

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

Act 538 of 1999
SENATE BILL 378

4
5 By: Senator Gordon
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For An Act To Be Entitled

8 "THE INFORMATION NETWORK OF ARKANSAS ACT; AND FOR
9 OTHER PURPOSES"
10

Subtitle

11 "THE INFORMATION NETWORK OF ARKANSAS ACT"
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code 25-27-102 is amended to read as follows:
19 "25-27-102. Definitions.

20 As used in this chapter:

21 (1) 'Agency' means any agency ~~or instrumentality, board,~~
22 commission, public instrumentality, political subdivision, or any of the
23 foregoing entities acting on behalf of the State of Arkansas which stores,
24 gathers, or generates public information;

25 (2) 'Gateway system' means any centralized electronic information
26 system by which public information shall be ~~provided via dial-in modem or~~
27 ~~continuous link to the public through subscription or through public~~
28 libraries; disseminated or collected via the Internet, dial-in modem,
29 continuous link, or other electronic medium;

30 (3) 'I.N.A.' means the Information Network of Arkansas, or, if
31 the Information Network of Arkansas shall be abolished, the board, body, or
32 commission succeeding to the principal functions thereof or to whom the powers
33 given by this chapter to the Information Network of Arkansas shall be given by
34 law;

35 (4) 'Network manager' means the entity or person ~~engaged to~~
36 ~~manage and run~~ designated by contractual obligation to establish, develop,

1 operate, maintain, and expand the gateway system on behalf of the Information
 2 Network of Arkansas;

3 (5) 'Public information' means any information stored, gathered,
 4 or generated in electronic or magnetic form by ~~the State of Arkansas or an~~
 5 agency, its agencies, or instrumentalities, which is included within the
 6 information deemed to be public pursuant to the Freedom of Information Act of
 7 1967, beginning at § 25-19-101 et seq.; and other Arkansas Code provisions
 8 providing for release of information to the public at large to specified
 9 groups or recipients; and

10 (6) 'User association' means an association:

11 (A) Whose membership is identifiable by regular payment of
 12 association dues and regularly maintained membership lists;

13 (B) Which is registered with the Secretary of State as an
 14 Arkansas corporation;

15 (C) Which exists for the purpose of advancing the common
 16 occupation or profession of its membership; and

17 (D) Which, after the appointment of the initial board of
 18 the Information Network of Arkansas, regularly promotes and encourages the
 19 subscription of its members to the gateway system developed by the Information
 20 Network of Arkansas."

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 22 SECTION 2. Arkansas Code 25-27-103 is amended to read as follows:

23 "25-27-103. Board.

24 (a) There is created the Information Network of Arkansas, a public
 25 instrumentality carrying out an essential government function, which shall be
 26 governed by a board consisting of twelve (12) voting members, as follows:

27 (1) The President of the Arkansas Science and Technology
 28 Authority, or the president's designee;

29 (2) The Secretary of State, or the Secretary of State's designee;

30 (3) The Director of the Department of Finance and Administration,
 31 or the director's designee;

32 (4) Two (2) members, or their designees, who are chief executive
 33 officers of agencies of the executive branch other than the Department of
 34 Finance and Administration and the Department of ~~Computer Services~~ Information
 35 Systems, shall be appointed by the Governor;

36 (5)(A)(i)(a) Four (4) members from user associations initially

1 selected by the Governor shall be appointed by the Governor from a list of
 2 three (3) names submitted by each user association.

3 (b) Thereafter, the board shall submit a list
 4 of at least three (3) names per position, based on the recommendations of user
 5 associations.

6 (ii) No two (2) members appointed pursuant to this
 7 subdivision (a)(5) shall be members of the same user association.

8 (B) Such members shall serve staggered three-year terms;

9 (6)(A)(i) One (1) member appointed by the Governor from a list of
 10 three (3) names of public library directors submitted by the President of the
 11 Arkansas Public Library Association.

12 (ii) Following the initial appointment hereunder,
 13 such list shall be composed of librarians of public libraries which subscribe
 14 to the Information Network of Arkansas.

15 (B) Such member shall serve a ~~staggered~~ three-year term;

16 (7)(A) One (1) member appointed by the Governor from a list of
 17 three (3) names submitted by the Arkansas Bar Association.

18 (B) Such member shall serve a ~~staggered~~ three-year term;

19 and

20 (8) The Director of the Department of Information Systems, or the
 21 director's designee.

22 (b)(1) The board shall annually elect one (1) member from the board as
 23 chairperson of the board.

24 (2) The board may also elect a vice chairperson and a secretary.

25 (c)(1) Six (6) members of the board shall constitute a quorum, and the
 26 affirmative vote of six (6) members shall be necessary for any action taken by
 27 the board.

28 (2) No vacancy in the membership of the board shall impair the
 29 right of a quorum to exercise all ~~the~~ rights and perform all the duties of the
 30 board.

31 (d) The board shall meet at least semiannually.

32 (e) Members of the board shall serve without compensation, but shall be
 33 eligible to receive reimbursement for mileage and reimbursement for expenses
 34 in accordance with § 25-16-902."

35
 36 SECTION 3. Arkansas Code 25-27-104 is amended to read as follows:

1 "25-27-104. Duties.

2 (a) The Information Network of Arkansas shall have the following
3 duties:

4 (1) To develop and implement ~~a dial-in~~ an electronic gateway
5 system to provide electronic access to members of the public to public
6 information and to develop, implement, and promote the use of electronic
7 commerce and digital signature applications within the state in cooperation
8 with the Department of ~~Computer Services~~ Information Systems;

9 (2) To provide appropriate oversight of ~~any~~ the network manager;

10 (3) To establish charges for the services provided ~~to gateway~~
11 ~~system subscribers~~ by the Information Network of Arkansas;

12 (4) To explore ways of expanding the amount and kind of public
13 information provided, increasing the utility and form of the public
14 information provided, ~~and, where appropriate, implementing such changes~~ and
15 implement such changes as required to be consistent with the provisions of
16 this Chapter;

17 (5) To explore ways of improving citizen and business access to
18 public information, ~~expanding the base of users who access public information,~~
19 and, where appropriate, implementing such changes;

20 (6) To explore ways of expanding a gateway system and its
21 services to citizens and businesses by providing add-on services to
22 ~~subscribers~~ the public such as access to other for-profit information
23 databases, electronic mail, and calendaring;

24 (7) To serve in an advisory capacity to the Department of Finance
25 and Administration, the Department of ~~Computer Services,~~ Information Systems,
26 and other state agencies regarding the ~~provision of state data to~~
27 dissemination to and collection of state data for the citizens and businesses
28 of Arkansas;

29 (8) To seek advice from the general public, its subscribers,
30 professional associations, academic groups, and institutions and individuals
31 with knowledge or interest in computer networking, electronic mail, public
32 information access, gateway services, add-on services, and electronic filing
33 of information; and

34 (9) To accept gifts, donations, and grants for the support of a
35 gateway system in Arkansas.

36 (b)(1) All state agencies shall ~~cooperate~~ participate with the

1 Information Network of Arkansas in providing assistance as may be requested
 2 for the achievement of its purpose.

3 (2) Services and information to be provided by any agency shall
 4 be specified pursuant to a contract between the Information Network of
 5 Arkansas and such agency.

6 (3) Agencies may contract to recover from the Information Network
 7 of Arkansas costs incurred by providing such assistance to the Information
 8 Network of Arkansas.

9 (4) The Information Network of Arkansas shall cooperate with the
 10 Arkansas Department of Information Systems to fulfill the purposes of the
 11 Arkansas Information Systems Act of 1997, beginning at § 25-4-101."

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 13 SECTION 4. Arkansas Code 25-27-105 is amended to read as follows:

14 "25-27-105. Network manager.

15 (a)(1) The Information Network of Arkansas shall ~~hire~~ contract with a
 16 network manager and shall use a competitive bid process after developing, in
 17 consultation with the Department of ~~Computer Services~~ Information Systems,
 18 criteria and specifications for such a network manager and his duties.

19 (2)(A) The Information Network of Arkansas may negotiate and
 20 enter into a contract with the network manager.

21 (B) The contract shall specify the duties, and
 22 responsibilities, ~~and compensation~~ of the network manager, and shall also
 23 include any other terms necessary to the agreement.

24 (b) The network manager shall:

25 (1) Direct and supervise the day-to-day operations and expansion
 26 of the gateway system, including the initial phase of operations necessary to
 27 make such gateway system operational;

28 (2) Attend meetings of the Information Network of Arkansas;

29 (3) Keep a record of all gateway, network, and related operations
 30 of the Information Network of Arkansas, which records shall be the property of
 31 the Information Network of Arkansas;

32 (4) Maintain and be a custodian of all financial and operational
 33 records, documents, and papers filed with the Information Network of Arkansas;

34 (5) Update and revise on a yearly basis the business plan of the
 35 Information Network of Arkansas in consultation with and under the direction
 36 of the Information Network of Arkansas; ~~and~~

1 (6) Submit to the Information Network of Arkansas quarterly
2 financial reports, an annual audit, an annual report, and any other
3 information requested by the board; and

4 (7) Other such activities or services as requested or authorized
5 by the Information Network of Arkansas consistent with the provisions of this
6 Chapter.

7 (c) The Department of ~~Computer Services~~ Information Systems may provide
8 to the Information Network of Arkansas such staff and other assistance under
9 contract."

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11 SECTION 5. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 6. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 7. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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25 APPROVED: 3/11/1999
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