

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

A Bill

ACT 737 OF 1995
SENATE BILL 417

4 **By: Senators Gordon, Todd, Mahony, *Malone and Walters***

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For An Act To Be Entitled

8 "AN ACT TO CREATE THE JOINT COMMITTEE ON ADVANCED
9 COMMUNICATIONS AND INFORMATION TECHNOLOGY; TO ESTABLISH
10 THE GOVERNOR'S TELECOMMUNICATIONS AND INFORMATION
11 TECHNOLOGY ADVISORY BOARD; TO PROMOTE THE UNIVERSAL ACCESS
12 TO GOVERNMENTAL INFORMATION; AND FOR OTHER PURPOSES."

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Subtitle

16 "AN ACT TO CREATE THE JOINT COMMITTEE ON
17 ADVANCED COMMUNICATIONS AND INFORMATION
18 TECHNOLOGY AND TO ESTABLISH THE
19 GOVERNOR'S TELECOMMUNICATIONS AND
20 INFORMATION TECHNOLOGY ADVISORY BOARD
21 AND TO PROMOTE THE UNIVERSAL ACCESS TO
22 GOVERNMENTAL INFORMATION."

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

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27 *SECTION 1. Purpose.*

28 *The General Assembly finds and declares that it is in the highest public*
29 *interest to provide appropriate means for the continued development and*
30 *enhancement of educational opportunities, medical care services and government*
31 *operations throughout the state of Arkansas through the use of the public*
32 *telecommunications infrastructure and networks employing advanced*
33 *communication and information technology. Such technology and applications*
34 *have strategic value for the economy for the state of Arkansas, will*
35 *strengthen the state's connection to the national and international*
36 *information infrastructure and will enable the state and its citizens access*

1 to a statewide public telecommunications and information infrastructure
2 capable of connecting government agencies, connecting all seventy-five (75)
3 counties, providing Arkansas citizens access to government information, and
4 continuously upgrading through the addition of compatible, new technology.

5

6 SECTION 2. For the purpose of this act:

7 (1) "Distance learning" means an interactive telecommunications
8 system that utilizes information technology, audio, video, and other
9 appropriate elements and is compatible with other distance learning networks
10 and that is used for the purpose of enhancing instructional opportunities in
11 Arkansas public schools, technical colleges, community colleges and
12 universities and economic development opportunities in business and industry.

13 (2) "Medical facilities" means any fully licensed and accredited,
14 publicly or privately funded medical care providers that furnish either
15 inpatient or outpatient services.

16 (3) "Infrastructure" means an interlinked system of wires,
17 cables, fiber optics or other wireline or wireless communications media.

18 (4) "Telemedicine" means an interactive telecommunications system
19 that utilizes information technology, audio, video, and other appropriate
20 elements and is compatible with other telemedicine networks and that is used
21 for the purpose of enhancing the delivery of medical information and health
22 care to medical facilities in rural and urban areas throughout Arkansas.

23 (5) "Universal Access" means access to the public
24 telecommunications infrastructure or the state's information system by all
25 state governmental entities.

26 (6) "Information Technology" means the totality of means employed
27 to collect, classify, process, store, retrieve, evaluate, and disseminate
28 information in voice, video, and data form.

29 (7) "Governmental entity" means any department, board, bureau,
30 commission, or other agency of the state or any entity created by law to
31 provide services to the state.

32 (8) "Network" means an interlinked system of users.

33 (9) "Public access" means access by the public to public
34 information through the use of information technology.

35 (10) "Public information" means any information stored, gathered

1 or generated in electronic or magnetic form by the state of Arkansas, its
2 agencies or instrumentalities, which is included within the information deemed
3 to be public pursuant to the freedom of information act and amendments
4 thereto.

5 (11) "Public telecommunications" means the facilities used in
6 providing telecommunication services to the public including, but not limited
7 to, facilities owned and operated by public utilities.

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9 SECTION 3. Joint Standing Committee on Advanced Communications and
10 Information Technology - Membership - Cochairmen.

11 (a) There is created a joint standing committee of the House of
12 Representatives and the Senate of the Arkansas General Assembly to be known as
13 the "Joint Committee on Advanced Communications and Information Technology."

14 (b) The committee shall be a select committee of the House and Senate,
15 whose members shall be chosen as follows:

16 (1) Seven (7) members of the Senate to be named by the President
17 Pro Tempore, and with vacancies to be filled by the Committee on Committees
18 without regard to the Senate rule on seniority;

19 (2) Seven (7) members of the House of Representatives to be
20 selected by the Speaker of the House from the membership of the Joint Energy
21 Committee;

22 (3) Each Senate member is authorized to appoint a member of the
23 Senate to serve as his or her alternate on the committee; and

24 (4) One (1) alternate member for each of the House members shall
25 be selected by the Speaker. Vacancies in the House membership on the
26 committee shall be filled by the Speaker in accordance with House rules.

27 (c) Members appointed to the Joint Committee on Advanced Communications
28 and Information Technology shall serve on the committee in addition to their
29 service on the regular standing, joint, and select committees.

30 (d) The President Pro Tempore of the Senate shall designate one (1) of
31 the Senate members of the Joint Committee on Advanced Communications and
32 Information Technology to serve as the Senate cochairman of the committee, and
33 the Speaker of the House of Representatives shall designate one (1) of the
34 House members appointed to the Joint Committee on Advanced Communications and
35 Information Technology to serve as the House cochairman of the committee. The

1 cochairmen of the Joint Committee on Advanced Communications and Information
2 Technology shall preside at alternate meetings of the committee unless the
3 cochairmen shall agree otherwise.

4

5 SECTION 4. Duties of joint standing committee.

6 Bills pertaining to advanced communications and information technology,
7 telemedicine, distance learning or public information access shall be referred
8 to the Joint Committee on Advanced Communications and Information Technology.

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10 SECTION 5. Joint Committee on Advanced Communications and Information
11 Technology - Members - Duties.

12 (a) The members of the House of Representatives and the Senate
13 appointed at each regular session of the General Assembly to the Joint
14 Committee on Advanced Communications and Information Technology shall
15 constitute a joint committee of the Arkansas General Assembly to function
16 during and in the interim between the sine die adjournment or extended recess
17 of the regular session of each General Assembly until the convening of the
18 next regular session of the General Assembly, or reconvening of the current
19 General Assembly, during an extended recess. This joint committee shall be
20 known as the Joint Committee on Advanced Communications and Information
21 Technology and shall function as established by law. In the event a vacancy
22 shall occur on the Joint Committee on Advanced Communications and Information
23 Technology, the vacancy shall be filled in the manner as provided for in
24 Section 3.

25 (b) (1) The Joint Committee on Advanced Communications and Information
26 Technology shall make continuing studies concerning the development of access
27 to a statewide public telecommunications network for distance learning,
28 telemedicine and universal access for governmental entities, and other issues
29 concerning advanced communications and information technology, either
30 initiated by the committee or referred to it by either house of the General
31 Assembly for study, in the interim between sessions of the General Assembly.
32 Interim study proposals and resolutions filed with the Legislative Council
33 under the provisions of § 10-3-214 for review and referral to the appropriate
34 germane joint interim committee of the General Assembly, relating to advanced
35 communications and information technology, shall be referred to the Joint

1 Committee on Advanced Communications and Information Technology. The
2 committee shall undertake each study referred to it by members of the General
3 Assembly or by the Legislative Council and shall submit a report of its
4 findings and recommendations in regard to each study request to the General
5 Assembly prior to the convening of the next regular session of the General
6 Assembly.

7 (2) In addition, the Joint Committee on Advanced Communications
8 and Information Technology shall exercise leadership in the interim between
9 legislative sessions and shall attempt to coordinate for the various
10 committees of the General Assembly the various activities, studies, and
11 planning activities of the General Assembly which relate to the development of
12 access to a statewide public telecommunications information infrastructure.

13 (3) The Joint Committee on Advanced Communications and
14 Information Technology shall have the power and authority, upon approval of a
15 majority of the members of the committee, to subpoena persons, documents and
16 records. However, no action of the committee regarding the exercise of the
17 subpoena power shall be taken except upon notice of at least one (1) week to
18 all members of the committee or upon a two-thirds (2/3) vote of the membership
19 of the committee.

20 (4) The Joint Committee on Advanced Communications and
21 Information Technology shall cooperate with the Governor; public secondary and
22 post secondary institutions of education; the appropriate administrative
23 agencies of this state; legislative, administrative agencies, and institutions
24 of other states, and with the federal government and others in the planning
25 and development of access to a statewide public telecommunications
26 infrastructure linking institutions, business, government agencies, schools,
27 hospitals, libraries, communities, and other public and private entities to
28 the national information infrastructure.

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30 SECTION 6. Committee - Meetings.

31 The Joint Committee on Advanced Communications and Information
32 Technology shall meet upon call by either or both of the cochairmen of the
33 committee, or at such other times as may be provided in the committee rules,
34 or upon written call by any seven (7) of its members.

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1 SECTION 7. Interim committee - Expenses - Staff.

2 (a) The per diem and mileage, including reimbursement for expenses for
3 attending out-of-state meetings as provided by law, shall be paid from funds
4 appropriated for per diem, mileage, and expenses of members of the General
5 Assembly for attending joint interim committee meetings or from other funds
6 provided by law for that purpose.

7 (b) The Bureau of Legislative Research of the Arkansas Legislative
8 Council shall furnish such staff assistance as may be requested by the Joint
9 Committee on Advanced Communications and Information Technology.

10 (c) The Governor's Telecommunications and Information Technology
11 Advisory Board shall advise the committee on advanced communications and
12 information technology matters. All other appropriate state agencies,
13 including but not limited to the Department of Computer Services, Arkansas
14 Science and Technology Authority, and public colleges and universities in the
15 State of Arkansas, shall be available to assist the committee on advanced
16 communications and information technology matters as may be requested by the
17 committee.

18

19 SECTION 8. Advisory Board.

20 (a) The Governor may establish the Governor's Telecommunications and
21 Information Technology Advisory Board for the purposes of aggregating funding
22 and other resource commitments of state, federal, telecommunications industry
23 and other private sector contributors and carrying out other duties
24 established by this act.

25 (b) The board will assist in the funding of telecommunications
26 application projects; promoting universal and public access and efforts to
27 educate users about telecommunications; and creating incentive programs for
28 agencies adopting technology that promotes economic and social development and
29 overall government efficiency and effectiveness through interconnectivity.

30 (c) The board shall consist of seventeen (17) members and shall be
31 comprised of the following members:

32 (1) The Director of Science and Technology Authority or the
33 director's designee;

34 (2) The Director of the Department of Computer Services or the
35 director's designee;

1 (3) The Director of the Department of Higher Education or the
2 director's designee;

3 (4) The Director of the Department of Education or the director's
4 designee;

5 (5) The Director of the Department of Health or the director's
6 designee;

7 (6) The Director of the Department of Human Services or the
8 director's designee;

9 (7) The Director of the Department of Finance and Administration
10 or the director's designee;

11 (8) A criminal justice representative or his or her designee to
12 be appointed by the Governor;

13 (9) Two (2) members of the House of Representatives to be
14 appointed by the Governor;

15 (10) Two (2) members of the Senate to be appointed by the
16 Governor;

17 (11) Four (4) members appointed to staggered eight (8) year terms
18 by the Governor, two of whom shall be representatives of institutions of
19 higher learning and two of whom shall be representatives of the private
20 sector; and

21 (12) One (1) member to be appointed by the Governor who shall
22 represent general education and who shall be a superintendent of a public
23 school or the director of an educational cooperative.

24 (d) The chairman of the board shall be appointed by the Governor.

25 (e) The Board may, by vote of the total membership of the board at its
26 first regularly scheduled meeting of each calendar year, authorize expense
27 reimbursements for the board members, other than legislators, for performing
28 official board duties and such reimbursement shall not exceed the rate
29 established for state employees by state travel regulations. Legislator
30 members shall receive per diem, milage, and expense reimbursement at the same
31 rate as that prescribed for legislators for attending meetings of joint
32 interim committees of the General Assembly.

33 (f) Appropriate state agencies, including but not limited to the
34 Department of Computer Services, the Arkansas Science and Technology
35 Authority, and public colleges and universities in the State of Arkansas,

1 shall be available to assist the Governor's Telecommunications and Information
2 Technology Advisory Board on advanced communications and information
3 technology matters as may be requested by the Advisory Board.

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5 SECTION 9. (a) For the purposes of this act, the Advisory Board shall
6 have the authority to set policies by regulation, review applications, and
7 recommend projects to the Governor for consideration for award of grant or
8 loan funds from available public, private or foundation sources.

9 (b) Prior to adopting regulations the Advisory Board shall solicit the
10 advice of the Joint Committee on Advanced Communications and Information
11 Technology.

12 (c) The Advisory Board may adopt regulations relating to the
13 administration of grant or loan funds. Thereafter the Advisory Board shall
14 prepare and submit annually to the Governor and the General Assembly a report
15 detailing its activities and operations for the prior year, to include but not
16 be limited to information as to the number of applications received, the
17 identities of the applicants, the identities of those applicants awarded
18 funding, and the respective award amounts.

19 (d) The Advisory Board shall have the authority to appoint a Technical
20 Advisory Committee, not to exceed nine (9) members, comprised of public and
21 private sector experts on telecommunications and information technology and
22 such other advisory committees as may be necessary to promote the effective
23 and efficient use of telecommunications technology to benefit all the citizens
24 of Arkansas. The chairman of the Advisory Board shall appoint the chairmen of
25 all advisory committees.

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27 SECTION 10. The "Telecommunications and Information Technology Fund" is
28 created and established on the books of the Treasurer of State, Auditor of
29 State, and Chief Fiscal Officer of the State and shall consist of gifts,
30 grants, donations, and such other funds as may be made available by law. The
31 fund shall be used for the purpose of making grants or loans pursuant to this
32 act.

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34 SECTION 11. (a) A governmental entity, public school, public post
35 secondary institution, public library, medical facility, nonprofit hospital or

1 medical facility, or other nonprofit facility desiring to obtain a grant for
2 assistance to obtain access to a statewide distance learning or telemedicine
3 network, or universal access, shall make application to the Governor's
4 Telecommunications and Information Technology Advisory Board. The application
5 shall contain:

6 (1) A statement of need; and

7 (2) A description of the proposed system for the applicant, which
8 shall include projected equipment needs, projected network or transport needs,
9 planned application, the number of persons having access to the system, and
10 all other associated needs, with an itemized cost statement for each element
11 of the proposed system.

12 (b) Any applicant receiving funds awarded by the board may use the
13 funds solely for the approved purpose of payment for installation costs,
14 equipment, recurring costs, and all other costs of establishing access to the
15 system. Any funds not used for the approved purpose must be returned to the
16 Telecommunications and Information Technology Fund.

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18 SECTION 12. (a) The Advisory Board shall cooperate with the Joint
19 Committee on Advanced Telecommunications and Information Technology; public
20 libraries; public schools and post secondary institutions of education;
21 governmental agencies of this state; legislative, administrative agencies, and
22 institutions of other states, and with the federal government and other
23 interested entities in the planning and development of access to the
24 statewide public telecommunications infrastructure linking institutions,
25 businesses, government agencies, schools, hospitals, libraries, communities,
26 and other public and private entities to the national information
27 infrastructure.

28 (b) The Advisory Board shall prepare a state strategic plan for access
29 to a public telecommunications information infrastructure by no later than
30 July 1, 1996. Such plan shall include strategies for keeping abreast of
31 advances in information technology, assuring the connectivity and
32 interoperability between the state's information system and emerging new
33 information technologies, and the replacement and upgrading of the state's
34 information system.

35 (c) The Advisory Board shall prepare a state strategic plan for

1 telecommunications applications by no later than September 1, 1996.

2 (d) The Advisory Board shall have the authority to develop and
3 periodically update the state's strategic plans for access to an information
4 infrastructure and telecommunications applications. By January 1, 1996, the
5 Advisory Board shall prepare interim draft plans for access to an information
6 infrastructure and telecommunications applications. The plan shall include a
7 study of the relationship between the Department of Computer Services and the
8 Advisory Board. The Advisory Board shall make recommendations for the future
9 role of the Arkansas Communications Study Committee, Project IMPAC, and the
10 Arkansas Public School Computer Network.

11 (e) Prior to adopting any state strategic plans for access to an
12 information infrastructure or telecommunications applications, the Advisory
13 Board shall solicit the advice of the Joint Committee on Advanced
14 Telecommunications and Information Technology.

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

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20 SECTION 14. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 15. All laws and parts of laws in conflict with this act are
27 hereby repealed.

28

29 SECTION 16. EMERGENCY. It is found and determined by the General
30 Assembly of the State of Arkansas that advanced communications and information
31 technology is having a profound impact on the fields of education and
32 medicine; that the purpose of this act is to coordinate and enhance our
33 state_s effort to utilize advanced communications and information technology;
34 and that this act is immediately necessary in order for the committees created
35 by the act to begin their work. Therefore, an emergency is hereby declared to

1 exist and this act being necessary for the immediate preservation of the
2 public peace, health and safety shall be in full force and effect from and
3 after its passage and approval.

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5

/s/Gordon et al

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APPROVED: 3-22-95

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