

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

A Bill

HOUSE BILL 2034

4 By: Representatives Von Gremp, Hudson and Kidd
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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE INFORMATION NETWORK OF ARKANSAS;
9 AND FOR OTHER PURPOSES."

Subtitle

11 "AN ACT TO ESTABLISH THE INFORMATION
12 NETWORK OF ARKANSAS."
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14

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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17 SECTION 1. This act may be cited as and shall be known as "The
18 Information Network of Arkansas Act."
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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
29 principal functions thereof or to whom the powers given by this act to I.N.A.
30 shall be 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

1 deemed to be public pursuant to the Freedom of Information Act, Arkansas Code
2 Annotated 15-19-101 et seq.

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

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

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

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

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

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

18 (1) the president of the Arkansas Science and Technology
19 Authority or the president_s designee;

20 (2) the Secretary of State or the Secretary_s designee;

21 (3) the director of the Department of Finance and Administration
22 or the director_s designee;

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

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

34 (6) one (1) member appointed by the Governor from a list of
35 three (3) names of public *library directors* submitted by the president of the

1 Arkansas Public *Library* Association. Following the initial appointment
2 hereunder, such list shall be comprised of librarians of public libraries
3 which subscribe to I.N.A. Such member shall serve a staggered three (3) year
4 term; and

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

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

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

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

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

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

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

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

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

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

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

34 (6) To explore ways of expanding a gateway system and its
35 services to citizens and businesses by providing add-on services to

1 subscribers, such as, access to other for-profit information databases,
2 electronic mail and calendaring;

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

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

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

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

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

27 (b) The network manager shall:

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

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

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

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

1 (5) update and revise on a yearly basis the business plan of
2 I.N.A., in consultation with and under the direction of I.N.A.; and

3 (6) submit to I.N.A. quarterly financial reports, an annual
4 audit, an annual report, and any other information requested by the board.

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

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

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

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

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

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/s/Rep. von Grep, et al

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As Engrossed: 3/20/95

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