

2022 Regular Session

HOUSE BILL NO. 891

BY REPRESENTATIVE DESHOTEL

TECHNOLOGY: Provides relative to the procurement of internet services and wide area networks services and systems by state agencies

1 AN ACT

2 To amend and reenact R.S. 39:15.3(D) and 1752(8) and to enact R.S. 39:141(C), relative to
3 telecommunications; to provide with respect to the powers and duties of the offices
4 of technology services and telecommunications management; to remove certain
5 exclusive authority from such offices; to provide for applicability; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:15.3(D) and 1752(8) are hereby amended and reenacted and R.S.
9 39:141(C) is hereby enacted to read as follows:

10 §15.3. Office of technology services; offices and staff; duties

11 * * *

12 D.(1) The information, technology, personnel, agency resources, and records
13 of the Integrated Criminal Justice Information System as established by R.S. 15:1228
14 through 1228.8 and its components shall be excluded from the provisions of this Part
15 and shall not be under the authority of the office of technology services.

16 (2) Notwithstanding any provision of law to the contrary, the authority to
17 provide internet services and wide area network systems or services is not exclusive
18 to the office of technology services or the office of telecommunications
19 management. Nothing in this Paragraph shall prohibit an agency from contracting
20 with the office of technology services or the office of telecommunications

1 management for internet services or wide area network systems or services. Nothing
2 in this Paragraph shall prevent the office of technology services from exercising its
3 authority over information technology security systems.

4 * * *

5 §141. Duties of the office of telecommunications management

6 * * *

7 C. Notwithstanding any provision of law to the contrary, the authority to
8 provide internet services and wide area network systems or services is not exclusive
9 to the office of technology services or the office of telecommunications
10 management. Nothing in this Subsection shall prohibit an agency from contracting
11 with the office of technology services or the office of telecommunications
12 management for internet services or wide area network systems or services.

13 * * *

14 §1752. Definitions

15 For the purposes of this Part, the following words and phrases shall be
16 defined as follows:

17 * * *

18 (8)(a) "Telecommunications systems", which shall include telecommunications
19 equipment and related services, and "telecommunications services" are limited to the
20 equipment and services and means to provide:

21 (a) (i) Telecommunications transmission facilities and services.

22 (b) (ii) Voice telecommunications systems and services.

23 (c) (iii) Local area network systems and services.

24 (d) (iv) ~~Wide area network systems and services.~~

25 (e) Video systems and services, except those video systems and services
26 specifically reserved to the Louisiana Educational Television Authority pursuant to
27 R.S. 17:2501.

28 (f) (v) Wireless systems and services to include, but not be limited to,
29 cellular and personal communications systems.

1 ~~(g)~~ (vi) Radio systems, to include but not be limited to two-way radio
2 systems; however, the operational abilities and priorities of two-way
3 communications of the departments in the executive branch shall not be impeded.

4 ~~(h)~~ (vii) Intercom and electro-mechanical paging systems.

5 ~~(i)~~ (viii) Any and all systems and services based on emerging and future
6 telecommunications technologies relating to Items (i) through (vii) of this
7 Subparagraph.

8 (b) "Telecommunications systems" and "telecommunications services" shall
9 not include internet services or wide area network systems or services.

10 * * *

11 Section 2. The provisions of this Act shall not apply to any contract for internet
12 services or wide area network systems or services in effect on the effective date of this Act;
13 however, it shall apply to any renewal or extension of such contract.

14 Section 3. This Act shall become effective upon signature by the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 891 Reengrossed

2022 Regular Session

Deshotel

Abstract: Removes the exclusive authority to provide internet services and wide area network systems and services from the powers of the office of technology services (OTS) and the office of telecommunications management (OTM).

Present law (R.S. 39:15.1 et seq.) establishes OTS within the division of administration. Gives OTS authority over all information technology systems and services for agencies in the executive branch of state government, except for any agency of a statewide elected official.

Proposed law provides that the authority to provide internet services and wide area network systems or services is not exclusive to OTS or OTM. Proposed law does not prohibit an agency from contracting with the OTS or OTM for internet services or wide area network systems or services.

Present law (R.S. 39:140 et seq.) establishes OTM within OTS. Gives OTM exclusive authority over the acquisition, billing, and recordkeeping of all telecommunications systems or telecommunications services provided to state agencies. Proposed law provides that the authority to provide internet services and wide area network systems or services is not exclusive to OTS or OTM. Does not prohibit an agency from contracting with OTS or OTM for internet services or wide area network systems or services. Further provides that nothing in proposed law shall prevent OTS from exercising its authority over information technology security systems.

Present law (R.S. 39:1751 et seq.) establishes special procurement provisions for the state purchase of telecommunications systems and services and—with specific exceptions outlined in present law—designates OTM as the exclusive contractor for such systems and services. Further defines "telecommunications systems" and "telecommunications services" to mean the telecommunications equipment and services to provide certain enumerated offerings, including voice telecommunications systems and services, wide area network systems and services, and wireless systems and services. Proposed law specifically excludes internet services and wide area network systems or services from the definition of "telecommunications systems" and "telecommunications services".

Provides that proposed law does not apply to any contract for internet services or wide area network systems or services in effect on the effective date of proposed law, but does apply to any extension or renewal of such contract.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 39:15.3(D) and 1752(8); Adds R.S. 39:141(C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add provision that proposed law does not prevent OTS from exercising its authority over information technology security systems pursuant to present law.