agency" means any agency or instrumentality of the State of Oklahoma which stores, gathers or generates public information;

2. "Gateway" means any centralized electronic information system by which public information shall be provided via dial-in modem or continuous link to the public through subscription or through public libraries;

3. "Network manager" means the entity or person engaged to manage and run the gateway or network on behalf of INO;

4. "INO" means the Information Network of Oklahoma created pursuant to Section 3 of this act or if INO is abolished, the entity succeeding to the principal functions of INO;

5. "Public information" means any information stored, gathered or generated in electronic or magnetic form by the State of

Oklahoma, its agencies or instrumentalities, which is included within the information deemed to be public pursuant to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; and

6. "User association" means an association:

- a. whose membership is identifiable by regular payment of association dues and regularly maintained membership lists,
- b. which is registered with the state or is an Oklahoma corporation,
- c. which exists for the purpose of advancing the common occupation or profession of its membership, and
- d. which, after the appointment of the initial board of INO, regularly promotes and encourages the subscription of its members to the gateway service provided by INO.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8052 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created a body politic and corporate to be known as the "Information Network of Oklahoma" (INO). INO is hereby constituted as a public instrumentality and the exercise by INO of the authority and powers conferred by the Information Network of Oklahoma Act shall be deemed and held to be the performance of an essential governmental function.

B. INO shall be governed by a board consisting of nine (9) members as follows:

1. The Secretary of State;
2. Two members who are chief executive officers of agencies of the executive department of state government, appointed by the Governor who shall serve at the pleasure of the Governor;

3. One member who is a certified public accountant appointed by the Governor from a list submitted by the Oklahoma Society of Certified Public Accountants; provided, the first appointee shall serve an initial term of one (1) year. Thereafter the member shall serve a three-year term;

4. One member who is an independent insurance agent appointed by the President Pro Tempore of the State Senate from a list submitted by the Association of Independent Insurance Agents; provided, the first appointee shall serve an initial term of two (2) years. Thereafter the member shall serve a three-year term;

5. One member who is an officer of a state bank appointed by the President Pro Tempore of the State Senate from a list submitted by the Oklahoma Bankers Association. The member shall serve a three-year term;

6. One member who is a member of the Oklahoma Bar Association appointed by the Speaker of the House of Representatives from a list submitted by the Association. The member shall serve a three-year term;

7. One member who is a librarian employed by a public library appointed by the Speaker of the House of Representatives from a list submitted by the president of the Oklahoma Libraries Association. Following the initial appointments, the list shall be comprised of librarians of public libraries which subscribe to INO. The member shall serve a three-year term; and

8. The Director of State Finance or a designee.

C. The board shall annually elect one member from the board as chairperson of INO, another as vice-chairperson and another as secretary.

D. Five members of the board shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall

impair the right of a quorum to exercise all the rights and perform all the duties of the board.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8053 of Title 74, unless there is created a duplication in numbering, reads as follows:

The purpose of INO shall be to:

1. Provide electronic access for members of the public to public information of agencies via a gateway service;
2. Develop a dial-in gateway or electronic network for access to public information;
3. Provide appropriate oversight of any network manager;
4. Explore ways and means of expanding the amount and kind of public information provided, increase the utility of the public information provided and the form in which provided, expand the base of users who access the public information and, where appropriate, implement the changes;
5. Cooperate with the Office of State Finance in seeking to achieve the purposes of INO;
6. Explore technological ways and means of improving citizen and business access to public information and, where appropriate, implement the technological improvements; and
7. Explore options of expanding the network and its services to citizens and businesses by providing add-on services such as access to other for-profit information and data bases and by providing electronic mail and calendaring to subscribers.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8054 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. In order to achieve its purpose, INO shall:

1. Serve in an advisory capacity to the Office of State Finance and other state agencies regarding the provision of state data to the citizens and businesses of Oklahoma;

2. Seek advice from the general public, its subscribers, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of networking, electronic mail, public information access, gateway services, add-on services and electronic filing of information; and

3. Develop charges for the services provided to subscribers, which include the actual costs of providing the services.

B. All state agencies shall cooperate with INO in providing such assistance as may be requested for the achievement of its purpose. Agencies may recover actual costs incurred by providing the assistance. Services and information to be provided by any agency shall be specified pursuant to contract between INO and the agency.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8055 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. INO shall hire a network manager, which may be either a person, company or corporation. INO shall draw criteria and specifications in consultation with the Office of State Finance for the network manager and its duties. INO may negotiate and enter into an employment agreement with the network manager selected which may provide for such duties, responsibilities and compensation as may be provided for in the agreement.

B. The network manager shall direct and supervise the day-to-day operations and expansion of the gateway and network, including the initial phase of operations necessary to make the gateway operational, and:

1. May employ, supervise and terminate such other employees of INO as designated by INO;

2. Shall attend meetings of the INO board;

3. Shall keep a record of all gateway, network and related operations of INO, which records shall be the property of INO, and

shall maintain and be a custodian of all financial and operational records, documents and papers filed with INO; and

4. Shall annually update and revise the business plan of INO, in consultation with and under the direction of INO.

C. INO may negotiate and enter into contracts for professional consulting, research and other services.

D. INO may accept gifts, donations and grants.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8056 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Office of State Finance shall provide to INO staff and other assistance as may be requested by INO. The actual cost of the staff and assistance shall be paid for by INO.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8057 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the INO, to be designated the "Information Network of Oklahoma Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the INO from gifts, donations, grants or any other source. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the INO to implement the provisions of the Information Network of Oklahoma Act and such other duties as may be prescribed by law. 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.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8058 of Title 74, unless there is created a duplication in numbering, reads as follows:

INO shall fund its operations from revenues generated from subscribers, and from money, goods or in-kind services donated from private sources. The INO board shall designate an amount of the yearly earnings of the INO to be dedicated annually to grant programs for the development and implementation of innovative technological applications designed by the INO board for the benefit of the educational community and the library system. No portion of earnings which are payable to INO shall inure to the benefit of any private interest. Initial funding for start-up costs shall be obtained from private donations.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8059 of Title 74, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law, the INO shall require a subscriber who requests the driver's license records of a person or persons other than the subscriber to declare, prior to receiving the records, that the subscriber has a legitimate need to know such information. For purposes of this section, "legitimate need to know" shall mean any legitimate commercial or governmental usage permitted by law, including but not limited to obtaining the records for use in connection with rendering legal advice to an individual or in connection with obtaining or quoting automobile liability insurance rates or coverages to or for an individual.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8060 of Title 74, unless there is created a duplication in numbering, reads as follows:

INO shall be subject to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, and the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8061 of Title 74, unless there is created a duplication in numbering, reads as follows:

Upon dissolution of INO, any remaining assets of INO shall be distributed to the State of Oklahoma or any political subdivision thereof.

SECTION 13. 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.

Passed the House of Representatives the 15th day of March, 1994.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1994.

President of the Senate