

"AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF CERTAIN RECOMMENDATIONS FOR CHANGES IN THE COMPUTER OPERATIONS OF STATE AGENCIES; AND FOR OTHER PURPOSES."

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the General Assembly to implement the recommendations of the Arkansas Communications Study Committee, created by Act 326 of 1975, concerning data processing by state agencies and concerning the Central Data Processing Facility located in the Administrative Services Division of the Department of Finance and Administration. These recommendations include, but are not limited to, the following: (a) the transfer of the Central Data Processing Facility from the Department of Finance and Administration to a cabinet-level department of State Government devoted exclusively to providing data processing services to state agencies; (b) increasing the technical ability of certain key data processing employees, including programmers, analysts, operating systems specialists and managerial personnel, in order to assure that the Central Data Processing Facility and all other major state agency computer facilities become and remain independent of any one vendor or vendors, and in order to assure the most effective utilization of computer equipment for the lowest possible cost in all state agencies; (c) operating the Central Data Processing Facility in accordance with a "wholesale-retail" marketing philosophy which would allow the Central Facility to contract with state agencies for services to be provided in ways best designed to meet the needs of the user agencies while keeping in mind the needs of the top managerial level of the Executive Branch and of the Legislature for compiling and comparing information across agency lines. Such contracts would clearly define the responsibilities of the user agencies and would include detailed cost figures for development and operation of each application, and penalties would be provided should the Central Facility fail to deliver the services as required in the contract; (d) to the maximum extent possible, the Central Facility shall be required to compete with commercial providers of computer services for state agencies in order to insure the lowest cost to the taxpayers for data processing services utilized in state government; and (e) the development of an Information Systems Plan be continued, but that care be taken to insure that new programs are not dependent on any given data base management system.

SECTION 2. IMPLEMENTATION. The General Assembly finds that the implementation of the recommendations specified in Section 1 of this Act cannot and should not all be accomplished at this time, but that said recommendations should be phased in as resources and qualified employees become available. It is the specific intent of the General Assembly that a separate, cabinet-level Department of Computer Services be initiated by July 1, 1977. For the interim period prior to the initiation of a separate Department of Computer Services, a Director of Computer Services shall be appointed by the Governor with the advice and consent of the Arkansas Communications Study Committee to be located in the Administrative Services Division of the Department of Finance and Administration as may be authorized by law. Before the convening of the Seventy-First General Assembly, the Arkansas Communications Study Committee, the Information Systems Executive Committee, created by Act 744 of 1975, and the Director of the Department of Finance and Administration, and the Director of the Department of Computer Services of the Administrative Services Division

of the Department of Finance and Administration are hereby directed to provide the Arkansas Legislative Council and the Governor with their collective, or, in the case of disagreements, their individual recommendations on the legislation necessary to bring about the complete implementation of the recommendations specified in Section 1 of this Act by July 1, 1977, and to make any additional recommendations which they feel will improve the efficiency and effectiveness of data processing in Arkansas State Government. In the interim, the Director of the Department of Computer Services, the Director of the Department of Finance and Administration, the employees of the Central Data Processing Facility, the Information Systems Executive Committee and its staff are hereby directed to commence the phased implementation of the recommendations contained in Section 1 of this Act as rapidly as possible while giving due consideration to the current needs of the user agencies.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1238 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: April 14, 1987

---