

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: S2/24/97 S2/25/97 H3/6/97 H3/18/97

A Bill

SENATE BILL 419

4
5 By: Senators Gordon, Todd and Boozman
6 By: Representatives Malone and Wagner

For An Act To Be Entitled

10 "AN ACT TO AMEND CERTAIN SECTIONS OF THE ARKANSAS CODE
11 ANNOTATED TO RE-ESTABLISH THE DEPARTMENT OF COMPUTER
12 SERVICES AS THE DEPARTMENT OF INFORMATION SYSTEMS; TO
13 REPEAL ARK. CODE ANN. §§ 25-26-101 THROUGH 25-26-106
14 PERTAINING TO THE GOVERNOR'S TELECOMMUNICATIONS AND
15 INFORMATION TECHNOLOGY ADVISORY BOARD; TO AMEND ARK. CODE
16 ANN. § 25-27-101 ET SEQ. PERTAINING TO THE INFORMATION
17 NETWORK OF ARKANSAS; TO REPEAL ARK. CODE ANN. § 10-3-1201
18 ET SEQ. PERTAINING TO THE ARKANSAS COMMUNICATIONS STUDY
19 COMMITTEE; TO AMEND ARK. CODE ANN. § 15-21-501 ET SEQ.
20 PERTAINING TO THE ARKANSAS STATE LAND INFORMATION BOARD;
21 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

22
23
24 "TO AMEND AND REPEAL CERTAIN SECTIONS OF
25 THE ARK. CODE PERTAINING TO INFORMATION
26 TECHNOLOGY AND RESOURCES."

27
28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

29
30 SECTION 1. Arkansas Code Annotated 25-4-101 is amended to read as
31 follows:

32 "25-4-101. Definitions Title.

33 ~~As used in this chapter, unless the context otherwise requires:~~

34 ~~(1) Department means the Department of Computer Services, as established~~
35 ~~in § 25-4-103;~~

36 ~~(2) Director means the Director of the Department of Computer Services;~~

1 ~~— (3) Data processing means data collecting procedures and programming~~
2 ~~including planning and implementation thereof and providing through automation~~
3 ~~the information systems needs of the state for management, planning, and~~
4 ~~operational purposes, together with the electronic data processing equipment~~
5 ~~including computers, central processing units, peripheral input and output~~
6 ~~devices, and other necessary support equipment used in the automated process;~~

7 ~~— (4) Telecommunications equipment means communication equipment and~~
8 ~~systems including buildings, structures, furnishings, and fixtures used~~
9 ~~directly in connection with the operation thereof including, but not limited~~
10 ~~to, radio broadcasting and receiving, telegraph, television, teletype,~~
11 ~~telephone other than services of the central telephone system, microwave~~
12 ~~transmission, and similar systems of communication, whether by voice, or by~~
13 ~~conveyance of words, signals, or images, or by electronic or electrical means;~~

14 ~~— (5) Central telephone system means the system commonly referred to as~~
15 ~~the State Centrex operated by the department pursuant to the provisions of~~
16 ~~this chapter, that provides telephone service for those agencies of government~~
17 ~~which participate in the central telephone service of the department;~~

18 ~~— (6) Chief Fiscal Officer of the State means the Director of the~~
19 ~~Department of Finance and Administration acting in his capacity as the Chief~~
20 ~~Fiscal Officer of the State;~~

21 ~~— (7) Committee means the Arkansas Communications Study Committee as~~
22 ~~established by §§ 10-3-1201 - 10-3-1205;~~

23 ~~— (8) State agencies means all state agencies, departments, boards,~~
24 ~~commissions, and institutions of higher learning, but shall not include the~~
25 ~~elected constitutional officers and their staffs, the General Assembly and its~~
26 ~~committees and staffs, or the Supreme Court and the Administrative Office of~~
27 ~~the Courts.~~

28 This chapter shall be known and cited as The Arkansas Information
29 Systems Act of 1997 ."

30

31 SECTION 2. Arkansas Code Annotated § 25-4-102 is amended to read as
32 follows:

33 "25-4-102. ~~National Migrant Student Record Transfer System exempt~~
34 Legislative findings and declaration of intent.

35 ~~— The National Migrant Student Record Transfer System in the Department of~~
36 ~~Education shall be exempt from the provisions of this chapter.~~

1 (a) The General Assembly finds and declares information and information
2 resources to be strategic assets of the State of Arkansas and that procedures
3 must be established to ensure that:

4 (1) Information resources are used in an efficient manner;

5 (2) Departmental resources are used unless an exception is
6 authorized;

7 (3) Information is administered and shared, consistent with
8 requirements for security, privacy, and confidentiality;

9 (4) Information technology acquisitions meet State needs and are
10 consistent with coordinated efforts to maximize standardization and
11 cost-effectiveness;

12 (5) State officials have timely access to information in useful
13 forms.

14 (b) The General Assembly further declares its intent to create a state
15 agency to:

16 (1) Plan and manage information technology infrastructures;

17 (2) Increase other state agency awareness of opportunities to
18 share information;

19 (3) Provide information technology services;

20 (4) Increase opportunities to exchange and share information;

21 (5) Develop state standards for information technology;

22 (6) Develop a state information technology plan.

23 (c) It is also the intent of the General Assembly that this state
24 agency achieve certain objectives that will better support information
25 technology utilization by other state agencies. These objectives are to:

26 (1) Establish a state plan for an information technology
27 infrastructure;

28 (2) Implement increased capabilities for communication and
29 exchange of information;

30 (3) Establish standards for information technology;

31 (4) Develop mechanisms for more timely acquisition of information
32 technology;

33 (5) Establish policies and procedures that maximize the return on
34 investment of information technology expenditures.

35 (d)(1) The General Assembly further finds and determines that
36 information technology services are readily available in the private sector;

1 that the public interest would be well-served by competition for the provision
2 of such services to the State; that public-private partnerships or joint
3 ventures for the provision of such services may be appropriate in certain
4 instances; and that emphasis should be given to encouraging and enabling
5 competition among suppliers of such services wherever possible in the
6 administration of this act.

7 (2) The department shall consider in the development of the department
8 plan and the Joint Committee on Advanced Communication and department steering
9 committees shall emphasize in their recommendations and policies the
10 availability in the private sector of information technology resources upon a
11 competitive bid basis, with a view to assuring the State of the highest
12 reasonable quality of resources at the lowest reasonable cost."

13

14

15 SECTION 3. Arkansas Code Annotated § 25-4-103 is amended to read as
16 follows:

17 ~~"25-4-103. Creation — Director — Organization — Personnel Definitions.~~

18 ~~—— (a) There is established within the executive department of government~~
19 ~~a Department of Computer Services. This department shall be headed by a~~
20 ~~director to be appointed by the Governor after seeking the advice and~~
21 ~~recommendations of the committee.~~

22 ~~—— (b)(1) The person appointed by the Governor as director shall be subject~~
23 ~~to confirmation by the Senate in the manner provided by law.~~

24 ~~—— (2) The director shall serve at the pleasure of the Governor.~~

25 ~~—— (3) The director shall be a person who, by education and training, has~~
26 ~~technical knowledge and management experience in the operation of data~~
27 ~~processing equipment and systems.~~

28 ~~—— (4) The director shall qualify by filing the oath of office required in~~
29 ~~the Constitution of this state with the Secretary of State.~~

30 ~~—— (c) The director, with the approval of the Governor, may establish any~~
31 ~~divisions and organizational structure for the operation of the department~~
32 ~~which he deems necessary and appropriate for the efficient performance of the~~
33 ~~duties imposed under the provisions of this chapter, provided that the~~
34 ~~organizational structure of the department shall conform to the positions~~
35 ~~authorized, and limitations that may be provided therefor, in the biennial~~
36 ~~appropriation of the department.~~

1 ~~— (d) The director shall appoint all division heads within the department,~~
2 ~~subject to the approval of the Governor. The division heads shall serve at the~~
3 ~~pleasure of the director. All other employees of the department shall be~~
4 ~~employed by and serve at the pleasure of the director.~~

5 As used in this chapter:

6 (1) Administrator means the Administrator of the Office of Information
7 Technology;

8 (2) Department means the Department of Information Systems;

9 (3) Director means the Director of the Department of Information
10 Systems;

11 (4) Information technology means any component related to information
12 processing and telecommunications, including data processing and
13 telecommunications hardware, software, services, planning, personnel,
14 facilities, and training;

15 (5) Information processing means the electronic capture, collection,
16 storage, manipulation, transmission, retrieval, and presentation of
17 information in the form of data, text, voice, or image and includes
18 telecommunications and office automation functions;

19 (6) Telecommunications means all forms of communications devices and
20 transport medium for conveyance of voice, words, data, signals, or images, by
21 electronic or electrical means;

22 (7) Network infrastructure means the shared portions of the State's
23 telecommunications transmission facilities, including all transmission lines
24 and all associated equipment and software components necessary for management
25 and control of the State network;

26 (8) Equipment means the machines, devices, and transmission facilities
27 used in information processing, including computers, word processors,
28 terminals, telephones, cables, software and related services;

29 (9) Application means a separately identifiable and interrelated set
30 of information technology resources that allows a state agency to accomplish
31 information processing to support specifically defined objectives;

32 (10) Information technology resources means the procedures, equipment,
33 and software that are designed, built, operated, and maintained to collect,
34 record, process, store, retrieve, display, and transmit information, and
35 associated personnel including consultants and contractors;

36 (11) Project means a program to apply information technology resources

1 to functions within or among elements of a state agency, that ideally is
2 characterized by well-defined parameters, specific objectives, common
3 benefits, planned activities, a scheduled completion date, and an established
4 budget with a specified source of funding;

5 (12) State agencies means all state departments, boards, commissions,
6 and institutions of higher learning, but shall not include the elected
7 constitutional officers and their staffs, the Arkansas General Assembly and
8 its committees and staffs, or the Supreme Court and the Judicial Department;

9 (13) Office means the Office of Information Technology;

10 (14) Other governmental entities means state elected constitutional
11 officers and their staffs, the Supreme Court and the Administrative Offices of
12 the Courts, the General Assembly or its committees or staffs, the Arkansas
13 Highway and Transportation Department, the Arkansas Game and Fish Commission,
14 the federal government, cities, counties, municipalities and public school
15 districts;

16 (15) 'Public instrumentality' means any statutorily created entity
17 charged with the responsibility of providing information or services through
18 the use of information technology."

19

20 SECTION 4. Arkansas Code Annotated § 25-4-104 is amended to read as
21 follows:

22 "25-4-104. ~~Powers and duties generally~~ Department of Information Systems
23 - Office of Information Technology.

24 ~~— In addition to the powers, functions, and duties of the department~~
25 ~~provided elsewhere in this chapter, the department shall:~~

26 ~~— (1) Establish and operate a central data processing system, consisting of~~
27 ~~the equipment, services, and programs which are necessary therefor, to meet~~
28 ~~the data processing needs of the respective state agencies which have data~~
29 ~~processing needs and funds therefor but do not have authority or capacity to~~
30 ~~separately provide the data processing services to meet their needs;~~

31 ~~— (2) Enter into contracts with state agencies for the purpose of providing~~
32 ~~data processing services and establish a system of uniform fees or special~~
33 ~~charges, to be paid by the state agencies served, to enable the department to~~
34 ~~defray the cost of providing the services as provided in this chapter;~~

35 ~~— (3) Establish and maintain adequate and accurate records of the cost of~~
36 ~~operating the central data processing system and establish fair and reasonable~~

- 1 ~~fee schedules to defray the cost of services rendered;~~
- 2 ~~— (4) Operate a central telephone service for state agencies, keep adequate~~
3 ~~and accurate records of the cost of providing the central telephone services,~~
4 ~~and establish fair and reasonable schedules of rates or fees, to be charged to~~
5 ~~each user state agency, which are deemed necessary to provide the services and~~
6 ~~defray the cost thereof;~~
- 7 ~~— (5) Establish and operate a technical assistance and evaluation staff to~~
8 ~~assist the department in performing its duties and to provide data processing~~
9 ~~services to state agencies in assisting them in determining the most~~
10 ~~economical and efficient means of providing data processing services;~~
- 11 ~~— (6) Establish a means of technical evaluation to promote quality in data~~
12 ~~processing, telecommunications, and telephone systems;~~
- 13 ~~— (7) Establish and maintain accurate records of technical evaluations for~~
14 ~~providing information as requested by the Governor, the Arkansas~~
15 ~~Communications Study Committee, and the General Assembly and its committees;~~
- 16 ~~— (8) Conduct advanced and current planning for meeting state agency needs~~
17 ~~for data processing services, telecommunications services, and telephone~~
18 ~~services, establish cost estimates for user agencies and the department in~~
19 ~~providing the equipment and services necessary to meet those needs, and~~
20 ~~coordinate the implementation of agency requests in such a manner as to avoid~~
21 ~~unnecessary duplication and to be consistent with the directions of the~~
22 ~~Governor concerning the role of data processing in the state's management~~
23 ~~information system;~~
- 24 ~~— (9) Provide technical assistance and training for all agencies to ensure~~
25 ~~effective coordination and usage of computer resources and other~~
26 ~~telecommunications equipment, including, but not limited to, radio, telephone,~~
27 ~~telegraph, teletype, microwave, and television;~~
- 28 ~~— (10) Enter into contracts or agreements with the federal government,~~
29 ~~cities, and counties for the purpose of providing data processing services.~~
30 ~~The department may establish a schedule of fees to be charged for those~~
31 ~~services;~~
- 32 ~~— (11) Promulgate, after seeking and obtaining the advice of the committee,~~
33 ~~any reasonable rules and regulations which are necessary to provide for the~~
34 ~~efficient operation of the Department of Computer Services and for the~~
35 ~~administration and enforcement of the powers, functions, and duties of the~~
36 ~~department as provided in this chapter. If the committee shall fail to give~~

1 ~~its written advice or opinion to the department within thirty (30) days after~~
2 ~~receiving notice of the proposed rule or regulation, the rule or regulation~~
3 ~~shall become effective; and~~

4 ~~— (12) Perform any additional powers, functions, and duties which are~~
5 ~~necessary and appropriate for the proper administration of the provisions of~~
6 ~~this chapter.~~

7 (a) There is established within the executive department of government
8 a Department of Information Systems.

9 (b)(1) The department shall be headed by a director to be appointed by
10 the Governor, subject to confirmation by the Senate in the manner provided by
11 law, and shall serve at the pleasure of the Governor.

12 (2) The director shall be a person who, by education and
13 training, has technical knowledge and management experience in information
14 technology related equipment, systems, and services.

15 (3) The director shall qualify by filing the oath of office
16 required in the Constitution of this state with the Secretary of State.

17 (c) The Department of Computer Services, created by Act 884 of 1977, is
18 abolished and its functions, powers, duties, records, personnel, property,
19 unexpended balances of appropriations, allocations, and obligations are
20 transferred by a Type 3 transfer, as defined in § 25-2-106, to the Department
21 of Information Systems.

22 (d) There is established within the Department of Information Systems
23 an Office of Information Technology. The Administrator of the Office of
24 Information Technology shall be appointed by the director of the department.

25 (e) The director shall maintain and fund the Office of Information
26 Technology separate from the services and administrative components of the
27 department.

28 (f) The director may establish other divisions and organizational
29 structure deemed necessary and appropriate for the efficient performance of
30 the duties imposed under the provisions of this chapter, provided the
31 organizational structure of the department shall conform to the positions
32 authorized, and limitations provided therefor, in the biennial appropriation
33 of the department.

34 (g) The director shall appoint such deputy and division directors, and
35 professional, technical, and clerical assistants and employees as necessary to
36 perform the duties imposed by this chapter. All employees of the department

1 shall be employed by and serve at the pleasure of the director.

2 (h) The director shall report to the Governor any matters relating to
3 abuses of this chapter.

4 (i) The director shall recommend statutory changes to the Governor."

5

6 SECTION 5. Arkansas Code Annotated § 25-4-105 is amended to read as
7 follows:

8 "25-4-105. ~~Data processing center - Contracts with state agencies~~
9 Department of Information Systems - General powers and duties.

10 ~~— (a) The department is authorized to establish and operate an electronic~~
11 ~~data processing center and, in connection therewith, to rent, purchase,~~
12 ~~install, operate, and maintain electronic data processing equipment and~~
13 ~~supplies and perform data processing services for state agencies as authorized~~
14 ~~in this chapter.~~

15 ~~— (b)(1) The department is authorized to enter into contracts or agreements~~
16 ~~with state agencies for the purpose of providing data processing services.~~

17 ~~— (2) All state agencies are authorized to utilize the services of the~~
18 ~~central electronic data processing center operated by the department.~~

19 ~~— (3) It is the specific intention of this subsection to authorize, but not~~
20 ~~to mandate, state departments and agencies which currently operate their own~~
21 ~~data processing units to enter into agreements with the department for data~~
22 ~~processing services at their option.~~

23 ~~— (4) Because of the complex technical and engineering processes carried~~
24 ~~out for the State Highway Commission by that commission's computer services,~~
25 ~~as structured to serve present and potential need, it is the further intention~~
26 ~~of this subsection to authorize the continuance of these services and to allow~~
27 ~~the State Highway Commission access to additional storage and capacity~~
28 ~~provided by the Department of Computer Services upon mutual agreement by the~~
29 ~~Director of State Highways and Transportation and the Director of the~~
30 ~~Department of Computer Services.~~

31 The Department of Information Systems shall be vested with all the
32 powers and duties necessary to administer the department and to enable it to
33 carry out fully and effectively the regulations and laws relating to the
34 department. These powers and duties relate to information technology and
35 include but are not limited to:

36 (1) Providing oversight of the Office of Information Technology;

1 (2) Providing information technology services to state agencies and
2 other governmental entities;

3 (3) Entering into contracts with state agencies and other governmental
4 entities for the purpose of providing information technology services;

5 (4) Establishing fair and reasonable schedules of rates or fees to be
6 paid by state agencies and governmental entities provided service to enable
7 the department to defray the cost of providing the services as provided in
8 this chapter;

9 (5) Establishing rates and fees for services provided by the department
10 to assure that the department is self-supporting. A billing rate plan shall
11 be developed for a two-year period to coincide with the budgeting process.
12 The same rate structure will apply to all agencies and entities receiving
13 service;

14 (6) Acquiring information technology on behalf of state agencies, the
15 cost of which shall be recovered through customer billings at established
16 rates;

17 (7) Promulgating rules and regulations that are necessary for efficient
18 administration and enforcement of the powers, functions, and duties of the
19 department as provided in this chapter;

20 (8) Developing a departmental plan to achieve the goals and objectives
21 set forth in the State Information Technology Plan. The department shall seek
22 the advice of appropriate steering committees in the development of these
23 plans;

24 (9) Performing any additional powers, functions, and duties which are
25 necessary and appropriate for the proper administration of the provisions of
26 this chapter.

27 (10) Setting policies by regulation, reviewing applications, and
28 recommending projects to the Governor for consideration for award of grant or
29 loan funds from the available sources, including the Telecommunications and
30 Information Technology Fund, for the continued development and enhancement of
31 educational opportunities, medical care services, and government operations
32 throughout the State of Arkansas through the use of the state
33 telecommunications network employing advanced communications and information
34 technology."

35

36 SECTION 6. Arkansas Code Annotated § 25-4-106 is amended to read as

1 follows:

2 "25-4-106. ~~Central telephone service~~ Report to Joint Committee -
3 Appointment of advisory board and steering committee.

4 ~~(a) The department is authorized to develop, install, maintain, and~~
5 ~~operate a central telephone service for state agencies.~~

6 ~~— (b) The department shall have power and authority to enter into~~
7 ~~agreements and contracts with public utilities for providing the central~~
8 ~~telephone service.~~

9 ~~— (c) The central telephone service operated by the department shall be~~
10 ~~made available to all state agencies which fall within economical and feasible~~
11 ~~boundaries of the central telephone service as determined by the director.~~

12 (a) The director will report periodically and annually to the Joint
13 Committee on Advanced Communications and Information Technology regarding the
14 status of information technology in state government. The director will
15 forward to the Joint Committee any statutory changes that the department may
16 recommend sufficiently in advance of the convening of the regular session of
17 the Arkansas General Assembly. The director may report on any factors that
18 are outside the scope of the department but are deemed to inhibit or to
19 promote the effective exchange and use of information in state government.

20 (b) Subject to the following provisions, the governor shall appoint the
21 Department of Information Systems Advisory Board to advise the director on
22 information technology:

23 (1) Members of the advisory board shall have knowledge and
24 experience in information technology;

25 (2) Members of the advisory board shall annually elect a chair;

26 (3) The advisory board may be convened by a majority of members,
27 by its chair, or by the director;

28 (4) Members shall not receive compensation for service to the
29 board;

30 (5) Members may receive reimbursement for actual and necessary
31 expenses reasonably incurred in performing board service, subject to
32 applicable limitations on reimbursement as provided by law.

33 (c) Subject to the following provisions, the governor shall appoint the
34 Department of Information Systems Steering Committee to provide advice to the
35 director concerning services provided by the department:

36 (1) Members of the committee shall be agency directors or their

1 designee and shall include, but not be limited to:

2 (A) Two (2) members from a list of nominees submitted by
3 the presidents and chancellors of the states public institutions, one (1) of
4 whom shall be employed by a two-year institution and one (1) of whom shall be
5 employed by a four-year institution;

6 (B) One (1) member who is employed by a state agency with
7 less than fifty (50) employees;

8 (C) One (1) member who is employed by a state agency with
9 between fifty (50) and five hundred (500) employees;

10 (D) One (1) member who is employed by a state agency with
11 over five hundred (500) employees and having a state-wide presence; and

12 (E) One (1) member who has knowledge and experience
13 regarding information technology in the states public schools.

14 (2) Members of the committee shall annually elect a chair;

15 (3) The committee may be convened by a majority of members, by
16 its chair, or by the director;

17 (4) Members shall not receive compensation for service on the
18 committee;

19 (5) Members may receive reimbursement for actual and necessary
20 expenses reasonably incurred in performing committee service, subject to
21 applicable limitations on reimbursement as provided by law.

22 (d) The director may appoint other committees as are necessary to
23 provide the department with expertise and advice concerning information
24 technology or the services provided by the department."

25

26 SECTION 7. Arkansas Code Annotated § 25-4-107 is amended to read as
27 follows:

28 ~~"25-4-107. Agency acquisition of data processing and telecommunications~~
29 ~~equipment or services - Approval required~~ Office of Information Technology -
30 General powers and duties.

31 ~~— (a) Without first making a request to the director for approval, state~~
32 ~~agencies supported in whole or in part from revenues or moneys of this state~~
33 ~~shall not:~~

34 ~~— (1) Acquire by purchase or lease any new or additional data processing or~~
35 ~~telecommunications equipment, machinery, or services; or~~

36 ~~— (2) Expand existing data processing or telecommunications machinery,~~

1 ~~equipment, or services of the state agency; or~~

2 ~~— (3) Enter into any contract for data processing or telecommunications~~
3 ~~planning or services.~~

4 ~~— (b) Because of the complex technical and engineering processes carried~~
5 ~~out for the State Highway Commission by that commission's computer services,~~
6 ~~as structured to serve present and potential need, those services shall be~~
7 ~~continued without regard to the provisions of this chapter in order to best~~
8 ~~serve the transportation needs of the state. However, the State Highway~~
9 ~~Commission shall inform the committee of all new acquisitions or expansions of~~
10 ~~computer equipment or programs undertaken by the Arkansas State Highway and~~
11 ~~Transportation Department. The State Highway Commission may request the~~
12 ~~assistance of the services of the Department of Computer Services with respect~~
13 ~~to computer expansion or services at the State Highway Commission's~~
14 ~~discretion.~~

15 The Office of Information Technology shall be vested with all the powers
16 and duties necessary to carry out regulations and laws relating to the
17 department and to oversee and administer information technology and shall:

18 (1) Assist the department in performing its duties;

19 (2) Review agencies' information technology plans and requests;

20 (3) Provide leadership in coordinating information technology;

21 (4) Advise agencies in acquiring information technology service;

22 (5) Advise agencies regarding information technology contracts and
23 agreements;

24 (6) Monitor national and international standards relating to
25 information technology;

26 (7) Develop and publish policies, procedures, and standards relating to
27 information technology and ensure agencies' compliance with those policies,
28 procedures, and standards;

29 (8) Develop standards to promote and facilitate electronic access to
30 government information and inter-operability of information systems;

31 (9) Develop a state information technology plan that shall establish a
32 state-level mission, goals, and objectives for the use of information
33 technology;

34 (10) Foster interagency use of information technologies that is
35 consistent with the established strategic direction of information technology
36 and avoids unnecessary duplication."

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SECTION 8. Arkansas Code Annotated § 25-4-108 is amended to read as follows:

~~"25-4-108. Agency acquisition of data processing and telecommunications equipment or services - Procedures Office of Information Technology - Working groups.~~

~~— (a)(1) Upon receipt of a data processing request, the director and the requesting agency shall make a study which shall include the identification of additional services or improvements in existing services to be derived from the proposed application, the relationship of the improvements or additions to the overall goals of the agency, the resources needed to provide the additional services or improvements, and any other items which may be required to ensure the availability of criteria to be used to measure the performance and accomplishments of the requested application if approved.~~

~~— (2) The Legislative Joint Auditing Committee shall assist in the development of the criteria for such evaluation and shall carry out performance evaluations of specific projects from time to time as requested by the Arkansas Communications Study Committee.~~

~~— (3) The director shall then make a study of the existing data processing services and equipment of the agency and shall determine whether they are adequate to meet the needs of the agency or whether the requested data processing systems or services, or the expansion of the systems or services, may be more economically performed through the central data processing services of the department.~~

~~— (4) If the director requires more than a maximum of thirty (30) days to complete the study, he shall report in writing to the Governor and the committee his reasons for the delay in completion.~~

~~— (b) Upon receipt of a telecommunications request, the director shall make a study of the existing telecommunications services and equipment of the agency and shall determine whether they are adequate to meet the needs of the agency, or whether the requested telecommunications equipment or services or the expansion of existing telecommunications equipment or services may be more economically obtained through the acquisition of a different type of equipment or services than that for which the request was made, or whether the telecommunications services might be more economically performed by some other state agency having telecommunications capacity and equipment.~~

1 ~~— (c) Upon conclusion of his study and evaluation with respect to each~~
2 ~~application, the director shall notify the agency in writing of his approval~~
3 ~~or rejection of the application and his reasons therefor.~~

4 ~~— (d) If the director shall reject any data processing request, it shall be~~
5 ~~unlawful for the requesting state agency to make any expenditure of public~~
6 ~~funds of the agency, whether state-appropriated funds or cash funds of the~~
7 ~~agency, for the acquisition or expansion of data processing equipment or~~
8 ~~services, or telecommunications equipment or services, contrary to the~~
9 ~~findings of the director, except as provided in § 25-4-115.~~

10 ~~— (e) If the director shall determine that the agency needs new,~~
11 ~~additional, or expanded data processing or telecommunications equipment or~~
12 ~~services, he may:~~

13 ~~— (1) Authorize the agency to acquire the requested equipment or services;~~
14 ~~or~~

15 ~~— (2) Modify the request; or~~

16 ~~— (3) Notify the agency of the availability of central data processing~~
17 ~~facilities of the department to provide the requested data processing~~
18 ~~services; or~~

19 ~~— (4) Recommend that the services be provided through the data processing~~
20 ~~or telecommunications facilities of some other designated state agency.~~

21 ~~— (f) All state agencies shall strictly comply with the provisions of the~~
22 ~~Arkansas Purchasing Law, § 19-11-201 et seq., and applicable provisions of the~~
23 ~~General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., in the~~
24 ~~acquisition, purchase, contracting for the purchase of, and leasing of data~~
25 ~~processing and telecommunications equipment, machinery, systems, and services.~~

26 The director shall appoint working groups as necessary to provide the
27 office with expertise and advice on information technology.

28 (1) Members shall have knowledge and experience in information
29 technology;

30 (2) Members shall annually elect a chair;

31 (3) A working group may be convened by a majority of members, by its
32 chair, or by the administrator;

33 (4) Members shall not receive compensation for service to the working
34 groups;

35 (5) Members may receive reimbursement for actual and necessary expenses
36 reasonably incurred in performing board service, subject to applicable

1 limitations on reimbursement as provided by law."

2

3 SECTION 9. Arkansas Code Annotated § 25-4-109 is amended to read as
4 follows:

5 "25-4-109. ~~Agency acquisition of data processing and telecommunications~~
6 ~~equipment or services - Exemptions from procedure~~ Information technology
7 centers.

8 ~~----- (a)(1) Requests for acquisition by the state-supported institutions of~~
9 ~~higher education, either by lease or purchase, of data processing equipment or~~
10 ~~services with a purchase price of less than fifty thousand dollars (\$50,000)~~
11 ~~are exempt from the procedures established in this section. Equipment used~~
12 ~~solely for research or for instruction as self-contained units in laboratory~~
13 ~~settings shall be excluded from review. Further, equipment used primarily for~~
14 ~~research or for instruction as self-contained units in laboratory settings may~~
15 ~~be excluded upon determination by the Department of Computer Services. These~~
16 ~~other acquisitions shall be governed by the procedure established in~~
17 ~~AA 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211 - 6-61-216, 6-61-301 -~~
18 ~~6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 - 6-61-524,~~
19 ~~6-61-601 - 6-61-612, and 6-61-701 - 6-61-706 for review by the Department of~~
20 ~~Higher Education.~~

21 ~~----- (2) The Director of the Department of Higher Education may request the~~
22 ~~necessary technical assistance for adequate evaluation from the Department of~~
23 ~~Computer Services. Assistance shall be provided by the Department of Computer~~
24 ~~Services free of charge within a reasonable period. The Department of Higher~~
25 ~~Education or the acquiring institution shall reimburse the Department of~~
26 ~~Computer Services for any actual expenses incurred when providing requested~~
27 ~~technical assistance.~~

28 ~~----- (b)(1) Requests for acquisition by a state-supported postsecondary~~
29 ~~vocational-technical school, either by lease or purchase, of data processing~~
30 ~~equipment or services for instructional purposes with a purchase price of less~~
31 ~~than fifty thousand dollars (\$50,000) are exempt from the procedures~~
32 ~~established in this chapter. Those acquisitions shall be governed by the~~
33 ~~policies and procedures established by the State Board of Vocational~~
34 ~~Education. This dollar amount may be increased, if necessary, with approval of~~
35 ~~the Arkansas Communications Study Committee established by AA 10-3-1201 -~~
36 ~~10-3-1205.~~

1 ~~— (2) The Director of Vocational and Technical Education of the Department~~
2 ~~of Education may request the necessary technical assistance for adequate~~
3 ~~evaluation from the Department of Computer Services. Assistance shall be~~
4 ~~provided by the Department of Computer Services free of charge within a~~
5 ~~reasonable period. The Vocational and Technical Education Division of the~~
6 ~~Department of Education or the acquiring institution shall reimburse the~~
7 ~~Department of Computer Services for any actual expenses incurred when~~
8 ~~providing requested technical assistance.~~

9 (a) The department is authorized to establish, maintain, and operate
10 information technology centers and, in connection therewith, to rent,
11 purchase, install, operate, and maintain information technology for state
12 agencies as authorized in this chapter.

13 (b) The department is authorized to enter into contracts or agreements
14 with state agencies for the purpose of providing information technology.

15 (c) State agencies are authorized to enter into any contracts with the
16 department or its successor which may be necessary or desirable to effectuate
17 the purposes and policies of this chapter or for maximum utilization of
18 facilities and services which are the subject of this chapter.

19 (d) Agencies shall use the state telecommunications network
20 infrastructure.

21 (e) The department is authorized to enter into agreements and contracts
22 with public utilities for telecommunications service.

23 (f) The information technology centers operated by the department shall
24 be made available to all state agencies which fall within economical and
25 feasible boundaries."

26

27 SECTION 10. Arkansas Code Annotated § 25-4-110 is amended to read as
28 follows:

29 "25-4-110. ~~Acquisition of data processing and telecommunications~~
30 ~~equipment or services by constitutional officers, General Assembly, or~~
31 ~~Administrative Office of the Courts~~ Information technology - Planning.

32 ~~— (a) The elected constitutional officers and their staffs, the Supreme~~
33 ~~Court and the Administrative Office of the Courts, and the General Assembly or~~
34 ~~its committees or staffs shall be authorized to enter into contracts with the~~
35 ~~Department of Computer Services for purchase of data processing services,~~
36 ~~telecommunications services, or central telephone services.~~

1 ~~— (b)(1) A written statement of any proposed acquisition or expansion shall~~
2 ~~be filed with the committee if any of the elected constitutional officers and~~
3 ~~their staffs, or the Supreme Court and the Administrative Office of the~~
4 ~~Courts, shall desire:~~

5 ~~— (A) To acquire, by purchase or lease, data processing equipment or~~
6 ~~machinery or telecommunications equipment or facilities; or~~

7 ~~— (B) To purchase or lease new or additional data processing machinery or~~
8 ~~telecommunications equipment or facilities; or~~

9 ~~— (C) To expand existing data processing machinery or telecommunications~~
10 ~~equipment or facilities of their respective offices and departments; or~~

11 ~~— (D) To enter into any contract for data processing planning or~~
12 ~~services.~~

13 ~~— (2) Before entering into any purchase agreement, lease, or contract, the~~
14 ~~elected constitutional officer, the General Assembly or its committees or~~
15 ~~staffs, or the Supreme Court or the Administrative Office of the Courts or~~
16 ~~their staffs shall have first obtained in writing the advice of the committee~~
17 ~~with respect thereto. However, if the committee shall fail to give its written~~
18 ~~advice or opinion within thirty (30) days after receiving notice of the~~
19 ~~proposed purchase agreement, lease, or contract, the acquisition or expansion~~
20 ~~may be made without the advice of the committee.~~

21 (a) The Office of Information Technology shall develop the state
22 information technology plan.

23 (1) The administrator shall prepare the draft state information
24 technology plan and periodic updates for the director and shall seek the
25 advice of the working groups; and

26 (2) Before the director submits the plan to the Governor, he
27 shall seek the advice of the steering committee and the Joint Committee on
28 Advanced Communications and Information Technology.

29 (b) The Office of Information Technology shall develop information
30 technology standards.

31 (1) The administrator shall prepare the draft standards and
32 periodic updates for the director and shall seek the advice of the working
33 groups; and

34 (2) Before the director submits the state standards to the
35 Governor, he shall seek the advice of the steering committee and the advisory
36 board.

1 (c) Each agency shall develop a biennial information technology plan
2 that establishes agency goals and objectives regarding the development and use
3 of information technology. Plans may be updated by agencies in a timely
4 manner to remain current and must accommodate changes in the evolving state
5 information technology plan and standards.

6 (d) The administrator shall seek the advice of the working groups
7 before distributing criteria, elements, form, and format for agency plans.
8 Plans may include, but not be limited to, the following:

9 (1) A statement of the agency's mission, goals, and objectives
10 for information technology;

11 (2) Goals and objectives for achieving electronic access to
12 agency records, information, and services;

13 (3) Consideration of a variety of information technologies,
14 including those that help transcend geographic locations, standard business
15 hours, economic conditions of users, and disabilities;

16 (4) Compliance with Arkansas Freedom of Information Act,
17 § 25-19-101 et seq.;

18 (5) An explanation of how the agency's mission, goals, and
19 objectives for information technology support and conform to the state
20 information technology plan developed by the Office of Information Technology;

21 (6) An implementation strategy to include:

22 (i) Annual implementation objectives of the plan;

23 (ii) Methods to educate both state employees and the public
24 in the effective use of access technologies;

25 (iii) Agency activities to increase electronic access to
26 public records and information to be implemented within available resources
27 and existing agency planning processes;

28 (7) Projects and resources required to meet the objectives of the
29 plan;

30 (8) Estimated schedules and funding required to implement
31 identified projects;

32 (9) An evaluation of the agency's performance relating to
33 information technology;

34 (10) An assessment of progress made toward implementing the
35 agency information technology plan;

36 (11) A discussion of progress toward electronic access to public

1 information and enabling citizens to have two-way interaction for obtaining
2 information and services from agencies; and

3 (12) An inventory of agency information technology.

4 (e) Plans developed or updated shall be submitted to the Office of
5 Information Technology. The office may reject, require modification to, or
6 approve plans as deemed appropriate. Plans shall be modified by the agency as
7 necessary.

8 (f) Plans developed or updated by public instrumentalities shall be
9 submitted for review to the Joint Committee on Advanced Communications and
10 Information Technology of the Arkansas General Assembly. The committee may
11 seek the assistance of the Office of Information Technology in conducting this
12 review. Plans shall be modified by the public instrumentality as necessary."

13

14 SECTION 11. Arkansas Code Annotated § 25-4-111 is amended to read as
15 follows:

16 "25-4-111. ~~Contracts and agreements for computer services generally~~
17 Information technology - Prerequisites.

18 ~~—— (a) In the operation of the central electronic data processing center~~
19 ~~as provided in this chapter, the director and state agencies may enter into~~
20 ~~contracts and agreements for the providing of data processing services by the~~
21 ~~department, and the agreements shall establish the charges to be paid by the~~
22 ~~state agencies for the services rendered.~~

23 ~~—— (b)(1) In the event the state agency and the department are unable to~~
24 ~~agree upon a fair and reasonable price for the services to be rendered, the~~
25 ~~state agency may solicit proposals from private computer service companies for~~
26 ~~the providing of the data processing services required by the state agency and~~
27 ~~a system of charges that would be made for the services by the private vendor~~
28 ~~of the services.~~

29 ~~—— (2) Upon receipt of such proposals, in writing, the state agency shall~~
30 ~~submit the proposals to the director for review, together with a statement of~~
31 ~~the type and extent of computer services to be furnished by the private~~
32 ~~vendor, the capacity and ability of the private vendor to efficiently provide~~
33 ~~the requested services, and the estimated cost thereof.~~

34 ~~—— (3) The director may make any studies and reviews of the proposals,~~
35 ~~including the cost thereof, as he may deem appropriate and, within a~~
36 ~~reasonable time, shall notify the state agency, in writing, of his approval or~~

1 ~~rejection thereof.~~

2 ~~— (4) If the director shall reject the agency's request to purchase~~
3 ~~computer services through a private computer services company, it shall be~~
4 ~~unlawful for the state agency to enter into any contract or agreement with a~~
5 ~~private computer services vendor or to expend any public funds therefor,~~
6 ~~except as provided in § 25-4-115.~~

7 ~~— (c)(1) Each contract entered into by the department and a state agency~~
8 ~~for computer services, in addition to establishing the amount and nature of~~
9 ~~the services to be rendered and the schedule of fees to be paid therefor,~~
10 ~~shall include any penalty provisions which may be mutually agreed upon by the~~
11 ~~director and the state agency.~~

12 ~~— (2) In establishing penalties for failure of the department to provide~~
13 ~~computer services in accordance with the time limits or other provisions set~~
14 ~~forth in the penalty provision agreement of the contract, the penalties shall~~
15 ~~be deducted from the system of charges billed to the agency for the services~~
16 ~~rendered. Penalties charged to the state agency shall be added to the regular~~
17 ~~schedule of fees for the services.~~

18 ~~— (3) The establishment of a system of penalties for failure of the~~
19 ~~department to perform or render the computer services contracted for by state~~
20 ~~agencies is intended by the General Assembly to afford state agencies a degree~~
21 ~~of flexibility in the acquisition of computer services and to assure~~
22 ~~performance by the department of the services contracted for by the state~~
23 ~~agencies, in accordance with the terms of the agreement, and to assure~~
24 ~~compliance with the contract or agreement by the state agency.~~

25 (a) Unless the agency first receives approval for a plan or an updated
26 plan as provided for under § 25-4-110, no state agency shall:

27 (1) Acquire by purchase or lease any new or additional
28 information technology; or

29 (2) Enter into any contract for information technology.

30 (b) If an agency desires to acquire information technology not part of
31 an information technology plan approved under § 25-4-110, the requesting
32 agency shall submit a waiver request to the office that includes:

33 (1) Identification of necessary additional services or
34 improvements in information technology;

35 (2) Relationship of the information technology improvements or
36 additions to the overall goals of the agency;

1 (3) Resources needed to provide the additional services or
2 improvements; and

3 (4) Measurement and evaluation criteria.

4 (c)(1) Upon evaluation of the waiver request, the administrator shall
5 notify the agency in writing of his approval or rejection of the request and
6 his reasons therefor.

7 (2) The administrator shall make his evaluation in a timely
8 manner. If the administrator requires more than thirty (30) days to complete
9 the evaluation, he shall report in writing to the director his reasons for the
10 delay in completion.

11 (3) If the administrator rejects a request for a waiver, no state
12 agency shall make any expenditure of public funds for the acquisition or
13 expansion of information technology equipment or services, except as provided
14 in § 25-4-118.

15 (4) If the administrator determines that the agency needs
16 additional information technology resources, he may:

17 (i) Authorize the agency to acquire the requested
18 information technology; or

19 (ii) Authorize acquisition of a modified information
20 technology configuration; or

21 (iii) Notify the agency of the availability of department
22 facilities to provide the requested information technology; or

23 (iv) Recommend that the information technology be provided
24 through the facilities of some other designated state agency.

25 (d) All state agencies shall comply with the provisions of the Arkansas
26 Purchasing Law, § 19-11-201 et seq., and applicable provisions of the General
27 Accounting and Budgetary Procedures Law, § 19-4-101 et seq., in the
28 acquisition, purchase, contracting for the purchase of, and leasing of
29 information technology."

30

31 SECTION 12. Arkansas Code Annotated § 25-4-112 is amended to read as
32 follows:

33 "25-4-112. ~~Professional services contracts between department and~~
34 ~~outside vendors~~ Application to educational institutions.

35 ~~(a) In the event that, due to unforeseen circumstances, the department~~
36 ~~cannot, without adversely affecting services to user state agencies, provide~~

1 ~~sufficient development man-hours to design and implement or make major~~
2 ~~modifications to required data processing applications, the director is~~
3 ~~authorized to enter into professional services contracts with outside vendors~~
4 ~~for those services.~~

5 ~~— (b)(1) Moneys appropriated for the maintenance and operation of the~~
6 ~~department may be utilized for that purpose. In addition, the department may~~
7 ~~utilize moneys appropriated for payment of regular salaries of the department~~
8 ~~for the purchase of professional services, upon application and approval~~
9 ~~thereof by the Chief Fiscal Officer of the State.~~

10 ~~— (2) However, before approving the use of moneys appropriated for payment~~
11 ~~of regular salaries of the department for obtaining professional services, the~~
12 ~~Chief Fiscal Officer of the State shall determine that resignations, vacancies~~
13 ~~in positions, or the inability to employ persons with technical skills to~~
14 ~~provide the services has necessitated that action. In addition, the Chief~~
15 ~~Fiscal Officer of the State shall obtain the advice of the Legislative Council~~
16 ~~before approving any transfer of regular salary appropriations to the~~
17 ~~maintenance and operation appropriation of the agency to be used for payment~~
18 ~~of professional services.~~

19 (a)(1) In the case of state-supported institutions of higher education
20 and state-supported postsecondary vocational-technical schools, the provisions
21 of this chapter shall apply to business and administrative applications of
22 information technology but do not apply to academic and research applications.

23 (2) On-campus telecommunications systems shall also be exempt
24 from the provisions of this chapter except where they are connected to the
25 state telecommunications network infrastructure.

26 (3) On-campus telecommunications systems shall be defined as
27 those bounded by the outer perimeter of contiguous campus property.

28 (b) A state-supported institution of higher education, a post-secondary
29 vocational-technical school, or a public school district may request technical
30 assistance regarding information technology from the Office of Information
31 Technology. Assistance shall be provided by the office free of charge within
32 a reasonable period. The requesting institution shall reimburse the Office of
33 Information Technology for any actual expenses incurred while providing
34 requested technical assistance."

35

36 SECTION 13. Arkansas Code Annotated § 25-4-113 is amended to read as

1 follows:

2 "25-4-113. ~~Payment for services~~ Acquisition of information technology by
3 constitutional officers, General Assembly, or Judicial Department.

4 ~~— (a) Before a state agency enters into an agreement with the department~~
5 ~~for purchase of data processing services, a study of the requesting state~~
6 ~~agency's appropriation and funds available shall be made to determine if the~~
7 ~~appropriations or available funds are adequate for purchasing data processing~~
8 ~~services from the department.~~

9 ~~— (b)(1) If the state agency's line item appropriation for purchase of data~~
10 ~~processing services is inadequate and if there are contemplated savings in the~~
11 ~~funds appropriated for the maintenance and operation of the requesting agency~~
12 ~~which could be utilized for purchase of data processing services without~~
13 ~~jeopardizing other essential programs and services of the state agency, then~~
14 ~~the savings which may be required for the purchase of computer services may be~~
15 ~~transferred, upon written approval of the amount thereof by the Chief Fiscal~~
16 ~~Officer of the State, from the maintenance and operation appropriation of the~~
17 ~~agency to the agency appropriation for the purchase of data processing~~
18 ~~services on the books of the Auditor of the State and the Chief Fiscal Officer~~
19 ~~of the State.~~

20 ~~— (2) However, before approving any transfers of moneys appropriated for~~
21 ~~maintenance and operation of a state agency to the line-item appropriation for~~
22 ~~purchase of data processing services of that state agency, the Chief Fiscal~~
23 ~~Officer of the State shall obtain the advice of the Legislative Council with~~
24 ~~respect thereto.~~

25 ~~— (3) The transfers authorized in this chapter shall be made from time to~~
26 ~~time within the amounts authorized in the procedures set forth in this~~
27 ~~chapter, upon payment for those services purchased from the Department of~~
28 ~~Computer Services.~~

29 (a) The Arkansas Highway and Transportation Department, the Arkansas
30 Game and Fish Commission, the elected constitutional officers and their
31 staffs, the Supreme Court and the Administrative Office of the Courts, and the
32 General Assembly or its committees or staffs shall be authorized to enter into
33 contracts with the department for information technology.

34 (b) A written statement of any proposed acquisition or expansion above
35 one hundred thousand dollars (\$100,000) shall be filed with the Joint
36 Committee on Advanced Communications and Information Technology if the

1 Arkansas Highway and Transportation Department, the Arkansas Game and Fish
2 Commission, or the elected constitutional officers and their staffs, or the
3 Supreme Court and the Administrative Office of the Courts, shall desire:

4 (1) To acquire, by purchase or lease, information technology; or

5 (2) To enter into any contract for information technology."

6

7 SECTION 14. Arkansas Code Annotated § 25-4-114 is amended to read as
8 follows:

9 "25-4-114. ~~Cessation of services to nonpaying users~~ Contracts and
10 agreements for information technology.

11 ~~— The department is authorized to discontinue data processing or central~~
12 ~~telephone service to users who do not make a timely remittance of payment for~~
13 ~~services rendered, and the department is specifically prohibited from~~
14 ~~providing services to state agencies lacking funds or sufficient~~
15 ~~appropriations to pay for the services.~~

16 (a)(1) In the event a state agency and the department are unable to
17 agree upon a fair and reasonable price for the services to be rendered through
18 the department, the state agency may solicit proposals for information
19 technology required by the state.

20 (2) Upon receipt of such proposals, in writing, the state agency
21 shall submit the proposals to the administrator of the Office of Information
22 Technology for review.

23 (3) The administrator may make any studies and reviews of the
24 proposals, including the cost thereof, as he may deem appropriate and, within
25 a reasonable time, shall notify the state agency, in writing, of approval or
26 rejection and reasons therefor.

27 (4) If the administrator rejects the agency's request to purchase
28 information technology, it shall be unlawful for the state agency to enter
29 into any contract or agreement or to expend any state funds therefor, except
30 as provided in § 25-4-118.

31 (b) Each contract entered into by the department and a state agency for
32 services, in addition to establishing the amount and nature of the services to
33 be rendered and the schedule of fees to be paid therefor, shall include any
34 penalty provisions which may be mutually agreed upon by the department and the
35 state agency.

36 (1) In establishing penalties for failure of the department to

1 provide services in accordance with the time limits or other provisions set
2 forth in the penalty provision agreement of the contract, the penalties shall
3 be deducted from the system of charges billed to the agency for the services
4 rendered. Penalties charged to the state agency shall be added to the regular
5 schedule of fees for the services.

6 (2) The establishment of a system of penalties for failure of the
7 department to perform or render the services contracted for by state agencies
8 is intended by the General Assembly to afford state agencies a degree of
9 flexibility in the acquisition of services and to assure performance by the
10 department of the services contracted for by the state agencies, in accordance
11 with the terms of the agreement, and to assure compliance with the contract or
12 agreement by the state agency.

13 (c) Contracts for the provision of information technology are
14 inter-agency agreements, and are exempt from the provisions of § 19-11-201 et
15 seq. and § 19-4-101 et seq., nor are they required to be submitted to the
16 Arkansas Legislative Council for advice."

17

18 SECTION 15. Arkansas Code Annotated § 25-4-115 is amended to read as
19 follows:

20 "~~25-4-115. Appeal — Review by Governor — Review by Arkansas~~
21 ~~Communications Study Committee~~ Professional services contracts between the
22 department and outside vendors.

23 ~~—— (a) With respect to any finding, ruling, or determination that the~~
24 ~~director is authorized to make under the provisions of this chapter, any state~~
25 ~~agency aggrieved by any decision of the director, or undue delay by the~~
26 ~~director in reviewing applications under the provisions of this chapter, may~~
27 ~~appeal therefrom in writing to the Governor within twenty (20) days after~~
28 ~~receiving written notice of the director's action. The agency shall furnish a~~
29 ~~copy of the appeal, including a statement of the reasons for the appeal, to~~
30 ~~the committee.~~

31 ~~—— (b) Within a reasonable time, the Governor shall make any individual~~
32 ~~evaluation and study with respect to an appeal which he deems appropriate and,~~
33 ~~in connection therewith, may enlist the cooperation or technical assistance of~~
34 ~~other state agencies, departments, or institutions.~~

35 ~~—— (c) After receiving the written advice of the committee, the Governor~~
36 ~~shall issue his ruling with respect thereto. The ruling of the Governor may~~

1 be:

2 ~~— (1) To uphold the decision of the director;~~

3 ~~— (2) To reject the decision of the director and approve the action sought~~
4 ~~by the state agency; or~~

5 ~~— (3) To modify the decision of the director in any manner which the~~
6 ~~Governor deems appropriate.~~

7 ~~— (d)(1) Before issuing his ruling with respect to any appeal filed with~~
8 ~~him under the provisions of this chapter, the Governor shall seek the written~~
9 ~~advice and recommendations of the committee. However, if the committee shall~~
10 ~~fail to give its written advice or opinion to the Governor within thirty (30)~~
11 ~~days after receiving notice of the appeal, the Governor may proceed to rule on~~
12 ~~the matter without the advice of the committee.~~

13 ~~— (2) The review by the committee is intended to be advisory to the~~
14 ~~Governor, with ultimate responsibility for the decision to rest with the~~
15 ~~Governor.~~

16 ~~— (3) However, if the committee is of the opinion that the decision reached~~
17 ~~by the Governor should be modified at the next session of the General~~
18 ~~Assembly, the committee shall make any recommendations to the General Assembly~~
19 ~~which it may deem appropriate for any laws or amendments to existing laws~~
20 ~~which may be necessary.~~

21 (a) In the event that, due to unforeseen circumstances, the department
22 cannot provide sufficient information technology support to state agencies,
23 the director is authorized to enter into professional services contracts for
24 the necessary information technology support. The department may also
25 consolidate information technology needs to satisfy agency requests.

26 (b)(1) Moneys appropriated for the maintenance and operation of the
27 department may be utilized for such purposes. In addition, the department may
28 utilize moneys appropriated for payment of regular salaries of the department
29 for the purchase of professional services upon approval thereof by the Chief
30 Fiscal Officer of the State.

31 (2) Provided, however, that before approving the use of moneys
32 appropriated for payment of regular salaries of the department for obtaining
33 professional services, the Chief Fiscal Officer of the State shall determine
34 that resignations, vacancies in positions, or the inability to employ persons
35 with technical skills to provide the services has necessitated that action.

36 In addition, the Chief Fiscal Officer of the State shall obtain the advice of

1 the Legislative Council before approving any transfer of regular salary
2 appropriations to the maintenance and operation appropriation of the agency to
3 be used for payment of professional services."
4

5 SECTION 16. Arkansas Code Annotated § 25-4-116 is amended to read as
6 follows:

7 "25-4-116. ~~Budget procedures~~ Payment for information technology.

8 ~~—— (a)(1) Prior to the commencement of budget hearings conducted by the~~
9 ~~Legislative Council, the director shall prepare an operating budget indicating~~
10 ~~the amount of money which will be required to operate the department each year~~
11 ~~of the succeeding biennium.~~

12 ~~—— (2) The director shall also provide cost information to each user of~~
13 ~~computer services, and users who require new or expanded applications shall be~~
14 ~~provided cost estimates of the new or expanded data processing applications~~
15 ~~for inclusion in their budget requests.~~

16 ~~—— (b)(1) When the General Assembly has completed the appropriation process,~~
17 ~~the director shall oversee budgetary planning for the department for each~~
18 ~~fiscal year of the biennium and shall assure that planned expenditures for~~
19 ~~services to state users can be met from funds appropriated by the General~~
20 ~~Assembly to the various user agencies.~~

21 ~~—— (2) The proposed annual operating budget shall be submitted to the~~
22 ~~Governor for his approval prior to the beginning of each fiscal year.~~

23 ~~—— (3) During the course of the biennium, the director shall make certain~~
24 ~~that the expenditures of the department do not exceed the estimated income to~~
25 ~~be received by the department for its support for the current fiscal year.~~

26 ~~—— (4) If the director determines that rates charged to user agencies should~~
27 ~~be increased to meet the required expenditure level, he shall submit such~~
28 ~~proposed rate changes to the Governor for approval before any changes shall be~~
29 ~~effected.~~

30 ~~—— (c) The quarterly allotment procedures applicable to state agencies, as~~
31 ~~defined by § 19-4-101 et seq., shall be applicable to the department.~~

32 (a) Before a state agency may enter into an agreement with the
33 department for purchase of information technology, the agency shall certify
34 that adequate appropriations and funds are available for purchasing
35 information technology from the department.

36 (b) If the state agency's line item appropriation for purchase of

1 information technology is inadequate and if there are contemplated savings in
2 the funds appropriated for the requesting agency which could be utilized for
3 purchase of information technology without jeopardizing other essential
4 programs and services of the state agency, then the savings which may be
5 required for the purchase of services may be transferred, upon written
6 approval of the amount thereof by the Chief Fiscal Officer of the State, from
7 any appropriation of the agency to the agency appropriation for the purchase
8 of information technology on the books of the Auditor of the State and the
9 Chief Fiscal Officer of the State.

10 (1) Provided, however, before approving any transfers of moneys
11 appropriated for a state agency to the line-item appropriation for purchase of
12 information technology of that state agency, the Chief Fiscal Officer of the
13 State shall obtain the advice of the Legislative Council with respect thereto.

14 (2) The transfers authorized in this chapter shall be made from
15 time to time within the amounts authorized in the procedures set forth in this
16 chapter, upon payment for information technology purchased from the
17 department."

18

19 SECTION 17. Arkansas Code Annotated § 25-4-117 is amended to read as
20 follows:

21 "~~25-4-117. Department of Computer Services Revolving Fund Cessation of~~
22 ~~services to nonpaying users.~~

23 ~~— (a) There is created and established on the books of the Treasurer of~~
24 ~~State, the Auditor of State, and the Department of Finance and Administration~~
25 ~~the Department of Computer Services Revolving Fund.~~

26 ~~— (b) The moneys credited to the Department of Computer Services Revolving~~
27 ~~Fund shall be used for personal services, maintenance, operation, and~~
28 ~~improvement of only those activities or programs of the Department of Computer~~
29 ~~Services which are responsible for providing the services from which the~~
30 ~~revenues are derived.~~

31 ~~— (c) The fund shall consist of nonrevenue receipts derived from services~~
32 ~~provided to various agencies of the federal, state, city, and county~~
33 ~~governments, and any other moneys which may be provided by law for credit to~~
34 ~~the fund. All revenues received by the Department of Computer Services for~~
35 ~~providing data processing, central telephone, or related services shall be~~
36 ~~deposited in the State Treasury as nonrevenue receipts, there to be used for~~

1 ~~the maintenance, operation, and improvement of the Department of Computer~~
2 ~~Services and its various divisions and programs.~~

3 The department is authorized to discontinue information technology
4 service to users who do not make a timely remittance of payment for services
5 rendered, and is specifically prohibited from providing services to state
6 agencies lacking funds or sufficient appropriations to pay for the services."

7

8 SECTION 18. Arkansas Code Annotated § 25-4-118 is amended to read as
9 follows:

10 "25-4-118. ~~Reserve for equipment acquisition - Loans Appeals.~~

11 ~~— (a)(1) The department is authorized to accumulate a reserve for~~
12 ~~equipment acquisition in an amount not to exceed five percent (5%) of gross~~
13 ~~billings for services per fiscal year. The reserve shall be excluded from~~
14 ~~calculation of the department's fiscal-year surplus.~~

15 ~~— (2) In addition, the department is authorized to obtain, from the State~~
16 ~~Board of Finance, loans from the Budget Stabilization Trust Fund to supplement~~
17 ~~the reserve, if the reserve is insufficient to handle the total cost of~~
18 ~~required equipment acquisitions.~~

19 ~~— (3) These loans and the reserve for equipment acquisition shall be used~~
20 ~~exclusively for major equipment acquisitions or improvements of~~
21 ~~telecommunications or data processing and related support equipment including~~
22 ~~hardware and software required in order to fulfill the service requirements~~
23 ~~for user agencies.~~

24 ~~— (4) The loans from the Budget Stabilization Trust Fund to the Computer~~
25 ~~Services Reserve Fund shall be repaid within five (5) years from revenues~~
26 ~~derived from charges to users of the services, and the annual loan repayment~~
27 ~~amount shall be computed as a part of the total yearly expenses of the~~
28 ~~department and shall be charged proportionately to users.~~

29 ~~— (b)(1) However, before the State Board of Finance shall approve any~~
30 ~~requests for loans by the department authorized in subsection (a) of this~~
31 ~~section, the requests shall be submitted to the Governor for his approval~~
32 ~~after the Governor has first obtained the advice of the committee and of the~~
33 ~~Legislative Council in regard thereto. After having obtained such advice, the~~
34 ~~Governor may in writing approve or reject the request. However, if the~~
35 ~~committee shall fail to give its written advice or opinion to the Governor~~
36 ~~within thirty (30) days after receiving notice of the request for loans, the~~

1 ~~Governor may proceed to act on the matter without the advice of the committee.~~

2 ~~— (2) The State Board of Finance shall make no loans if the approval of the~~
3 ~~Governor has not been obtained therefor.~~

4 ~~— (3) The State Board of Finance, after obtaining the approval in writing~~
5 ~~of the Governor, shall also review and may approve the loans and establish~~
6 ~~terms of repayment and a rate of interest to be paid by the Department of~~
7 ~~Computer Services Revolving Fund to the Budget Stabilization Trust Fund, which~~
8 ~~rate shall be approximately equivalent to the rate of interest the State Board~~
9 ~~of Finance is receiving on other investments at the time of approving the loan~~
10 ~~request.~~

11 (a) With respect to any finding, ruling, or determination that the
12 administrator of the Office of Information Technology is authorized to make
13 under the provisions of this chapter, any state agency aggrieved by any
14 decision of the administrator, or undue delay by the administrator in
15 reviewing agency requests or plans under the provisions of this chapter, may
16 appeal therefrom in writing to the director.

17 (b) If the director, in reviewing the appeal, decides to uphold the
18 decision of the administrator he shall offer to the agency to have the
19 Department of Information Systems steering committee review and provide advice
20 on the appeal.

21 (c) With respect to any finding, ruling, or determination that the
22 director is authorized to make under the provisions of this chapter, any state
23 agency aggrieved by any decision of the director, or undue delay by the
24 director in reviewing agency requests or plans under the provisions of this
25 chapter, may appeal therefrom in writing to the Governor within twenty (20)
26 days after receiving written notice of the director's action. The agency
27 shall simultaneously furnish a copy of the appeal, including a statement of
28 the reasons for the appeal, to the Joint Committee on Advanced Communications
29 and Information Technology and appropriate standing committees of the Arkansas
30 General Assembly.

31 (d) Within a reasonable time, the Governor shall make any individual
32 evaluation and study with respect to an appeal which he deems appropriate and,
33 in connection therewith, may enlist the cooperation or technical assistance of
34 other state agencies, departments, or institutions.

35 (e) The Governor shall issue his ruling within sixty (60) days, which
36 may be:

- 1 (1) To uphold the decision of the director;
2 (2) To reject the decision of the director and approve the action
3 sought by the state agency; or
4 (3) To modify the decision of the director in any manner which
5 the Governor deems appropriate.
6 (f) The Governor shall notify in writing the Joint Committee on
7 Advanced Communications and Information Technology and the appropriate
8 standing committees of the Arkansas General Assembly of his decision.
9 (g) The review by the committee is intended to be advisory to the
10 Governor, with ultimate responsibility for the decision to rest with the
11 Governor."

12

13 SECTION 19. Arkansas Code Annotated § 25-4-119 is amended to read as
14 follows:

15 "25-4-119. ~~Computer Services Reserve Fund Budget procedures.~~

16 ~~There shall be created and established on the books of the Treasurer of~~
17 ~~State, the Auditor of State, and the Department of Finance and Administration~~
18 ~~the Computer Services Reserve Fund into which may be transferred from the~~
19 ~~Department of Computer Services Revolving Fund an amount up to the authorized~~
20 ~~reserve for equipment acquisition as certified by the Chief Fiscal Officer of~~
21 ~~the State within thirty (30) days following the closing of each fiscal year.~~
22 ~~The fund shall also include any loans which may be received from the Budget~~
23 ~~Stabilization Trust Fund for equipment acquisition as authorized in~~
24 ~~§ 25-4-118, and any other moneys which may be provided by law.~~

25 (a)(1) Prior to the commencement of budget hearings conducted by the
26 Legislative Council, the director shall prepare an operating budget indicating
27 the amount of money which will be required to operate the department each year
28 of the succeeding biennium.

29 (2) The director shall also provide cost information to users of
30 information technology centers, and those who require new or expanded
31 information technology shall be provided cost estimates for inclusion in their
32 budget requests.

33 (b)(1) When the General Assembly has completed the appropriation
34 process, the director shall oversee budgetary planning for the department for
35 each fiscal year of the biennium and shall assure that planned information
36 technology expenditures for customers can be met from funds appropriated by

1 the General Assembly.

2 (2) The proposed annual operating budget shall be submitted to
3 the Governor for his approval prior to the beginning of each fiscal year.

4 (3) During the course of the biennium, the director shall make
5 certain that the expenditures of the department do not exceed the income to be
6 received by the department for the current fiscal year.

7 (4) If the director determines that rates charged to user
8 agencies should be increased to meet the required expenditure level, he shall
9 submit such proposed rate changes to the Governor for approval before any
10 changes shall be effected.

11 (c) The quarterly allotment procedures applicable to state agencies, as
12 defined by § 19-4-101 et seq., shall be applicable to the department.

13 (d) With the exception of the public institutions of higher learning,
14 prior to the commencement of budget hearings conducted by the Legislative
15 Council, all agencies shall submit to the administrator the information
16 technology portion of their budget. The office shall review and may comment on
17 the agency request. "

18

19 SECTION 20. Arkansas Code Annotated § 25-4-120 is amended to read as
20 follows:

21 ~~"25-4-120. Yearly computation of expenses - Disposition of surplus funds~~
22 ~~Revisions to budget, purchasing, and personnel process.~~

23 ~~— (a) Within thirty (30) days following the closing of each fiscal year,~~
24 ~~the Director of the Department of Computer Services shall compute the total~~
25 ~~yearly expenses, related to the services provided, incurred by the department~~
26 ~~and compare this figure to the amounts billed and paid by the various users of~~
27 ~~data processing, telecommunications, and the central telephone services for~~
28 ~~the fiscal year.~~

29 ~~— (b)(1) After the close of the fiscal year, any surplus of receipts over~~
30 ~~expenses less the reserve for equipment acquisition shall be credited to the~~
31 ~~various like users' accounts within the Department of Computer Services~~
32 ~~Revolving Fund on a pro rata basis so that each user shall receive a~~
33 ~~percentage of the surplus which corresponds to the user's percentage of the~~
34 ~~total billings for that type of service to all users.~~

35 ~~— (2) Alternatively, in the event that a user no longer requires the~~
36 ~~services of the department, a fund transfer in the amount of that user's share~~

1 ~~of the calculated surplus shall be made from the Department of Computer~~
2 ~~Services Revolving Fund to the user's treasury fund, upon certification of the~~
3 ~~amount thereof by the director to the Chief Fiscal Officer of the State and~~
4 ~~the Treasurer of State. In the event the user does not have a treasury fund, a~~
5 ~~warrant shall be issued by the department in payment of the user's~~
6 ~~proportionate share.~~

7 ~~— (c) The user's share of the calculated surplus shall be withheld, in the~~
8 ~~event that the user has an unpaid account balance for the preceding fiscal~~
9 ~~year, until the account balance is satisfied.~~

10 (a) Prior to June 30 of each even numbered year, the Legislative
11 Council shall conduct a review of the state budget, purchasing, and personnel
12 process used by state agencies regarding information technology. The
13 Legislative Council shall prepare recommendations for changes in the
14 information technology budget process for utilization in the development of
15 state agency budgets for the next biennial budget cycle.

16 (b) All agencies of the executive branch shall cooperate fully with the
17 Legislative Council to accomplish the purposes of this section.

18 (c) The Department of Information Systems shall make recommendations
19 regarding revisions to the state budget, purchasing, and personnel process
20 related to information technology to the Legislative Council by March 1 of
21 each even numbered year."

22

23 SECTION 21. Title 25, Chapter 4 of the Arkansas Code Annotated is
24 amended by adding the following new sections to read as follows:

25 "25-4-121. Department of Information Systems Revolving Fund.

26 (a) There is created and established on the books of the Treasurer of
27 State, the Auditor of State, and the Department of Finance and Administration
28 the Department of Information Systems Revolving Fund.

29 (b) The moneys credited to the Department of Information Systems
30 Revolving Fund shall be used for major information technology acquisitions,
31 personal services, maintenance, operation, and improvement of only those
32 activities or programs of the department which are responsible for providing
33 the services from which the revenues are derived.

34 (c) The fund shall consist of non-revenue receipts derived from
35 services provided to various agencies of the federal, state, city, and county
36 governments, and any other moneys which may be provided by law for credit to

1 the fund.

2 (d) All revenues received by the Department of Information Systems for
3 providing information technology services shall be deposited in the State
4 Treasury as non-revenue receipts, there to be used for the maintenance,
5 operation, and improvement of the department.

6 (e) All revenues received from agencies or other governmental entities
7 for information technology services provided by contracts between the
8 Department of Information Systems and outside vendors may be deposited in the
9 State Treasury as refund to expenditures.

10 25-4-122. Reserve for equipment acquisition - loans.

11 (a)(1) The department is authorized to accumulate a reserve for
12 equipment acquisition an amount not to exceed the department's depreciation
13 expense per fiscal year. The reserve shall be excluded from calculation of the
14 department's fiscal-year surplus.

15 (2) In addition, the department is authorized to obtain, from the
16 State Board of Finance, loans from the Budget Stabilization Trust Fund to
17 supplement the reserve, if the reserve is insufficient to handle the total
18 cost of required equipment acquisitions.

19 (3) These loans and the reserve for equipment acquisition shall
20 be used exclusively for major equipment acquisitions or improvements of
21 information technology required in order to fulfill the requirements for one
22 (1) or more user agencies.

23 (4) The loans from the Budget Stabilization Trust Fund to the
24 Information Technology Reserve Fund shall be repaid within five (5) years from
25 revenues derived from charges to users, and the annual loan repayment amount
26 shall be computed as a part of the total yearly expenses of the department and
27 shall be charged proportionately to users.

28 (b)(1) However, before the State Board of Finance shall approve any
29 requests for loans by the department authorized in subsection (a) of this
30 section, the requests shall be submitted to the Governor for his approval
31 after the Governor has first obtained the advice of the Legislative Council in
32 regard thereto. After having obtained such advice, the Governor may in
33 writing approve or reject the request. However, if the Legislative Council
34 shall fail to give its written advice or opinion to the Governor within thirty
35 (30) days after receiving notice of the request for loans, the Governor may
36 proceed to act on the matter without the advice of the Legislative Council.

1 (2) The State Board of Finance shall make no loans if the
2 approval of the Governor has not been obtained therefor.

3 (3) The State Board of Finance, after obtaining the approval in
4 writing of the Governor, shall also review and may approve the loans and
5 establish terms of repayment and a rate of interest to be paid by the
6 Department of Information Systems Revolving Fund to the Budget Stabilization
7 Trust Fund, which rate shall be approximately equivalent to the rate of
8 interest the State Board of Finance is receiving on other investments at the
9 time of approving the loan request.

10 25-4-123. Information Technology Reserve Fund.

11 (a) There is established on the books of the Treasurer of State,
12 Auditor of State, and Chief Fiscal Officer of the State a fund to be known as
13 the Information Technology Reserve Fund.

14 (b) This fund shall consist of those funds transferred from the
15 Department of Information Systems Revolving Fund in an amount up to the
16 authorized reserve for equipment acquisition as certified by the Chief Fiscal
17 Officer of the State within thirty (30) days following the closing of each
18 fiscal year, any loans which may be received from the Budget Stabilization
19 Trust Fund, and any other moneys which may be provided by law, there to be
20 used exclusively for major equipment acquisitions or improvements as set out
21 in § 25-4-122.

22 25-4-124. Yearly computation of expenses - Disposition of surplus
23 funds.

24 (a) Within thirty (30) days following the closing of each fiscal year,
25 the Director of the Department of Information Systems shall compute the total
26 yearly expenses, related to the services provided, incurred by the department
27 and compare this figure to the amounts billed and paid by the various users of
28 information technology services for the fiscal year.

29 (b)(1) After the close of the fiscal year, any surplus of receipts over
30 expenses less the reserve for equipment acquisition shall be credited to the
31 various like-users' accounts within the Department of Information Systems
32 Revolving Fund on a pro rata basis so that each user shall receive a
33 percentage of the surplus which corresponds to the user's percentage of the
34 total billings for that type of service to all users.

35 (2) Alternatively, in the event that a user no longer requires
36 the services of the department, a fund transfer in the amount of that user's

1 share of the calculated surplus shall be made from the Department of
2 Information Systems Revolving Fund to the user's treasury fund, upon
3 certification of the amount thereof by the Director to the Chief Fiscal
4 Officer of the State and the Treasurer of State. In the event the user does
5 not have a treasury fund, a warrant shall be issued by the department in
6 payment of the user's proportionate share.

7 (c) The user's share of the calculated surplus shall be withheld,
8 in the event that the user has an unpaid account balance for the preceding
9 fiscal year, until the account balance is satisfied."

10

11 SECTION 22. Arkansas Code Annotated § 10-3-1704 pertaining to the
12 duties of the Joint Committee on Advanced Communications and Information
13 *Technology is amended to read as follows:*

14 "SECTION 22. Arkansas Code Annotated § 10-3-1704 is amended to read as
15 *follows:*

16 '10-3-1704. *Joint Committee on Advanced Communications and Information*
17 *Technology - Members - Duties.*

18 (a) *The members of the House of Representatives and the Senate*
19 *appointed at each regular session of the General Assembly to the Joint*
20 *Committee on Advanced Communications and Information Technology shall*
21 *constitute a joint committee of the General Assembly to function during and in*
22 *the interim between the sine die adjournment or extended recess of the regular*
23 *session of each General Assembly, until the convening of the next regular*
24 *session of the General Assembly or reconvening of the current General*
25 *Assembly, or during an extended recess.*

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

34 (B)(i) *Interim study proposals and resolutions filed with*
35 *the Legislative Council under the provisions of § 10-3-214 for review and*
36 *referral to the appropriate germane joint interim committee of the General*

1 Assembly, relating to advanced communications and information technology,
2 shall be referred to the Joint Committee on Advanced Communications and
3 Information Technology.

4 (ii) The committee shall undertake each study
5 referred to it by members of the General Assembly or by the Legislative
6 Council and shall submit a report of its findings and recommendations in
7 regard to each study request to the General Assembly prior to the convening of
8 the next regular session of the General Assembly.

9 (iii) The Joint Committee on Advanced Communications
10 and Information Technology shall review any plan developed or updated by a
11 public instrumentality. The committee may seek the assistance of the
12 Department of Information Services Office of Information Technology in
13 conducting this review.

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

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

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

36 (c)(1) The Joint Committee on Advanced Communications and Information

1 Technology shall exercise appropriate legislative oversight of the operations
2 of the Department of Information Systems.

3 (2) The staff of the Joint Committee on Advanced Communications
4 and Information Technology shall serve as staff liaison to the Department of
5 Information Systems Advisory Board and the Department of Information Systems
6 Steering Committee.'"

7

8 SECTION 23. Arkansas Code Annotated § 10-3-1705 is amended to read as
9 follows:

10 "10-3-1705. Duties of joint standing committee.

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

15

16 SECTION 24. Arkansas Code Annotated § 10-3-1707 is amended to read as
17 follows:

18 "10-3-1707. Interim committee - Expenses - Staff.

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

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

27 ~~_____ (c) The Governor's Telecommunications and Information Technology~~
28 ~~Advisory Board shall advise the committee on advanced communications and~~
29 ~~information technology matters.~~

30 ~~_____ (d)~~(c) All other appropriate state agencies, including, but not limited
31 to, the Department of ~~Computer Services~~ Information Systems, the Arkansas
32 Science and Technology Authority, and public colleges and universities in the
33 State of Arkansas, shall be available to assist the committee on advanced
34 communications and information technology matters as may be requested by the
35 committee."

36

1 SECTION 25. Arkansas Code Annotated § 25-57-103 is amended to read as
2 follows:

3 "25-27-103. Board.

4 (a) There is created the Information Network of Arkansas, a public
5 instrumentality carrying out an essential government function, which shall be
6 governed by a board consisting of ~~eleven (11) voting~~ twelve (12) members ~~and~~
7 ~~one (1) nonvoting member~~, as follows:

8 (1) The President of the Arkansas Science and Technology
9 Authority, or the president's designee;

10 (2) The Secretary of State, or the Secretary of State's designee;

11 (3) The Director of the Department of Finance and Administration,
12 or the director's designee;

13 (4) Two (2) members, or their designees, who are chief executive
14 officers of agencies of the executive branch other than the Department of
15 Finance and Administration and the Department of Computer Services, shall be
16 appointed by the Governor;

17 (5)(A)(A)(i)(a) Four (4) members from user associations initially
18 selected by the Governor shall be appointed by the Governor from a list of
19 three (3) names submitted by each user association.

20 (b) Thereafter, the board shall submit a list
21 of at least three (3) names per position, based on the recommendations of user
22 associations.

23 (ii) No two (2) members appointed pursuant to this
24 subdivision (a)(5) shall be members of the same user association.

25 (B) Such members shall serve staggered three-year terms;

26 (6)(A)(i) One (1) member appointed by the Governor from a list of
27 three (3) names of public library directors submitted by the President of the
28 Arkansas Public Library Association.

29 (ii) Following the initial appointment hereunder,
30 such list shall be composed of librarians of public libraries which subscribe
31 to the Information Network of Arkansas.

32 (B) Such member shall serve a staggered three-year term;

33 (7)(A) One (1) member appointed by the Governor from a list of
34 three (3) names submitted by the Arkansas Bar Association.

35 (B) Such member shall serve a staggered three-year term;

36 and

1 (8) The Director of the Department of ~~Computer Services, who~~
2 ~~shall serve as a nonvoting member~~ Information Systems.

3 (b)(1) The board shall annually elect one (1) member from the board as
4 chairperson of the board.

5 (2) The board may also elect a vice chairperson and a secretary.

6 (c)(1) Six (6) members of the board shall constitute a quorum, and the
7 affirmative vote of six (6) members shall be necessary for any action taken by
8 the board.

9 (2) No vacancy in the membership of the board shall impair the
10 right of a quorum to exercise all the rights and perform all the duties of the
11 board.

12 (d) The board shall meet at least semiannually.

13 (e) Members of the board shall serve without compensation."

14

15 SECTION 26. Arkansas Code Annotated §§ 10-3-1201 through 10-3-1205 are
16 repealed.

17 ~~10-3-1201. Creation - Members - Meetings.~~

18 ~~(a) There is created the "Arkansas Communications Study Committee", to~~
19 ~~consist of the following members:~~

20 ~~(1) The two (2) members of the Arkansas Senate who served on the Arkansas~~
21 ~~Communications Study Committee pursuant to appointment by the President Pro~~
22 ~~Tempore of the Senate during the 1975-76 biennium. However, in the event~~
23 ~~either or both of these two (2) Senate members decline to continue to serve on~~
24 ~~the committee, or if a vacancy occurs in the position due to death,~~
25 ~~resignation, or other reason, the President Pro Tempore of the Senate shall~~
26 ~~designate a member of the Senate to fill the vacancy;~~

27 ~~(2) The three (3) members of the Arkansas House of Representatives who~~
28 ~~served on the Arkansas Communications Study Committee pursuant to appointment~~
29 ~~by the Speaker of the House of Representatives during the 1975-76 biennium.~~
30 ~~However, in the event one or all of these three (3) House of Representatives~~
31 ~~members decline to continue to serve on the committee, or if a vacancy occurs~~
32 ~~in any such position due to death, resignation, or other reason, the Speaker~~
33 ~~of the House of Representatives shall designate a member of the House of~~
34 ~~Representatives to fill the vacancy;~~

35 ~~(3) The Chairman of the Legislative Council selected to serve as chairman~~
36 ~~for the 1977-78 biennium and the immediate past Chairman of the Legislative~~

1 Council who served as chairman during the 1975-76 biennium;

2 ~~— (4) The Chairman of the Legislative Joint Auditing Committee selected to~~
3 ~~serve as the chairman for the 1977-78 biennium and the immediate past Chairman~~
4 ~~of the Legislative Joint Auditing Committee who served as chairman of the~~
5 ~~committee during the 1975-76 biennium; and~~

6 ~~— (5) One (1) member to be appointed by the Governor.~~

7 ~~— (b) Members of the committee shall serve without pay but shall receive~~
8 ~~per diem and reimbursement for expenses and mileage at the same rate provided~~
9 ~~by law for members of the Arkansas Legislative Council.~~

10 ~~— (c) The committee shall organize by electing one of its members as~~
11 ~~chairman, a vice chairman, and such other officers as the committee deems~~
12 ~~appropriate.~~

13 ~~— (d) All action by the committee shall be by majority vote of the full~~
14 ~~membership of the committee.~~

15 ~~— (e) The committee may establish rules of procedure for the conduct of~~
16 ~~committee business.~~

17 ~~— (f) The committee shall meet upon call of the chairman, upon written~~
18 ~~request of five (5) members, or at such other times as may be provided by the~~
19 ~~rules of the committee.~~

20 ~~— 10-3-1202. Committee a continuing review agency.~~

21 ~~— The committee shall serve as a continuing review agency to advise the~~
22 ~~General Assembly and the Governor with respect to the existing computer~~
23 ~~systems of the state, and proposed revisions, additions, or expansions~~
24 ~~thereto, and shall especially cooperate with and offer advice and assistance~~
25 ~~to the Director of the Department of Computer Services and in the planning,~~
26 ~~development, operation, and implementation of the establishment of the data~~
27 ~~processing center of the Department of Computer Services and in the~~
28 ~~performance of the other powers, functions, and duties of the Department of~~
29 ~~Computer Services.~~

30 ~~— 10-3-1203. Powers and duties.~~

31 ~~— (a)(1) The Arkansas Communications Study Committee shall:~~

32 ~~— (A) Make continuing studies of the computer systems of state agencies;~~

33 ~~— (B) Advise with the Director of the Department of Computer Services in~~
34 ~~the establishment and regulation of computer systems, including, but not~~
35 ~~limited, to the following:~~

36 ~~— (i) Review of existing communications equipment and facilities~~

1 available to the respective state agencies, boards, and commissions;
2 ~~—— (ii) Determination of the estimated value of existing computer systems,~~
3 ~~and the annual cost of operating those computer systems, including~~
4 ~~replacement, repair, and expansion of those systems;~~
5 ~~—— (C) Advise with the Director of the Department of Computer Services~~
6 ~~with respect to proposed expansions, additions, or improvements to the~~
7 ~~electronic data processing center of the Department of Computer Services and~~
8 ~~to existing or proposed new computer systems that are estimated to be required~~
9 ~~to meet the computer needs of state agencies during the next five (5) years,~~
10 ~~and during the next ten (10) years;~~
11 ~~—— (D) Advise with the Director of the Department of Computer Services in~~
12 ~~making evaluations of the adequacy of existing computer systems and in~~
13 ~~establishing ways and means of coordinating the use of existing computer~~
14 ~~systems and the planning and expansion of existing and proposed computer~~
15 ~~systems to eliminate duplication of facilities or the use thereof and to~~
16 ~~provide the maximum utilization of existing available or proposed expansion of~~
17 ~~systems, with the view of promoting economy in the expansion and use of those~~
18 ~~facilities;~~
19 ~~—— (E) Advise with the Director of the Department of Computer Services~~
20 ~~concerning reorganization, elimination, or expansion of existing or proposed~~
21 ~~new computer systems; and~~
22 ~~—— (F) Advise the Governor concerning the direction and role of data~~
23 ~~processing in the implementation of a state management information system.~~
24 ~~—— (2) As used in this subsection, "computer systems" means radio,~~
25 ~~telephone, telegraph, teletype, microwave, television, electronic data~~
26 ~~processing equipment, computers, and similar electronic communications~~
27 ~~systems.~~
28 ~~—— (b) In addition to the powers, functions, and duties aforementioned, the~~
29 ~~committee shall perform those additional duties and responsibilities imposed~~
30 ~~upon the committee in connection with the Department of Computer Services, as~~
31 ~~established by law.~~
32 ~~—— 10-3-1204. Cooperation of state agencies.~~
33 ~~—— All state agencies shall cooperate with the Arkansas Communications~~
34 ~~Study Committee by providing such information or technical assistance~~
35 ~~requested by the committee in the performance of duties under this subchapter.~~
36 ~~—— 10-3-1205. Reports.~~

1 ~~_____ The Arkansas Communications Study Committee shall file a report with~~
2 ~~each regular session of the General Assembly of its activities subsequent to~~
3 ~~the last preceding session of the General Assembly. The committee shall~~
4 ~~include in the report such findings and recommendations with respect to the~~
5 ~~adequacy, operation, and expansion of the state's communications systems, as~~
6 ~~the committee may deem appropriate and beneficial to the State of Arkansas.~~

7

8 SECTION 27. Arkansas Code Annotated § 15-21-502 is amended to read as
9 follows:

10 "15-21-502. Definitions.

11 As used in this subchapter, unless the context otherwise requires:

12 (1) Board means the Arkansas State Land Information Board;

13 (2) State Land Information Coordinator provides administrative and
14 technical support to the board;

15 (3) State Geodetic Advisor coordinates the state's network of geodetic
16 control monuments;

17 (4) Digital data repository means the physical location and content of
18 the state's consolidated digital land information;

19 (5) Metadata describes the content, ancestry and source, quality, data
20 base schema, and accuracy of digital map data;

21 (6) Digital basemap means a computerized representation of map
22 information;

23 (7) GIS means geographic information systems;

24 (8) Clearinghouse is the selected entity to maintain the digital data
25 repository or metadata and related information;

26 (9) State and regional mapping is defined as any mapping project with
27 a scale of 1:12,000 or smaller; ~~and~~

28 (10) County mapping is defined as any mapping project with a scale
29 larger than 1:12,000-; and

30 (11) Agency means agency or instrumentality of the State of Arkansas
31 which utilizes GIS data."

32

33 SECTION 28. Arkansas Code Annotated § 15-21-503 is amended to read as
34 follows:

35 "15-21-503. Creation - Board.

36 (a) The Arkansas State Land Information Board is hereby created.

1 (b)(1) The board shall be composed of ~~nine (9)~~twelve (12) voting
2 members appointed by the Governor for terms of four (4) years.

3 (2) Members will be generally drawn from, but not limited to, the
4 membership of the State Mapping and Land Records Modernization Advisory Board
5 created by Act 150 of 1993.

6 (3) The board will be composed of the following members or their
7 designees:

8 (A) Three (3) state entity representatives;

9 (B) Three (3) city, county, and local government
10 representatives;~~and~~

11 (C) Three (3) private sector representatives;and

12 (D) Three (3) institutions of higher education.

13 (4) All members of the board shall have knowledge of the use and
14 usefulness of digital land and geographic information in the management of
15 government and a general awareness of the role of mapping as related to such
16 management.

17 (5) With the exception of those members appointed to the board
18 representing a state agency, no person shall serve as a member of the board
19 for more than two (2) consecutive terms.

20 (6) Upon the death, disability, resignation, removal, or refusal
21 to serve of any member, the Governor shall appoint a qualified person to
22 complete board membership.

23 (c)(1)(A) A chairperson and a vice chairperson shall be elected by the
24 board membership to oversee all board and committee meetings.

25 (B) Board members must elect a new chairperson and vice
26 chairperson every year.

27 (2)(A) The board will work with a State Land Information
28 Coordinator assigned by the Director of the Department of Computer Services
29 Information Systems.

30 (B) The State Land Information Coordinator will assist the
31 board in developing a comprehensive plan and evaluation procedures on how the
32 state should implement tactical and strategic geographic information systems
33 and land information systems planning, implement informational and educational
34 programs, and coordinate intrastate geographic information systems and land
35 information systems efforts.

36 (C) The State Land Information Coordinator shall report

1 directly to the Director of the Department of Information Systems.

2 (d) The board will seek the advice of the membership of the State
3 Mapping and Land Records Modernization Advisory Board created by Act 150 of
4 1993 in carrying out the duties, responsibilities, and authorities set out in
5 § 15-21-504.

6 (e)(1) The State Land Information Coordinator shall administer daily
7 operations as deemed appropriate by the board.

8 (2) This may include liaison between the Governor, the board, and
9 public or private sector entities involved in digital mapping and land records
10 modernization, project management in the preparation of the strategic planning
11 documents related to mapping and land records modernization, developing policy
12 and procedures for land records modernization, and developing policy and
13 procedures for board activities.

14 (3) Additional requirements are the implementation of educational
15 programs, coordinating vendor exhibits, and facilitating technical assistance
16 and consulting.

17 (f)~~(1)~~ The board ~~shall~~ may identify and determine strategies that may
18 lead to acquiring a State Geodetic Advisor.

19 ~~————— (2) The State Geodetic Advisor shall work with the State Surveyor~~
20 ~~of the Division of Land Surveys of the Office of the State Geologist of the~~
21 ~~Arkansas Geological Commission to coordinate with the National Geodetic Survey~~
22 ~~and governmental and private entities on various projects associated with the~~
23 ~~development and maintenance of geographic referencing systems in Arkansas.~~

24 ~~————— (3) In particular, the State Geodetic Advisor shall coordinate~~
25 ~~efforts such as the High Accuracy Reference Network and the surveying~~
26 ~~community to densify and improve the quality and extent of geodetic~~
27 ~~monumentation.~~

28 (g) The board may conduct meetings at such places and such times as it
29 may deem necessary or convenient to enable it to exercise fully and
30 effectively its powers, perform its duties, and accomplish its objectives and
31 purposes.

32 (h) Members of the board shall receive no compensation for their
33 services.

34 (i) The board will be provided administrative support through the
35 Department of ~~Computer Services~~ Information Systems.

36 (j) The funds necessary to carry out the provisions of this subchapter

1 shall come from funds made available by the Department of ~~Computer Services~~
2 Information Systems.

3 (k) The board shall seek the review and advice of the Joint Committee
4 on Advanced Communications and Information Technology prior to issuing
5 guidelines, strategies, reports, studies, policy guidelines, grants,
6 solutions, recommendations, proposed legislation, strategic plans, catalogues,
7 dictionaries, agreements, fee structures, and any other products.

8 ~~(l) In the interest of a statewide coordinated effort in the area of~~
9 ~~telecommunications and information technology, the board shall notify the~~
10 ~~Governor's Telecommunications and Information Technology Advisory Board of its~~
11 ~~intention to issue grants and strategic or tactical plans prior to seeking~~
12 ~~review and advice from the Joint Committee on Advanced Communications and~~
13 ~~Information Technology."~~

14

15 SECTION 29. Arkansas Code Annotated § 15-21-504 is amended to read as
16 follows:

17 "15-21-504. Duties, responsibilities, and authority.

18 (a) The Arkansas State Land Information Board shall be empowered to:

19 (1) Write guidelines and develop a strategy for establishing a
20 statewide digital data repository for a digital geodata information system;

21 (2) ~~Draft~~ Develop standard metadata reports; and

22 (3) Direct available funds to mapping and land records
23 modernization projects at various levels of government.

24 (b) The board shall undertake a continuing study of the land
25 information needs of federal, state, county, regional, and municipal agencies
26 in the state, including a review of current and projected technology,
27 standards, and collection methods and all statutes pertaining thereto, and
28 develop strategies for policy guidelines for land information management
29 systems and land records modernization that result in coordinated,
30 cost-effective programs for digital data development and distribution.

31 (c) The board will develop a system of distributed data sources
32 involving state agencies, universities, and county and municipal governments,
33 and implement a program to provide grants to further the process of land
34 records modernization.

35 (d) The duties of the board shall include, but not be restricted to:

36 (1) Identifying issues, problems, and solutions in implementing

1 an overall Arkansas land and geographic resources program;

2 (2) Identifying and clarifying the roles of participants;

3 (3) Developing an overall coordinating schedule for spatial
4 projects;

5 (4) Recommending methods of financing;

6 (5) Developing recommended priorities for the distribution of
7 funds;

8 (6) Developing procedures for the inventory, storage, and
9 distribution of spatial information; and

10 (7) Implementing an ongoing information and education program to
11 promote understanding and productive use of spatial and land information
12 systems by public and private entities and individuals.

13 (e) The land information system implemented shall coordinate building a
14 shareable, statewide digital land basemap and associated data, applications of
15 land information system technologies, spatial project methodologies, and
16 methods of funding.

17 (f)(1) The board shall assist local and state government agencies in
18 defining technical specifications and standards to use in the collection,
19 distribution, and reporting of spatial information.

20 (2) The revised National Map Accuracy Standards shall provide the
21 basis for digital basemap standard guidelines.

22 (3) The Federal Spatial Data Infrastructure Standard will be
23 followed for standard metadata reports by public entities which create digital
24 geodata.

25 (g) The board will coordinate with the United States Geological Survey
26 in the development of digital data, and will maintain an awareness of the
27 impact on the State of Arkansas by existing or proposed federal programs.

28 (h) The board will analyze and propose legislation to address issues
29 enabling cost recovery in respect to freedom of information policy.

30 (i) Approve the distribution of public funds for land records
31 modernization, enhancement, and implementation, and approve the strategic
32 plans for digital mapping and land records modernization.

33 (j) The board will create and maintain a state digital data catalogue
34 and a state digital data dictionary and serve as a statewide source of mapping
35 and land information technology information.

36 (k) The board will develop and require a data quality report to be

1 prepared and attached to all publicly funded mapping and digital maps and
2 their associated data bases.

3 (1)(1) The board ~~may shall~~ enter into agreements with ~~state and local~~
4 ~~government entities~~ the Department of Information Systems and other qualified
5 entities for the purpose of providing geographic information systems services
6 and establish a system of uniform fees or special charges, to be paid by the
7 state and local government entities served, to enable the board to defray the
8 cost of providing the services as provided in this subchapter.

9 (2)(A) Agreements will be interagency service agreements and are
10 exempt from the provisions of the Arkansas Purchasing Law, § 19-11-201 et
11 seq., and regulations.

12 (B) Further, these agreements will not be considered
13 professional services or consulting service contracts.

14 (m)(1) The board is authorized to contract with ~~a qualified entity~~ the
15 Department of Information Systems to act as the state clearinghouse ~~for~~
16 ~~digital geodata and as the lead entity and~~ to provide ~~technical support to~~
17 digital base maps or metadata for all agencies and units of government engaged
18 in geographic information systems development.

19 (2) The ~~selected entity~~ Department of Information Systems will
20 ~~house and maintain the digital data repository clearinghouse~~ for geographic
21 information systems in the state.

22 ~~(3) The board is authorized to terminate any contract for digital data~~
23 ~~repository clearinghouse support upon written notice and to contract with~~
24 ~~another entity as necessary, required, or appropriate.~~

25 (n) The board will establish and maintain adequate and accurate records
26 of the cost of its operations and establish fair and reasonable fee schedules
27 to defray the cost of services rendered.

28 (o) The board and the Department of Information Systems director or his
29 designee shall develop a transition and implementation plan for GIS services
30 and the clearinghouse."

31

32 SECTION 30. Arkansas Code Annotated § 15-21-505 is amended to read as
33 follows:

34 "15-21-505. Digital data repository.

35 (a) The board shall develop a plan and strategy for establishing a
36 state digital data repository clearinghouse.

1 (b) Such plan shall address, but not be limited to, the following
2 elements:

3 (1) Location. ~~The digital data repository clearinghouse shall~~
4 ~~reside within the State of Arkansas be located at the Department of~~
5 ~~Information Systems and may utilize existing repositories as appropriate~~

6 (2) Metadata. ~~The digital data repository Department of~~
7 ~~Information Systems~~ will serve as a coordination point with the United States
8 Geological Survey and the Federal Geographic Data Committee on metadata
9 requirements of the National Spatial Data Infrastructure; and

10 (3) Clearinghouse.

11 (A) As directed by the board, ~~the digital data repository~~
12 ~~will serve as the statewide data clearinghouse, clearinghouse will~~ coordinate
13 existing digital basemap themes, provide technical processing of data sets,
14 evaluate adherence to state-approved mapping standards, and work with the
15 United States Geological Survey on statewide projects.

16 (B) The clearinghouse function will include:

17 (i) Metadata. To collect and disseminate metadata,
18 information detailing digital data sets, information for all state, regional,
19 and county mapping projects coordinated and funded through the board, as well
20 as any other publicly funded projects;

21 (ii) Digital Data. To collect and disseminate digital
22 data sets for state and regional mapping projects. County mapping data sets
23 need not be maintained by the digital data repository; however, processing of
24 these data sets may be performed by the digital data repository upon request
25 and payment of a previously approved processing fee; and

26 (iii) Data Distribution Fee. Anyone requesting data
27 in an existing format would be charged for reproduction costs only. Requests
28 for processed data will be charged a processing fee set by the board in
29 addition to the reproduction costs. Once data has been translated to another
30 format and a processing fee charged, all future distribution of that data
31 would be charged as a reproduction cost only."

32

33 SECTION 31. Arkansas Code Annotated §§ 25-26-101 through 25-26-106 are
34 repealed.

35 ~~§ 25-26-101. Purpose.~~

36 ~~The General Assembly finds and declares that it is in the highest public~~

1 ~~interest to provide appropriate means for the continued development and~~
2 ~~enhancement of educational opportunities, medical care services, and~~
3 ~~government operations throughout the State of Arkansas through the use of the~~
4 ~~public telecommunications infrastructure and networks employing advanced~~
5 ~~communication and information technology. Such technology and applications~~
6 ~~have strategic value for the economy for the State of Arkansas, will~~
7 ~~strengthen the state's connection to the national and international~~
8 ~~information infrastructure, and will enable the state and its citizens access~~
9 ~~to a statewide public telecommunications and information infrastructure~~
10 ~~capable of connecting government agencies, connecting all seventy-five (75)~~
11 ~~counties, providing Arkansas citizens access to government information, and~~
12 ~~continuously upgrading through the addition of compatible new technology.~~

13 ~~_____ § 25-26-102. Definitions.~~

14 ~~For the purpose of this subchapter:~~

15 ~~_____ (1) "Distance learning" means an interactive telecommunications system~~
16 ~~that:~~

17 ~~_____ (A) Utilizes information technology, audio, video, and other~~
18 ~~appropriate elements and is compatible with other distance learning networks;~~
19 ~~and~~

20 ~~_____ (B) Is used for the purpose of enhancing instructional opportunities in~~
21 ~~Arkansas public schools, technical colleges, community colleges, and~~
22 ~~universities, and economic development opportunities in business and industry;~~

23 ~~_____ (2) "Governmental entity" means any department, board, bureau,~~
24 ~~commission, or other agency of the state or any entity created by law to~~
25 ~~provide services to the state;~~

26 ~~_____ (3) "Information technology" means the totality of means employed to~~
27 ~~collect, classify, process, store, retrieve, evaluate, and disseminate~~
28 ~~information in voice, video, and data form;~~

29 ~~_____ (4) "Infrastructure" means an interlinked system of wires, cables, fiber~~
30 ~~optics, or other wireline or wireless communications media;~~

31 ~~_____ (5) "Medical facilities" means any fully licensed and accredited,~~
32 ~~publicly or privately funded, medical care providers that furnish either~~
33 ~~inpatient or outpatient services;~~

34 ~~_____ (6) "Network" means an interlinked system of users;~~

35 ~~_____ (7) "Public access" means access by the public to public information~~
36 ~~through the use of information technology;~~

1 ~~— (8) "Public information" means any information stored, gathered, or~~
2 ~~generated in electronic or magnetic form by the State of Arkansas, or its~~
3 ~~agencies or instrumentalities, which is included within the information deemed~~
4 ~~to be public pursuant to the Freedom of Information Act of 1967, 25-19-101 et~~
5 ~~seq., and amendments thereto;~~

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

9 ~~— (10) "Telemedicine" means an interactive telecommunications system that:~~

10 ~~— (A) Utilizes information technology, audio, video, and other~~
11 ~~appropriate elements and is compatible with other telemedicine networks; and~~

12 ~~— (B) Is used for the purpose of enhancing the delivery of medical~~
13 ~~information and health care to medical facilities in rural and urban areas~~
14 ~~throughout Arkansas; and~~

15 ~~— (11) "Universal access" means access to the public telecommunications~~
16 ~~infrastructure or the state's information system by all state governmental~~
17 ~~entities.~~

18 ~~— ^A 25-26-103. Advisory board.~~

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

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

29 ~~— (c) The board shall consist of seventeen (17) members and shall be~~
30 ~~composed of the following members:~~

31 ~~— (1) The President of the Arkansas Science and Technology Authority, or~~
32 ~~the President's designee;~~

33 ~~— (2) The Director of the Department of Computer Services, or the~~
34 ~~director's designee;~~

35 ~~— (3) The Director of the Department of Higher Education, or the director's~~
36 ~~designee;~~

- 1 ~~— (4) The Director of General Education, or the director's designee;~~
2 ~~— (5) The Director of the Department of Health, or the director's designee;~~
3 ~~— (6) The Director of the Department of Human Services, or the director's~~
4 ~~designee;~~
5 ~~— (7) The Director of the Department of Finance and Administration, or the~~
6 ~~director's designee;~~
7 ~~— (8) A criminal justice representative, or his or her designee, to be~~
8 ~~appointed by the Governor;~~
9 ~~— (9) Two (2) members of the House of Representatives, to be appointed by~~
10 ~~the Governor;~~
11 ~~— (10) Two (2) members of the Senate, to be appointed by the Governor;~~
12 ~~— (11) Four (4) members appointed to staggered eight-year terms by the~~
13 ~~Governor, two (2) of whom shall be representatives of institutions of higher~~
14 ~~learning and two (2) of whom shall be representatives of the private sector;~~
15 ~~and~~
16 ~~— (12) One (1) member, to be appointed by the Governor, who shall represent~~
17 ~~general education and who shall be a superintendent of a public school or the~~
18 ~~director of an educational cooperative.~~
19 ~~— (d) The chairman of the board shall be appointed by the Governor.~~
20 ~~— (e)(1)(A) The board may, by vote of the total membership of the board at~~
21 ~~its first regularly scheduled meeting of each calendar year, authorize expense~~
22 ~~reimbursements for the board members, other than legislators, for performing~~
23 ~~official board duties.~~
24 ~~— (B) Such reimbursement shall not exceed the rate established for state~~
25 ~~employees by state travel regulations.~~
26 ~~— (2) Legislator members shall receive per diem, mileage, and expense~~
27 ~~reimbursement at the same rate as that prescribed for legislators for~~
28 ~~attending meetings of joint interim committees of the General Assembly.~~
29 ~~— (f) Appropriate state agencies, including, but not limited to, the~~
30 ~~Department of Computer Services, the Arkansas Science and Technology~~
31 ~~Authority, and public colleges and universities in the State of Arkansas,~~
32 ~~shall be available to assist the advisory board on advanced communications and~~
33 ~~information technology matters as may be requested by the advisory board.~~
34 ~~— ^A 25-26-104. Regulations.~~
35 ~~— (a) For the purposes of this subchapter, the Governor's~~
36 ~~Telecommunications and Information Technology Advisory Board shall have the~~

1 ~~authority to set policies by regulation, review applications, and recommend~~
2 ~~projects to the Governor for consideration for award of grant or loan funds~~
3 ~~from available public, private, or foundation sources.~~

4 ~~— (b) Prior to adopting regulations, the board shall solicit the advice of~~
5 ~~the Joint Committee on Advanced Communications and Information Technology of~~
6 ~~the General Assembly.~~

7 ~~— (c) The board may adopt regulations relating to the administration of~~
8 ~~grant or loan funds.~~

9 ~~— (d)(1) The board shall have the authority to appoint a technical advisory~~
10 ~~committee, not to exceed nine (9) members, composed of public and private~~
11 ~~sector experts on telecommunications and information technology and such other~~
12 ~~advisory committees as may be necessary to promote the effective and efficient~~
13 ~~use of telecommunications technology to benefit all the citizens of Arkansas.~~

14 ~~— (2) The chairman of the board shall appoint the chairmen of all advisory~~
15 ~~committees.~~

16 ~~— (e) The board shall prepare and submit annually to the Governor and the~~
17 ~~General Assembly a report detailing its activities and operations for the~~
18 ~~prior year, to include, but not be limited to, information as to the number of~~
19 ~~applications received, the identities of the applicants, the identities of~~
20 ~~those applicants awarded funding, and the respective award amounts.~~

21 ~~— ^A 25-26-105. Application for access assistance.~~

22 ~~— (a) A governmental entity, public school, public postsecondary~~
23 ~~institution, public library, medical facility, or nonprofit hospital or~~
24 ~~medical facility or other nonprofit facility desiring to obtain a grant for~~
25 ~~assistance to obtain access to a statewide distance learning or telemedicine~~
26 ~~network, or universal access, shall make application to the Governor's~~
27 ~~Telecommunications and Information Technology Advisory Board.~~

28 ~~— (b) The application shall contain:~~

29 ~~— (1) A statement of need; and~~

30 ~~— (2) A description of the proposed system for the applicant, which shall~~
31 ~~include projected equipment needs, projected network or transport needs,~~
32 ~~planned application, the number of persons having access to the system, and~~
33 ~~all other associated needs, with an itemized cost statement for each element~~
34 ~~of the proposed system.~~

35 ~~— (c)(1) Any applicant receiving funds awarded by the board may use the~~
36 ~~funds solely for the approved purpose of payment for installation costs,~~

1 ~~equipment, recurring costs, and all other costs of establishing access to the~~
2 ~~system.~~

3 ~~— (2) Any funds not used for the approved purpose must be returned to the~~
4 ~~Telecommunications and Information Technology Fund.~~

5 ~~— ^A 25-26-106. Powers and duties of advisory board.~~

6 ~~— (a)(1) The advisory board shall have the authority to develop and~~
7 ~~periodically update the state's strategic plans for access to an information~~
8 ~~infrastructure and to telecommunications applications.~~

9 ~~— (2) Prior to adopting any state strategic plans for access to an~~
10 ~~information infrastructure or to telecommunications applications, the board~~
11 ~~shall solicit the advice of the Joint Committee on Advanced Telecommunications~~
12 ~~and Information Technology.~~

13 ~~— (b) The Governor's Telecommunications and Information Technology Advisory~~
14 ~~Board shall cooperate with the Joint Committee on Advanced Telecommunications~~
15 ~~and Information Technology of the General Assembly, with public libraries,~~
16 ~~public schools, postsecondary institutions of education, with governmental~~
17 ~~agencies of this state, with legislative and administrative agencies and~~
18 ~~institutions of other states, and with the federal government and other~~
19 ~~interested entities in the planning and development of access to the statewide~~
20 ~~public telecommunications infrastructure linking institutions, businesses,~~
21 ~~government agencies, schools, hospitals, libraries, communities, and other~~
22 ~~public and private entities to the national information infrastructure.~~

23

24 SECTION 32. All provisions of this act of a general and permanent
25 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
26 Code Revision Commission shall incorporate the same in the Code.

27

28 SECTION 33. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

33

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

36

1 SECTION 35. EMERGENCY. It is found and determined by the Eighty-First
2 General Assembly that continuing advances in the field of communications and
3 information technology make it necessary to establish a Department of
4 Information Systems within the Executive Department of Government to better
5 coordinate and utilize such technology; and that in the event of an extension
6 of the Regular Session, the delay in the effective date of this act beyond
7 July 1, 1997, could work irreparable harm upon the proper administration and
8 provision of essential governmental programs. Therefore, an emergency is
9 hereby declared to exist, and this Act being necessary for the immediate
10 preservation of the public peace, health, and safety shall be in full force
11 and effect from and after July 1, 1997.

12 /s/Gordon et al
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