

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 1139 OF 1995**  
**HOUSE BILL 2034**

4 **By: Representatives Von Gremp, Hudson and Kidd**

5

6

7

## **For An Act To Be Entitled**

8 "AN ACT TO ESTABLISH THE INFORMATION NETWORK OF ARKANSAS;

9 AND FOR OTHER PURPOSES."

10

11

### **Subtitle**

12

"AN ACT TO ESTABLISH THE INFORMATION

13

NETWORK OF ARKANSAS."

14

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

16

17 SECTION 1. This act may be cited as and shall be known as "The

18 Information Network of Arkansas Act."

19

20 SECTION 2. As used in this act:

21 (1) "Agency" means any agency or instrumentality of the State of  
22 Arkansas which stores, gathers, or generates public information.

23 (2) "Gateway system" means any centralized electronic information  
24 system by which public information shall be provided via dial-in modem or  
25 continuous link to the public through subscription or through public  
26 libraries.

27 (3) "I.N.A." means the Information Network of Arkansas, or if I.N.A.  
28 shall be abolished, the board, body, or commission succeeding to the principal  
29 functions thereof or to whom the powers given by this act to I.N.A. shall be  
30 given by law.

31 (4) "Network manager" means the entity or person engaged to manage and  
32 run the gateway system on behalf of I.N.A.

33 (5) "Public information" means any information stored, gathered, or  
34 generated in electronic or magnetic form by the State of Arkansas, its  
35 agencies or instrumentalities, which is included within the information deemed  
36 to be public pursuant to the Freedom of Information Act, Arkansas Code

1 Annotated 15-19-101 et seq.

2 (6) "User association" means an association:

3 (A) whose membership is identifiable by regular payment of  
4 association dues and regularly maintained membership lists;

5 (B) which is registered with the Secretary of State as an  
6 Arkansas corporation;

7 (C) which exists for the purpose of advancing the common  
8 occupation or profession of its membership; and

9 (D) which, after the appointment of the initial board of I.N.A.,  
10 regularly promotes and encourages the subscription of its members to the  
11 gateway system developed by I.N.A.

12

13 SECTION 3. (a) There is created the Information Network of Arkansas, a  
14 public instrumentality carrying out an essential government function, which  
15 shall be governed by a board consisting of eleven (11) voting members and one  
16 (1) nonvoting member as follows:

17 (1) the president of the Arkansas Science and Technology  
18 Authority or the president\_s designee;

19 (2) the Secretary of State or the Secretary\_s designee;

20 (3) the director of the Department of Finance and Administration  
21 or the director\_s designee;

22 (4) two (2) members or their designees, who are chief executive  
23 officers of agencies of the executive branch other than the Departments of  
24 Finance and Administration and the Department of Computer Services, shall be  
25 appointed by the Governor;

26 (5) four (4) members from user associations initially selected by  
27 the Governor shall be appointed by the Governor from a list of three (3) names  
28 submitted by each user association. Thereafter, the board shall submit a list  
29 of at least three (3) names per position based on recommendations of user  
30 associations. No two (2) members appointed pursuant to this paragraph shall  
31 be members of the same user association. Such members shall serve staggered  
32 three (3) year terms.

33 (6) one (1) member appointed by the Governor from a list of three  
34 (3) names of public *library directors* submitted by the president of the  
35 Arkansas Public *Library Association*. Following the initial appointment

1 hereunder, such list shall be comprised of librarians of public libraries  
2 which subscribe to I.N.A. Such member shall serve a staggered three (3) year  
3 term; and

4 (7) one (1) member appointed by the Governor from a list of three  
5 (3) names submitted by the Arkansas Bar Association. Such member shall serve  
6 a staggered three (3) year term; and

7 (8) the director of the Department of Computer Services, who  
8 shall serve as a nonvoting member.

9 (b) The Governor shall select the initial chairperson from the board  
10 membership. Thereafter the board shall annually elect one (1) member from the  
11 board as chairperson of the board. The board may also elect a  
12 vice-chairperson and a secretary.

13 (c) Six (6) members of the board shall constitute a quorum and the  
14 affirmative vote of six (6) members shall be necessary for any action taken by  
15 the board. No vacancy in the membership of the board shall impair the right  
16 of a quorum to exercise all the rights and perform all the duties of the  
17 board. Members of the board shall serve without compensation.

18 (d) The board shall meet at least semi-annually.

19

20 SECTION 4. (a) The I.N.A. shall have the following duties:

21 (1) To develop and implement a dial-in gateway system to provide  
22 electronic access to members of the public to public information in  
23 cooperation with the Department of Computer Services;

24 (2) To provide appropriate oversight of any network manager;

25 (3) To establish charges for the services provided to gateway  
26 system subscribers;

27 (4) To explore ways of expanding the amount and kind of public  
28 information provided, increasing the utility and form of the public  
29 information provided and, where appropriate, implementing such changes;

30 (5) To explore ways of improving citizen and business access to  
31 public information, expanding the base of users who access public information  
32 and, where appropriate, implementing such changes;

33 (6) To explore ways of expanding a gateway system and its  
34 services to citizens and businesses by providing add-on services to  
35 subscribers, such as, access to other for-profit information databases,

1 electronic mail and calendaring;

2           (7) To serve in an advisory capacity to the Department of Finance  
3 and Administration, Department of Computer Services, and other state agencies  
4 regarding the provision of state data to the citizens and businesses of  
5 Arkansas;

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

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

13           (b) All state agencies shall cooperate with I.N.A. in providing  
14 assistance as may be requested for the achievement of its purpose. Services  
15 and information to be provided by any agency shall be specified pursuant to  
16 contract between I.N.A. and such agency. Agencies may contract to recover  
17 from I.N.A. costs incurred by providing such assistance to I.N.A.

18

19           SECTION 5. (a) I.N.A. shall hire a network manager and shall use a  
20 competitive bid process after developing in consultation with the Department  
21 of Computer Services criteria and specifications for such a network manager  
22 and its duties. I.N.A. may negotiate and enter into a contract with the  
23 network manager. The contract shall specify the duties, responsibilities, and  
24 compensation of the network manager, and shall also include any other terms  
25 necessary to the agreement.

26           (b) The network manager shall:

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

30           (2) attend meetings of I.N.A.;

31           (3) keep a record of all gateway, network, and related operations  
32 of I.N.A., which records shall be the property of I.N.A.;

33           (4) maintain and be a custodian of all financial and operational  
34 records, documents, and papers filed with I.N.A.;

35           (5) update and revise on a yearly basis the business plan of

1 I.N.A., in consultation with and under the direction of I.N.A.; and  
2 (6) submit to I.N.A. quarterly financial reports, an annual  
3 audit, an annual report, and any other information requested by the board.

4 (c) The Department of Computer Services may provide to I.N.A. such  
5 staff and other assistance under contract.

6  
7 SECTION 6. All moneys received by I.N.A. from gifts, donations, grants,  
8 or any other sources available by law shall be deposited in the State Treasury  
9 and credited to the "Information Network of Arkansas Fund", which is created  
10 on the books of the State Treasurer, the State Auditor and the Chief Fiscal  
11 Officer of the State until expended or otherwise exhausted pursuant to this  
12 act.

13  
14 SECTION 7. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

17  
18 SECTION 8. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

23  
24 SECTION 9. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

26 */s/Rep. von Grep, et al*

27  
28 APPROVED: 4-10-95  
29  
30  
31  
32  
33  
34  
35

***As Engrossed: 3/20/95***

**HB 2034**

1

2

3

**0313951610.mih847**