

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 301

HOUSE BILL 2777

AN ACT

CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, TO "AUTOMATION AND TELECOMMUNICATIONS FUNCTIONS"; AMENDING SECTION 41-711, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTION 41-798, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS SECTION 41-712; AMENDING SECTION 41-712, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 41-713, ARIZONA REVISED STATUTES; REPEALING SECTION 41-801, ARIZONA REVISED STATUTES; RELATING TO STATE AUTOMATION AND TELECOMMUNICATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 41, chapter 4, article 2, Arizona Revised
4 Statutes, is changed from "AUTOMATION FUNCTIONS" to "AUTOMATION AND
5 TELECOMMUNICATIONS FUNCTIONS".

6 Sec. 2. Section 41-711, Arizona Revised Statutes, is amended to read:
7 41-711. Establishment of automation operation center; fund;
8 report

9 A. The department may establish an automation operation center to
10 serve the management and other needs of state government.

11 B. AN AUTOMATION OPERATIONS FUND IS ESTABLISHED FOR PAYING FOR THE
12 COSTS OF ANY AUTOMATION OPERATION APPLICATIONS IMPLEMENTED BY THE DEPARTMENT
13 AND OTHERWISE ALLOWED BY LAW.

14 C. THE FUND CONSISTS OF:

15 1. LEGISLATIVE APPROPRIATIONS.

16 2. GRANTS, EXCEPT FOR OTHERWISE SPECIFICALLY DEDICATED GRANTS,
17 RECEIVED FOR AUTOMATION OPERATIONS, CONSOLIDATION AND COST REDUCTION OR COST
18 AVOIDANCE FUNCTIONS.

19 3. MONIES DERIVED FROM IMPLEMENTING AND OPERATING AN AUTOMATION
20 PROGRAM.

21 4. MONIES DERIVED FROM THE SALE OR EXCHANGE OF AUTOMATION ASSETS.

22 5. MONIES DERIVED FROM AGENCIES AND POLITICAL SUBDIVISIONS AND OTHER
23 STATES OR THEIR AGENCIES IN PAYMENT FOR SERVICES PROVIDED BY THE DEPARTMENT'S
24 AUTOMATION OPERATION CENTER.

25 D. THE DEPARTMENT OF ADMINISTRATION SHALL ADMINISTER THE FUND.
26 SEPARATE ACCOUNTS SHALL BE ESTABLISHED TO ACCOUNT FOR MONIES RECEIVED AND
27 SPENT PURSUANT TO AUTOMATION AGREEMENTS WITH OTHER STATES OR THEIR AGENCIES
28 OR THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION IN
29 FULFILLMENT OF AN AGREEMENT ENTERED INTO PURSUANT TO SECTION 36-2925. THE
30 SEPARATE ACCOUNTS ARE CONTINUOUSLY APPROPRIATED FOR THE PURPOSES SPECIFIED IN
31 THE AGREEMENTS. ALL OTHER MONIES IN THE FUND ARE SUBJECT TO ANNUAL
32 LEGISLATIVE APPROPRIATION TO THE DEPARTMENT.

33 E. IN CONNECTION WITH ITS ANNUAL BUDGET REQUEST TO THE LEGISLATURE,
34 THE DEPARTMENT SHALL PREPARE A REPORT THAT ACCOUNTS FOR ALL MONIES DEPOSITED
35 IN THE FUND, THE SOURCES OF THE MONIES RECEIVED FOR DEPOSIT, THE PURPOSES FOR
36 WHICH THE FUND MONIES WERE USED DURING THE PRECEDING FISCAL YEAR AND THE
37 PLANS FOR USING FUND MONIES DURING THE NEXT FISCAL YEAR.

38 F. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
39 RELATING TO LAPSING OF APPROPRIATIONS.

1 Sec. 3. Section 41-798, Arizona Revised Statutes, is transferred and
2 renumbered for placement in title 41, chapter 4, article 2, Arizona Revised
3 Statutes, as section 41-712 and, as so renumbered, is amended to read:

4 41-712. Telecommunications program office; state contractor;
5 cost of operation; employees; report

6 A. The director shall ESTABLISH A TELECOMMUNICATIONS PROGRAM OFFICE
7 WITHIN THE DEPARTMENT TO enter into a primary contract with a corporation
8 authorized to do business in the THIS state of ~~Arizona~~ for THE CONTRACTOR TO
9 PROVIDE FOR the installation, ~~AND maintenance and operation of part or all~~
10 of telecommunication systems and to furnish full and complete ACT AS THE
11 STATE'S AGENT FOR telecommunication service CARRIER SERVICES to the state of
12 ~~Arizona and its officers,~~ OFFICES, departments and agencies through such
13 telecommunication systems that are operationally required OF THIS STATE.
14 EACH OFFICE, DEPARTMENT AND AGENCY OF THIS STATE SHALL CONTRACT WITH THE
15 PRIMARY CONTRACTOR THROUGH THE TELECOMMUNICATIONS PROGRAM OFFICE AND MAKE
16 PAYMENT TO THE PRIMARY CONTRACTOR FOR ITS TELECOMMUNICATIONS NEEDS. THE
17 DEPARTMENT SHALL SUBMIT FOR REVIEW BY THE JOINT LEGISLATIVE BUDGET COMMITTEE
18 ITS INITIAL CONTRACTOR AND CARRIER COST RATE STRUCTURE BY AGENCY AND FUND
19 TYPE AND SHALL SUBMIT A REQUEST FOR REVIEW TO THE JOINT LEGISLATIVE BUDGET
20 COMMITTEE FOR EACH SUBSEQUENT RATE STRUCTURE MODIFICATION.

21 B. WITH THE APPROVAL OF THE DIRECTOR, THE TELECOMMUNICATIONS PROGRAM
22 OFFICE MAY ENTER INTO MORE THAN ONE CONTRACT FOR EACH STATEWIDE
23 TELECOMMUNICATIONS PRODUCT OR SERVICE NOT PROVIDED BY THE PRIMARY CONTRACTOR.

24 ~~B.~~ C. The director shall ~~manage the telecommunication systems~~
25 ~~provided in subsection A~~ PAY ADMINISTRATIVE COSTS OF THE TELECOMMUNICATIONS
26 PROGRAM OFFICE and each office, department or other state agency shall pay
27 from available funds MONIES the proportionate cost of the ~~service~~
28 ADMINISTRATION OF THE OFFICE as determined by the director. In carrying out
29 ~~the provisions of this subsection,~~ the director may SHALL ONLY employ THOSE
30 CONTRACT MANAGERS, telephone operators, ~~or any other employees~~ HELP DESK
31 PERSONNEL AND FORENSIC INVESTIGATORS required to OVERSEE THE PRIMARY CONTRACT
32 AND administer efficiently the telecommunication systems TELECOMMUNICATIONS
33 PROGRAM OFFICE.

34 D. THE DEPARTMENT SHALL PREPARE AND SUBMIT AN ANNUAL CONSOLIDATED
35 TELECOMMUNICATIONS BUDGET REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE IN
36 CONNECTION WITH ITS ANNUAL BUDGET REQUEST SHOWING THE PREVIOUS FISCAL YEAR'S
37 ACTUAL PAYMENTS AND THE NEXT FISCAL YEAR'S ANTICIPATED PAYMENTS CHARGED AND
38 RECEIVED BY THE PRIMARY CONTRACTOR FROM STATE OFFICES, DEPARTMENTS AND
39 AGENCIES FOR TELECOMMUNICATIONS SERVICES.

40 ~~E.~~ E. All procurement pursuant to this section shall be as prescribed
41 in chapter 23 of this title unless otherwise provided by law.

42 ~~F.~~ F. Any contract involving the use of a state highway right-of-way
43 is subject to approval pursuant to sections 28-304, 28-363, 28-7045, 28-7048
44 and 28-7209.

1 Sec. 4. Section 41-713, Arizona Revised Statutes, is amended to read:
2 41-713. Telecommunications fund; report

3 A. ~~A technology and telecommunications fund is established for:~~
4 ~~1. paying costs incurred in operating the telecommunications systems~~
5 PROGRAM OFFICE established by sections PURSUANT TO SECTION 41-798 and 41-801
6 41-712.

7 ~~2. Paying costs incurred for out of state communications.~~

8 ~~3. Funding the enhancement and extension of Arizona telecommunications~~
9 ~~systems including any transmission of voice, data, video or graphics images.~~

10 ~~4. Funding the acquisition of technology equipment for~~
11 ~~telecommunications, automation and information to achieve optimum~~
12 ~~effectiveness, economy and productivity in collecting, storing,~~
13 ~~interchanging, retrieving, processing, transmitting and securing information.~~

14 B. The fund consists of:

15 1. Legislative appropriations.

16 2. Grants, except for otherwise specifically dedicated grants,
17 received for telecommunication and automation operations, consolidation and
18 cost reduction or cost avoidance functions.

19 3. Monies derived from ~~implementing and operating a~~ ADMINISTERING THE
20 telecommunications and automation program OFFICE.

21 4. Monies derived from the sale or exchange of telecommunications and
22 automation assets or any assets that may be used to provide telecommunication
23 access.

24 5. Monies derived from agencies and political subdivisions and other
25 states or their agencies in payment for services provided by Arizona THE
26 telecommunications systems or the department's automation operation center
27 PROGRAM OFFICE ESTABLISHED PURSUANT TO SECTION 41-712.

28 C. The department of administration shall administer the fund.
29 ~~Separate accounts shall be established to account for monies received and~~
30 ~~spent pursuant to agreements with other states or their agencies or the~~
31 ~~Arizona health care cost containment system administration in fulfillment of~~
32 ~~an agreement entered into pursuant to section 36-2925. The separate accounts~~
33 ~~are continuously appropriated for the purposes specified in the agreements.~~
34 All other monies in the fund are subject to ANNUAL legislative appropriation
35 to the department.

36 D. In connection with its annual budget request to the legislature,
37 the department shall prepare a report that accounts for all monies deposited
38 in the fund, the sources of the monies received for deposit, the purposes for
39 which the fund monies were used during the preceding fiscal year and the
40 plans for using fund monies during the next fiscal year.

41 E. Monies in the fund are exempt from the provisions of section 35-190
42 relating to lapsing of appropriations.

43 Sec. 5. Repeal

44 Section 41-801, Arizona Revised Statutes, is repealed.

1 Sec. 6. Transfer of monies; technology and telecommunications
2 fund

3 A. On the effective date of this act, eight per cent of the
4 unencumbered balance of the state monies in the technology and
5 telecommunications fund is transferred to the telecommunications fund
6 established by section 41-713, Arizona Revised Statutes, as amended by this
7 act, and ninety-two per cent of the unencumbered balance of the state monies
8 and all federal monies in the technology and telecommunications fund are
9 transferred to the automation operations fund established by section 41-711,
10 Arizona Revised Statutes, as amended by this act.

11 B. The department of administration shall continue to administer the
12 provisions of the technology and telecommunications fund until all
13 encumbrances are satisfied.

14 Sec. 7. Retroactivity

15 This act is effective retroactively to from and after June 30, 2005.

APPROVED BY THE GOVERNOR MAY 20, 2005.

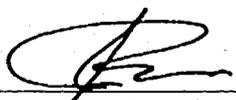
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.

Passed the House May 6, 2005

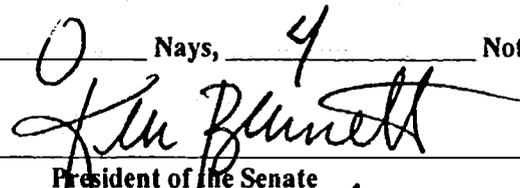
Passed the Senate May 6, 2005

by the following vote: 52 Ayes,
4 Nays, 4 Not Voting

by the following vote: 26 Ayes,
0 Nays, 4 Not Voting



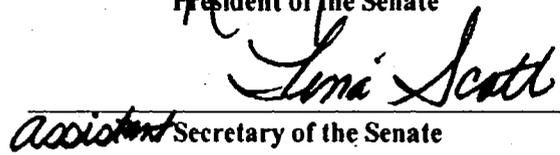
Speaker of the House



President of the Senate



Chief Clerk of the House

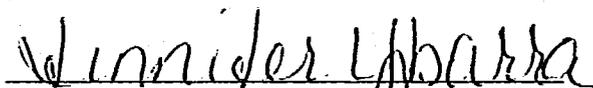


Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
13th day of May, 2005

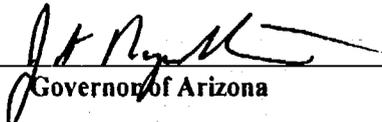
at 11:20 o'clock A. M.


Secretary to the Governor

Approved this 20 day of

May, 2005,

at 9:20 o'clock A. M.

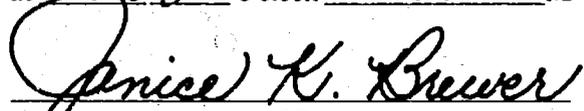

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

This 20 day of May, 2005,

at 3:03 o'clock P. M.


Secretary of State

H.B. 2777