

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2590

By: Williams

AS INTRODUCED

An Act relating to state government; creating the Oklahoma Information Network Act; providing short title; defining terms; creating the Oklahoma Information Network; 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 Network; requiring state agencies to cooperate and provide services and information; authorizing certain contracts; providing for recoupment of costs; providing for a network manager; prohibiting the hiring of certain persons for network manager; stating powers and duties; 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 Oklahoma Information Network Revolving Fund; providing for deposits to and expenditures from said fund; providing for financing of operations; dedicating certain monies; making OIN subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act; 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 10 of this act shall be known and may be cited as the "Oklahoma Information Network 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 Oklahoma Information Network 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 OIN;

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

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 OIN, regularly promotes and encourages the subscription of its members to the gateway service provided by OIN.

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 "Oklahoma Information Network" (OIN). OIN is hereby constituted as a public instrumentality and the exercise by OIN of the authority and powers conferred by the Oklahoma Information Network Act shall be deemed and held to be the performance of an essential governmental function.

B. OIN 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 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 OIN. 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 OIN, 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 OIN 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 OIN;

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, OIN 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 OIN 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 OIN 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. OIN shall hire a network manager, which may be either a person, company or corporation. OIN shall draw criteria and specifications in consultation with the Office of State Finance for the network manager and its duties. OIN 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. No member or former member of the Legislature shall be hired as the network manager unless the person has not been a legislator for at least five (5) years.

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 OIN as designated by OIN;

2. Shall attend meetings of OIN;

3. Shall keep a record of all gateway, network and related operations of OIN, which records shall be the property of OIN, and shall maintain and be a custodian of all financial and operational records, documents and papers filed with OIN; and

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

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

D. OIN 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 OIN such staff and other assistance as may be requested by OIN. The actual cost of the assistance shall be paid for by OIN.

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 Oklahoma Information Network, to be designated the "Oklahoma Information Network Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Information Network 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 Oklahoma Information Network to implement the provisions of the Oklahoma Information Network 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:

OIN shall fund its operations from revenues generated from subscribers, and from money, goods or in-kind services donated from

private sources. Five percent (5%) of gross revenues and twenty percent (20%) of net profits of OIN shall be dedicated annually to grant programs for the development and implementation of innovative technological applications designed by the OIN board for the benefit of the educational community and the library system. 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:

OIN 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 11. 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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