

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/16/01 S2/26/01

A Bill

Act 1042 of 2001
HOUSE BILL 1624

5 By: Representative Magnus
6 By: *Senator K. Smith*
7

For An Act To Be Entitled

10 AN ACT TO CREATE AND ESTABLISH A STATE EXECUTIVE CHIEF
11 INFORMATION OFFICER AND CIO COUNCIL.

Subtitle

14 TO CREATE THE STATE EXECUTIVE CHIEF
15 INFORMATION OFFICER AND CIO COUNCIL.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. The General Assembly finds and declares information and
21 information resources to be strategic assets of the State of Arkansas and that
22 procedures must be established to ensure that:

23 (1) Information technology resources are developed and implemented to
24 provide electronic government services to the citizens of Arkansas twenty-four
25 (24) hours a day, seven (7) days a week;

26 (2) Information resources are used in an efficient manner;

27 (3) Information is administered and shared, consistent with
28 requirements for security, privacy and confidentiality;

29 (4) Information technology acquisitions meet state needs and are
30 consistent with coordinated efforts to maximize standardization and cost
31 effectiveness; and

32 (5) State officials have timely access to information in useful forms.
33

34 SECTION 2. For purposes of this act:

35 (1) "Agency CIO" means the Chief Information Officer of a state agency
36 whose charge is to apply technology to meet the agency's core business

1 processes;

2 (2) "Executive CIO" means the Chief Information Officer of the State
3 appointed under this act;

4 (3) "CIO Council" means the CIO Council created by this act;

5 (4) "Core information technology infrastructure" means the state data,
6 state network and application interfaces, and state security;

7 (5) "Electronic record" means a record created, generated, sent,
8 communicated, received, or stored by electronic means;

9 (6) "Enterprise project" refers to an information technology project
10 that applies to more than one (1) government entity and has implications for
11 the development of the core infrastructure in compliance with the State's
12 Shared Technical Architecture;

13 (7) "Information technology" means any component related to information
14 processing and telecommunications, including data processing and
15 telecommunications hardware, software, services, planning, personnel,
16 facilities, and training;

17 (8) "Information technology resources" means the procedures, equipment,
18 and software that are designed, built, operated, and maintained to collect,
19 record, process, store, retrieve, display, and transmit information, and
20 associated personnel including consultants and contractors;

21 (9) "Project" means a program to apply information technology resources
22 to functions within or among elements of a state agency, that ideally is
23 characterized by well-defined parameters, specific objectives, common
24 benefits, planned activities, a scheduled completion date, and an established
25 budget with a specified source of funding;

26 (10) "State agencies" means all state departments, boards, and
27 commissions, but shall not include the elected constitutional officers and
28 their staffs, the General Assembly and its committees and staffs, the Supreme
29 Court and the Administrative Office of the Courts, and public institutions of
30 higher education with respect to academic, research, healthcare, and existing
31 information technology applications and underlying support therefor; and

32 (11) "State of Arkansas Shared Technical Architecture" means the
33 structure of program or system components of state government, how these
34 components relate to one another, the means of communication among them, and
35 the principles that govern their design and evolution over time.

36

1 SECTION 3. (a) There is hereby created the position of Executive Chief
2 Information Officer (Executive CIO), which shall be appointed by, and serve at
3 the will of, the Governor.

4 (b) Minimum qualifications for the Executive CIO, including but not
5 limited to education, background, and experience shall be promulgated by the
6 Office of Personnel Management to be reviewed by the Legislative Council and
7 approved by the Governor.

8 (c) The Office of Information Technology shall hereafter be under the
9 direction of the Executive CIO.

10
11 SECTION 4. (a) The Executive CIO shall:

12 (1) Utilize such personnel and resources of the Department of
13 Information Systems as deemed necessary with the consent of the Governor,
14 including, but not limited to the functions currently performed by the Office
15 of Information Technology;

16 (2)(A) Direct the formulation and promulgation of policies,
17 standards, specifications, and guidelines for information technology in the
18 state, including, but not limited to, those required to support state and
19 local government exchange in a secure environment for the acquisition,
20 storage, use, sharing and distribution of core infrastructure components as
21 defined by the State of Arkansas' Shared Technology Architecture;

22 (B) The areas in which standards, policies, and guidelines
23 shall be developed shall include, but are not limited to, retention schedules
24 for control, preservation, protection and disposition of the electronic
25 records of agencies;

26 (3) Develop a process for how all state agencies shall have input
27 into the formation of these policies, standards, specifications and guidelines
28 and present the plan to the Governor and the General Assembly;

29 (4) If deemed necessary and appropriate, establish working groups
30 to assist in the formulation of policies, standards, specifications and
31 guidelines and assure that all agencies have the opportunity to review and
32 comment;

33 (5) Oversee the development of legislation and rules and
34 regulations affecting electronic records management and retention, privacy,
35 security, and related issues;

36 (6) Create a state security office to monitor information

1 resource security issues, coordinate all security measures which could be used
2 to protect resources by more than one (1) governmental entity, and act as an
3 information technology resource to other state agencies;

4 (7) Oversee the development of information technology security
5 policy for state agencies;

6 (8) Direct the development of policies and procedures, in
7 consultation with the CIO Council, which state agencies shall follow in
8 developing information technology plans and technology-related budgets and
9 technology project justification;

10 (9) Establish criteria for enterprise projects and review
11 Enterprise Project plans and budget requests and recommend priorities to the
12 CIO Council;

13 (10)(A) Develop plans and implementation strategies to promulgate
14 state-level missions, goals, and objectives for the use of information
15 technology, with the review and advice of the CIO Council;

16 (B) These plans and strategies shall include, but not be
17 limited to, business case development for information technology applications,
18 maximizing state purchasing power, increasing collaborative efforts for
19 projects of mutual interest, and creating opportunities to develop public and
20 private partnerships;

21 (11) Review procurements to ensure conformity with information
22 policies and standards and state-level plans and implementation strategies;

23 (12) Advise state agencies in acquiring information technology
24 service as well as advise on information technology contracts and agreements;

25 (13) Make a quarterly report to the Joint Committee on Advanced
26 Communications and Information Technology regarding the status of information
27 technology deployment to meet the goals set forth in this enabling
28 legislation;

29 (14) Solicit, receive, and administer funds from public and
30 private entities to be used for the purchase of information technology
31 resources; and

32 (15) Report to the Joint Committee on Advanced Communications and
33 Information Technology and the Governor the total business analysis prepared
34 for information technology projects.

35 (b)(1) All state departments, boards, commissions and public
36 institutions of higher education, with respect to their technology functions

1 and applications, shall advise the Executive CIO in advance of their
2 anticipated usage needs for the state core information technology
3 infrastructure to facilitate network capacity planning.

4 (2) In addition, all state departments, boards, commissions and
5 public institutions of higher education, with respect to their technology
6 functions and applications, shall consult and cooperate with the Executive CIO
7 in the formation and implementation of security policies for the state core
8 information technology infrastructure.

9 (c) Nothing in this act shall be construed to deprive, transfer, limit,
10 or in any way alter or change any of the powers vested in the board of
11 trustees of any institution of higher education under existing constitutional
12 and statutory provisions.

13 (d) All state agencies shall adopt the policies, standards,
14 specifications and guidelines, if applicable, to implement subdivision (a)(4).

15 (e) As to electronic records, the authority and responsibility of the
16 State Records Commission under Arkansas Code 13-4-105 are hereby transferred
17 to the Executive CIO.

18 (f)(1) In the event a state agency proposes an information technology
19 project which does not comply with the state information shared architecture
20 or state information technology plan, the agency shall submit documentation to
21 the director of the Office of Information Technology explaining the reason for
22 noncompliance.

23 (2) The director shall advance the agency's concerns to the
24 Executive CIO, who shall seek review and advice of the CIO Council.

25 (3) The Executive CIO shall then approve or disapprove the
26 proposed project plan.

27 (g) The information technology project justification process developed
28 by the Executive CIO in connection with the CIO Council shall be followed by
29 all state agencies.

30
31 SECTION 5. (a)(1) There is hereby created the CIO Council to be
32 appointed by the Governor with the advice of the Information Technology
33 Oversight Committee.

34 (2) The CIO Council shall advise the Executive CIO on information
35 technology resource usage and prioritization.

36 (b)(1) The Executive CIO shall present a recommendation of the

1 membership of the CIO Council to the Governor within sixty (60) days after his
2 or her appointment.

3 (2) The CIO Council shall have representatives from state
4 government, public education, cities and counties.

5 (3) The Executive CIO shall implement a policy to ensure
6 representation for every state agency on the CIO Council though every state
7 agency shall not have an individual representative on the CIO Council.

8 (c)(1) Specific state agency participation on the CIO Council shall be
9 through the position of Agency CIO.

10 (2) Minimum qualifications for the Agency CIO, including but not
11 limited to education, background, and experience shall be promulgated by the
12 Office of Personnel Management to be reviewed by the Legislative Council and
13 approved by the Governor.

14 The Executive CIO shall have the authority to appoint representatives of other
15 agencies to subcommittees.

16 (4) In addition, the chief executive employee of the network
17 manager contracted pursuant to the Information Network of Arkansas Act shall
18 serve as an ex officio member of the CIO Council.

19 (d) The CIO Council shall:

20 (1) Provide leadership in coordinating information technology in
21 the state;

22 (2) Assist in establishing a prioritization system for state
23 investment in enterprise projects;

24 (3) Assist in the development of policies and procedures, in
25 consultation with the Executive CIO, which state agencies and institutions of
26 higher learning shall follow in developing information technology plans and
27 technology-related budget requests;

28 (4) Advise on the modification of the state information
29 technology plan;

30 (5) Create the methodology to evaluate the applications for
31 funding of information technology projects based on the return on investment
32 of the project and the linkage of the project to the agency's business
33 objectives; and

34 (6) Establish standards and methodologies to ensure that good
35 business case analysis is required from state agencies prior to allocation of
36 funds.

1 (e)(1) The business case analysis shall identify total costs from
2 beginning to end of the project to include, but not be limited to, consultant
3 needs, required hardware or software support, ongoing support and maintenance,
4 education and training, network bandwidth capacity, etc.

5 (2) All information technology projects shall be evaluated on the
6 basis of the return on investment of the project, the value-added services,
7 and the compatibility with the state shared architecture.

8 (3) The evaluation method shall verify the link between the
9 agency's business objectives and the agency's information technology strategy.

10 (4) The Executive CIO shall report to the appropriate legislative
11 committees and the Governor the total business analysis prepared for
12 information technology projects.

13 (f)(1) To achieve the best return on investment for the citizens of
14 Arkansas, a state agency shall seek an existing application or technology for
15 its information technology projects before proposing the development of a new
16 application to be created by either a private company or the Department of
17 Information Systems.

18 (2) The business case analysis necessary to make the appropriate
19 determination shall include line items to identify staff resources required
20 for creating the interfaces to the state's core infrastructure so that
21 interoperability of all newly acquired technologies can be accomplished within
22 the life cycle of the project.

23
24 SECTION 6. (a) There is hereby created the Information Technology
25 Oversight Committee to be appointed by the Governor as follows:

26 (1) Three (3) members nominated by the Joint Committee on
27 Advanced Communications and Information Technology;

28 (2) Four (4) members from the Arkansas private sector;

29 (3) Two (2) elected officials from Arkansas local government;

30 (4) Two (2) members nominated by the Arkansas Higher Education
31 Coordinating Board in consultation with the Executive Council of Presidents
32 and Chancellors of Two and Four Year Institutions; and

33 (5) One (1) member nominated by the State Board of Workforce
34 Education and Career Opportunities.

35 (b) Members of the Information Technology Oversight Committee must have
36 knowledge and experience in the management and implementation of information

1 technology.

2 (c) The committee shall advise the Executive CIO on the allocation of
3 information technology resources in the state.

4
5 SECTION 7. (a) With respect to any finding, ruling, or determination
6 that the director of the Office of Information Technology is authorized to
7 make under the provisions of this act, any state agency aggrieved by any
8 decision of the administrator, or undue delay by the administrator in
9 reviewing agency requests or plans under the provisions of this act, may
10 appeal therefrom in writing to the Executive CIO.

11 (b) The Executive CIO shall, within thirty (30) days, secure review and
12 advice of the CIO Council and immediately furnish a copy of the appeal,
13 including a statement of the reasons for the appeal, and the Executive CIO
14 recommendation to:

15 (1) The Governor;

16 (2) During the interim between sessions, the Joint Committee on
17 Advanced Communications and Information Technology; and

18 (3) During a legislative session, the House Committee on Advanced
19 Communications and Information Technology and the Senate Committee on
20 Technology and Legislative Affairs.

21 (c) The Governor shall make any individual evaluation and study with
22 respect to an appeal which he deems appropriate and, in connection therewith,
23 may enlist the cooperation or technical assistance of other state agencies.

24 (d) The Governor shall issue his ruling within thirty (30) days, which
25 may be:

26 (1) To uphold the decision of the Executive CIO;

27 (2) To reject the decision of the Executive CIO and approve the
28 action sought by the state agency; or

29 (3) To modify the decision of the Executive CIO in any manner
30 which the Governor deems appropriate.

31 (e) The Governor shall notify the following in writing of his decision:

32 (1) During the interim between sessions, the Joint Committee on
33 Advanced Communications and Information Technology; and

34 (2) During a legislative session, the House Committee on Advanced
35 Communications and Information Technology and the Senate Committee on
36 Technology and Legislative Affairs.

