

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

A Bill

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."
13
14

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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24

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*
29 *public interest to provide appropriate means for the continued development*
30 *and enhancement of educational opportunities, medical care services and*
31 *government operations throughout the state of Arkansas through the use of the*
32 *public 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*

1 *information infrastructure and will enable the state and its citizens access*
2 *to a statewide public telecommunications and information infrastructure*
3 *capable of connecting government agencies, connecting all seventy-five (75)*
4 *counties, providing Arkansas citizens access to government information, and*
5 *continuously upgrading through the addition of compatible, new technology.*
6

7 **SECTION 2.** *For the purpose of this act:*

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

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

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

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

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

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

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

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

35 (9) *"Public access" means access by the public to public*

1 information through the use of information technology.

2 (10) "Public information" means any information stored, gathered
3 or generated in electronic or magnetic form by the state of Arkansas, its
4 agencies or instrumentalities, which is included within the information
5 deemed to be public pursuant to the freedom of information act and amendments
6 thereto.

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

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11 SECTION 3. Joint Standing Committee on Advanced Communications and
12 Information Technology - Membership - Cochairmen.

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

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

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

22 (2) Seven (7) members of the House of Representatives to be
23 selected by the Speaker of the House from the membership of the Joint Energy
24 Committee;

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

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

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

34 (d) The President Pro Tempore of the Senate shall designate one (1) of
35 the Senate members of the Joint Committee on Advanced Communications and

1 *Information Technology to serve as the Senate cochairman of the committee,*
2 *and the Speaker of the House of Representatives shall designate one (1) of*
3 *the House members appointed to the Joint Committee on Advanced Communications*
4 *and Information Technology to serve as the House cochairman of the committee.*
5 *The cochairmen of the Joint Committee on Advanced Communications and*
6 *Information Technology shall preside at alternate meetings of the committee*
7 *unless the cochairmen shall agree otherwise.*

8

9 *SECTION 4. Duties of joint standing committee.*

10 *Bills pertaining to advanced communications and information technology,*
11 *telemedicine, distance learning or public information access shall be*
12 *referred to the Joint Committee on Advanced Communications and Information*
13 *Technology.*

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15 *SECTION 5. Joint Committee on Advanced Communications and Information*
16 *Technology - Members - Duties.*

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

30 *(b)(1) The Joint Committee on Advanced Communications and Information*
31 *Technology shall make continuing studies concerning the development of access*
32 *to a statewide public telecommunications network for distance learning,*
33 *telemedicine and universal access for governmental entities, and other issues*
34 *concerning advanced communications and information technology, either*
35 *initiated by the committee or referred to it by either house of the General*

1 Assembly for study, in the interim between sessions of the General Assembly.
2 Interim study proposals and resolutions filed with the Legislative Council
3 under the provisions of § 10-3-214 for review and referral to the appropriate
4 germane joint interim committee of the General Assembly, relating to advanced
5 communications and information technology, shall be referred to the Joint
6 Committee on Advanced Communications and Information Technology. The
7 committee shall undertake each study referred to it by members of the General
8 Assembly or by the Legislative Council and shall submit a report of its
9 findings and recommendations in regard to each study request to the General
10 Assembly prior to the convening of the next regular session of the General
11 Assembly.

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

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

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

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1 SECTION 6. Committee - Meetings.

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

6

7 SECTION 7. Interim committee - Expenses - Staff.

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

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

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

24

25 SECTION 8. Advisory Board.

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

31 (b) The board will assist in the funding of telecommunications
32 application projects; promoting universal and public access and efforts to
33 educate users about telecommunications; and creating incentive programs for
34 agencies adopting technology that promotes economic and social development
35 and overall government efficiency and effectiveness through

1 interconnectivity.

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

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

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

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

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

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

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

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

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

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

22 (10) Two (2) members of the Senate to be appointed by the
23 Governor;

24 (11) Four (4) members appointed to staggered eight (8) year terms
25 by the Governor, two of whom shall be representatives of institutions of
26 higher learning and two of whom shall be representatives of the private
27 sector; and

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

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

32 (e) The Board may, by vote of the total membership of the board at its
33 first regularly scheduled meeting of each calendar year, authorize expense
34 reimbursements for the board members, other than legislators, for performing
35 official board duties and such reimbursement shall not exceed the rate

1 established for state employees by state travel regulations. Legislator
2 members shall receive per diem, milage, and expense reimbursement at the same
3 rate as that prescribed for legislators for attending meetings of joint
4 interim committees of the General Assembly.

5 (f) Appropriate state agencies, including but not limited to the
6 Department of Computer Services, the Arkansas Science and Technology
7 Authority, and public colleges and universities in the State of Arkansas,
8 shall be available to assist the Governor's Telecommunications and
9 Information Technology Advisory Board on advanced communications and
10 information technology matters as may be requested by the Advisory Board.

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

16 (b) Prior to adopting regulations the Advisory Board shall solicit the
17 advice of the Joint Committee on Advanced Communications and Information
18 Technology.

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

26 (d) The Advisory Board shall have the authority to appoint a Technical
27 Advisory Committee, not to exceed nine (9) members, comprised of public and
28 private sector experts on telecommunications and information technology and
29 such other advisory committees as may be necessary to promote the effective
30 and efficient use of telecommunications technology to benefit all the
31 citizens of Arkansas. The chairman of the Advisory Board shall appoint the
32 chairmen of all advisory committees.

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34 SECTION 10. The "Telecommunications and Information Technology Fund"
35 is created and established on the books of the Treasurer of State, Auditor of

1 State, and Chief Fiscal Officer of the State and shall consist of gifts,
2 grants, donations, and such other funds as may be made available by law. The
3 fund shall be used for the purpose of making grants or loans pursuant to this
4 act.

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6 SECTION 11. (a) A governmental entity, public school, public post
7 secondary institution, public library, medical facility, nonprofit hospital
8 or medical facility, or other nonprofit facility desiring to obtain a grant
9 for assistance to obtain access to a statewide distance learning or
10 telemedicine network, or universal access, shall make application to the
11 Governor's Telecommunications and Information Technology Advisory Board. The
12 application shall contain:

13 (1) A statement of need; and

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

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

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

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

1 to a public telecommunications information infrastructure by no later than
2 July 1, 1996. Such plan shall include strategies for keeping abreast of
3 advances in information technology, assuring the connectivity and
4 interoperability between the state's information system and emerging new
5 information technologies, and the replacement and upgrading of the state's
6 information system.

7 (c) The Advisory Board shall prepare a state strategic plan for
8 telecommunications applications by no later than September 1, 1996.

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

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

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

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27 SECTION 14. If any provision of this act or the application thereof to
28 any person or circumstance is held invalid, such invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the provisions of this
31 act are declared to be severable.

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

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1 SECTION 16. EMERGENCY. It is found and determined by the General
2 Assembly of the State of Arkansas that advanced communications and
3 information technology is having a profound impact on the fields of education
4 and medicine; that the purpose of this act is to coordinate and enhance our
5 state_s effort to utilize advanced communications and information technology;
6 and that this act is immediately necessary in order for the committees
7 created by the act to begin their work. Therefore, an emergency is hereby
8 declared to exist and this act being necessary for the immediate preservation
9 of the public peace, health and safety shall be in full force and effect from
10 and after its passage and approval.

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/s/Gordon et al