

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/8/01 H3/28/01

A Bill

HOUSE BILL 2364

5 By: Representative Stovall
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE
10 ARKANSAS INFORMATION SYSTEMS ACT OF 1997; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND VARIOUS PROVISIONS OF
14 THE ARKANSAS INFORMATION SYSTEMS ACT OF
15 1997.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code 25-4-102(b) through (d) are amended to read*
22 *as follows:*

23 *(b) The General Assembly further declares its intent to create a state*
24 *agency to:*

25 *(1) Support the information technology initiatives established*
26 *by the Executive CIO;*

27 ~~*(1)(2) Plan and manage Provide design and management services*~~
28 ~~*for the state's core information technology infrastructures;*~~

29 ~~*(2) Increase other state agency awareness of opportunities to*~~
30 ~~*share information;*~~

31 *(3) Provide information technology services;*

32 ~~*(4) Increase opportunities*~~ *Implement appropriate technologies to*
33 *exchange and share information; and*

34 ~~*(5) Develop state standards for information technology; and*~~
35 *Develop technical standards and provide technical leadership and guidance to*
36 *support the state's shared technical architecture.*

~~(6) Develop a state information technology plan.~~

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

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

~~(2)(1) Implement increased capabilities for communication and exchange of information;~~

~~(3)(2) Establish technical standards for information technology; and~~

~~(4)(3) Develop mechanisms for more timely acquisition of information technology; and~~

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

(d)(1) The General Assembly further finds and determines that information technology services are readily available in the private sector; that the public interest would be well served by competition for the provision of such services to the state; that public-private partnerships or joint ventures for the provision of such services may be appropriate in certain instances; and that emphasis should be given to encouraging and enabling competition among suppliers of such services wherever possible in the administration of this chapter.

(2) The department shall consider in the development of the department plan and the Joint Committee on Advanced Communications and Information Technology ~~and department steering committees~~ shall emphasize in ~~their~~ its recommendations and policies the availability in the private sector of information technology resources upon a competitive bid basis, with a view to assuring the state of the highest reasonable quality of resources at the lowest reasonable cost.

SECTION 2. Arkansas Code 25-4-103 is amended to read as follows:
25-4-103. Definitions.

As used in this chapter:

(1) "Administrator" means the Administrator of the Office of Information Technology;

(2) "Application" means a separately identifiable and interrelated set

1 of information technology resources that allows ~~a state agency to accomplish~~
2 information processing to support specifically defined objectives;

3 (3) "Core information technology infrastructure" means the state data,
4 state network and application interfaces, and state security;

5 ~~(3)~~(4) "Department" means the Department of Information Systems;

6 ~~(4)~~(5) "Director" means the Director of the Department of Information
7 Systems;

8 ~~(5)~~(6) "Equipment" means the machines, devices, and transmission
9 facilities used in information processing, including computers, word
10 processors, terminals, telephones, cables, software, and related services;

11 ~~(6)~~(7) "Information processing" means the electronic capture,
12 collection, storage, manipulation, transmission, retrieval, and presentation
13 of information in the form of data, text, voice, or image and includes
14 telecommunications and office automation functions;

15 ~~(7)~~(8) "Information technology" means any component related to
16 information processing and telecommunications, including data processing and
17 telecommunications hardware, software, services, planning, personnel,
18 facilities, and training;

19 ~~(8)~~(9) "Information technology resources" means the procedures,
20 equipment, and software that are designed, built, operated, and maintained to
21 collect, record, process, store, retrieve, display, and transmit information,
22 and associated personnel including consultants and contractors;

23 ~~(9)~~(10) "Network infrastructure" means the shared portions of the
24 state's telecommunications transmission facilities, including all
25 transmission lines and all associated equipment and software components
26 necessary for the management and control of the state network;

27 ~~(10)~~ "Office" means the Office of Information Technology;

28 ~~(11)~~(10) "Other governmental entities" means state elected
29 constitutional officers and their staffs, the Supreme Court and the
30 Administrative Office of the Courts, the General Assembly or its committees
31 or staffs, the Arkansas State Highway and Transportation Department, the
32 Arkansas Game and Fish Commission, the federal government, cities, counties,
33 municipalities, and public school districts;

34 ~~(12)~~(11) "Project" means a program to apply information technology
35 resources to functions within or among elements of a state agency, that
36 ideally is characterized by well-defined parameters, specific objectives,

1 common benefits, planned activities, a scheduled completion date, and an
2 established budget with a specified source of funding;

3 ~~(13)~~(12) "Public instrumentality" means any statutorily created entity
4 charged with the responsibility of providing information or services through
5 the use of information technology;

6 ~~(14)~~(13) "State agencies" means all state departments, boards, and
7 commissions, ~~and institutions of higher learning~~ but shall not include the
8 elected constitutional officers and their staffs, the General Assembly and
9 its committees and staffs, or the Supreme Court and the Administrative Office
10 of the Courts, and public institutions of higher education with respect to
11 academic, research, healthcare, and existing information technology
12 applications and underlying support therefor; and

13 (14) "State of Arkansas shared technical architecture" means the
14 structure of program or system components, how these components relate to one
15 another, and the principles that govern their design and evolution over time;
16 and

17 (15) "Telecommunications" means all forms of communications devices
18 and transport media for the conveyance by electronic or electrical means of
19 voice, words, data, signals, or images.

20
21 SECTION 3. Arkansas Code 25-4-104 is amended to read as follows:

22 25-4-104. Department of Information Systems ~~—Office of Information~~
23 ~~Technology.~~

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

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

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

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

34 ~~(c) The Department of Computer Services, created by Act 884 of 1977,~~
35 ~~is abolished, and its functions, powers, duties, records, personnel,~~
36 ~~property, unexpended balances of appropriations, allocations, and obligations~~

1 ~~are transferred by a type 3 transfer, as defined in § 25-2-106, to the~~
 2 ~~Department of Information Systems.~~

3 (d) ~~There is established within the Department of Information Systems~~
 4 ~~an Office of Information Technology. The Administrator of the Office of~~
 5 ~~Information Technology shall be appointed by the director of the department~~
 6 ~~the Executive Chief Information Officer.~~

7 ~~(e) The director shall maintain and fund the Office of Information~~
 8 ~~Technology separate from the services and administrative components of the~~
 9 ~~department.~~

10 ~~(f)(c)~~ The director may establish ~~other~~ divisions and the
 11 organizational structure deemed necessary and appropriate for the efficient
 12 performance of the duties imposed under the provisions of this chapter,
 13 provided the organizational structure of the department shall conform to the
 14 positions authorized and limitations provided therefor in the biennial
 15 appropriation of the department.

16 ~~(g)(d)~~ The director shall appoint the deputy and division directors
 17 and the professional, technical, and clerical assistants and employees as
 18 necessary to perform the duties imposed by this chapter. All employees of
 19 the department shall be employed by and serve at the pleasure of the
 20 director.

21 ~~(h)(e)~~ The director shall report to the Governor any matters relating
 22 to abuses of this chapter.

23 ~~(i)(f)~~ The director shall recommend statutory changes to the Governor.
 24

25 SECTION 4. Arkansas Code 25-4-105 is amended to read as follows:

26 25-4-105. Department of Information Systems - General powers and
 27 duties.

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

33 (1) ~~Providing oversight of the Office of Information Technology~~
 34 Conceptualizing, designing, developing, building, and maintaining common
 35 information technology infrastructure elements used by state agencies and
 36 governmental entities;

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 that are provided service to
7 enable the department to defray the cost of providing the services as
8 provided in this chapter;

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

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

20 (8) Developing a departmental plan to ~~achieve~~ support the goals and
21 objectives set forth for it in the state information technology ~~plan~~ plans
22 and strategies. The department shall seek the advice of ~~appropriate steering~~
23 ~~committees~~ the Executive CIO in the development of ~~these plans~~ its plan;

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; ~~and~~

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

35
36 SECTION 5. Arkansas Code 25-45-106 is amended to read as follows:

1 25-4-106. ~~Report to joint committee—Appointment of advisory board~~
2 ~~and steering committee~~ Reporting requirements.

3 (a)(1) ~~The director will report periodically and annually to the joint~~
4 ~~committee on Advanced Communications and Information Technology and the~~
5 ~~Executive CIO regarding the status of the department's information technology~~
6 ~~responsibilities in state government.~~

7 (2) ~~The director will forward to the joint committee any~~
8 ~~statutory changes that the department may recommend sufficiently in advance~~
9 ~~of the convening of the regular session of the Arkansas General Assembly.~~

10 (3) ~~The director may report on any factors that are outside the~~
11 ~~scope of the department but are deemed to inhibit or to promote the effective~~
12 ~~exchange and use of information in state government~~ department's
13 responsibilities.

14 ~~(b)—Subject to the following provisions, the Governor shall appoint~~
15 ~~the Department of Information Systems Advisory Board to advise the director~~
16 ~~on information technology:-~~

17 ~~(1)—Members of the advisory board shall have knowledge and~~
18 ~~experience in information technology:-~~

19 ~~(2)—Members of the advisory board shall annually elect a chair:-~~

20 ~~(3)—The advisory board may be convened by a majority of members,-~~
21 ~~by its chair, or by the director:-~~

22 ~~(4)—Members shall not receive compensation for service to the~~
23 ~~board; and~~

24 ~~(5)—Members may receive reimbursement for actual and necessary~~
25 ~~expenses reasonably incurred in performing board service, subject to~~
26 ~~applicable limitations on reimbursement as provided by law.-~~

27 ~~(c)—Subject to the following provisions, the Governor shall appoint~~
28 ~~the Department of Information Systems Steering Committee to provide advice to~~
29 ~~the director concerning services provided by the department:-~~

30 ~~(1)—Members of the committee shall be agency directors or their~~
31 ~~designee and shall include, but not be limited to:-~~

32 ~~(A)—Two (2) members from a list of nominees submitted by~~
33 ~~the presidents and chancellors of the state's public institutions, one (1) of~~
34 ~~whom shall be employed by a two-year institution and one (1) of whom shall be~~
35 ~~employed by a four-year institution;-~~

36 ~~(B)—One (1) member who is employed by a state agency with~~

1 ~~less than fifty (50) employees;~~

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

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

6 ~~(E) One (1) member who has knowledge and experience~~
 7 ~~regarding information technology in the state's public schools;~~

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

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

11 ~~(4) Members shall not receive compensation for service on the~~
 12 ~~committee; and~~

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

16 ~~(d)(b)~~ The director may appoint ~~other~~ committees as are necessary to
 17 provide the department with expertise and advice concerning information
 18 technology or the services provided by the department.

19
 20 SECTION 6. Arkansas Code 25-4-109(d) is amended to read as follows:

21 (d) Agencies shall use the state core telecommunications network
 22 infrastructure, data, application, and security infrastructures.

23
 24 SECTION 7. Arkansas Code 25-4-110 is amended to read as follows:

25 25-4-110. Information technology - Planning.

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

28 (1) The administrator under the direction of the Executive Chief
 29 Information Officer shall prepare the draft state information technology plan
 30 and periodic updates for the ~~director~~ Governor and shall seek the advice of
 31 the working groups.

32 (2) Before the ~~director~~ administrator submits the plan to the
 33 Governor, he shall seek the advice of ~~the steering committee and the Joint~~
 34 ~~Committee on Advanced Communications and Information Technology.~~

35 (b) The Office of Information Technology shall develop information
 36 technology standards.

1 (1) The administrator shall prepare the draft standards and
2 periodic updates for the ~~director~~ Governor and shall seek the advice of the
3 working groups.

4 (2) Before the ~~director~~ administrator submits the state
5 standards to the Governor, he shall seek the advice of the steering committee
6 and the advisory board.

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

12 (d) The ~~administrator~~ Office of Information Technology shall ~~seek the~~
13 ~~advice of the working groups before distributing~~ distribute criteria,
14 elements, form, and format for agency plans. Plans may include, but not be
15 limited to, the following:

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

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

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

23 (4) Compliance with the Freedom of Information Act of 1967,
24 beginning at § 25-19-101 et seq.;

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

29 (6) An implementation strategy to include:

30 (A) Annual implementation objectives of the plan;

31 (B) Methods to educate both state employees and the public
32 in the effective use of access technologies; and

33 (C) Agency activities to increase electronic access to
34 public records and information to be implemented within available resources
35 and existing state agency planning processes;

36 (7) Projects and resources required to meet the objectives of

1 the plan;

2 (8) Estimated schedules and funding required to implement
3 identified projects;

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

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

8 (11) A discussion of progress toward electronic access to public
9 information and enabling citizens to have two-way interaction for obtaining
10 information and services from state agencies; and

11 (12) An inventory of state agency information technology.

12 (e) Plans developed or updated shall be submitted to the Office of
13 Information Technology. The office may reject, require modification to, or
14 approve plans as deemed appropriate. Plans shall be modified by the state
15 agency as necessary.

16 (f) Plans developed or updated by public instrumentalities shall be
17 submitted for review to the Joint Committee on Advanced Communications and
18 Information Technology of the Arkansas General Assembly. The committee may
19 seek the assistance of the Office of Information Technology in conducting
20 this review. Plans shall be modified by the public instrumentality as
21 necessary.

22

23 SECTION 8. Arkansas Code 25-4-111 is amended to read as follows:
24 25-4-111. Information technology - Prerequisites.

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~~ Executive Chief
33 Information Officer that includes:

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

36 (2) Relationship of the information technology improvements or

1 additions to the overall goals of the agency;

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

4 (4) Measurement and evaluation criteria.

5 (c)(1) Upon evaluation of the waiver request, the ~~administrator~~
6 Executive Chief Information Officer shall notify the agency in writing of his
7 approval or rejection of the request and his reasons therefor.

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

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

17 (4) If the ~~administrator~~ Executive Chief Information Officer
18 determines that the agency needs additional information technology resources,
19 he may:

20 (A) Authorize the agency to acquire the requested
21 information technology; or

22 (B) Authorize acquisition of a modified information
23 technology configuration; or

24 (C) Notify the agency of the availability of department
25 facilities to provide the requested information technology; or

26 (D) Recommend that the information technology be provided
27 through the facilities of some other designated state agency.

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

33

34 SECTION 9. Arkansas Code 25-4-113 is repealed:

35 ~~25-4-113. Acquisition of information technology by constitutional~~
36 ~~officers, General Assembly, Supreme Court, or Administrative Office of the~~

1 ~~Courts.~~

2 ~~(a) The Arkansas State Highway and Transportation Department, the~~
3 ~~Arkansas Game and Fish Commission, the elected constitutional officers and~~
4 ~~their staffs, the Supreme Court and the Administrative Office of the Courts,~~
5 ~~and the General Assembly or its committees or staffs shall be authorized to~~
6 ~~enter into contracts with the department for information technology.~~

7 ~~(b) A written statement of any proposed acquisition or expansion above~~
8 ~~one hundred thousand dollars (\$100,000) shall be filed with the Joint~~
9 ~~Committee on Advanced Communications and Information Technology if the~~
10 ~~Arkansas State Highway and Transportation Department, the Arkansas Game and~~
11 ~~Fish Commission, the elected constitutional officers and their staffs, or the~~
12 ~~Supreme Court and the Administrative Office of the Courts shall desire:~~

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

14 ~~(2) To enter into any contract for information technology.~~

15

16 SECTION 10. Arkansas Code 25-4-114 is amended to read as follows:

17 25-4-114. Contracts and agreements for information technology.

18 ~~(a)(1) In the event a state agency and the department are unable to~~
19 ~~agree upon a fair and reasonable price for the services to be rendered~~
20 ~~through the department resolve a dispute, the state agency may solicit~~
21 ~~proposals for information technology required by the state matter shall~~
22 ~~jointly be referred to the Executive CIO for resolution.~~

23 ~~(2) Upon receipt of such proposals, in writing, the state agency~~
24 ~~shall submit the proposals to the Administrator of the Office of Information~~
25 ~~Technology for review.~~

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

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

34 ~~(b) Each contract entered into by the department and a state agency~~
35 ~~for services, in addition to establishing the amount and nature of the~~
36 ~~services to be rendered and the schedule of fees to be paid therefor, shall~~

1 ~~include any penalty provisions which may be mutually agreed upon by the~~
 2 ~~department and the state agency.~~

3 ~~(1) In establishing penalties for failure of the department to~~
 4 ~~provide services in accordance with the time limits or other provisions set~~
 5 ~~forth in the penalty provision agreement of the contract, the penalties shall~~
 6 ~~be deducted from the system of charges billed to the agency for the services~~
 7 ~~rendered. Penalties charged to the state agency shall be added to the regular~~
 8 ~~schedule of fees for the services.~~

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

16 ~~(c)(b) Contracts for the provision of information technology are~~
 17 ~~interagency agreements, and are exempt from the provisions of § 19-11-201 et~~
 18 ~~seq. and § 19-4-101 et seq., nor are they required to be submitted to the~~
 19 ~~Legislative Council for advice.~~

20
 21 SECTION 11. Arkansas Code 25-4-115(b)(1) is amended to read as
 22 follows:

23 ~~(b)(1)(A) Moneys appropriated for the maintenance and operation of the~~
 24 ~~department may be utilized for those purposes.~~

25 ~~(B) In addition, the The department may utilize moneys~~
 26 ~~appropriated for maintenance and operation and payment of regular salaries of~~
 27 ~~the department for the purchase of professional services upon approval~~
 28 ~~thereof by the Chief Fiscal Officer of the State.~~

29
 30 SECTION 12. Arkansas Code 25-4-117 is amended to read as follows:

31 ~~25-4-117. Cessation of services to nonpaying users Delinquent accounts.~~
 32 ~~The department is authorized to discontinue information technology~~
 33 ~~service to users who do not make a timely remittance of payment for services~~
 34 ~~rendered, and is specifically prohibited from providing services to state~~
 35 ~~agencies lacking funds or sufficient appropriations to pay for the services.~~

36 ~~(a) For accounts that are thirty (30) days overdue and have no charges~~

1 contested by the user, the department may request the Chief Fiscal Officer of
2 the State to transfer all or part of the overdue amount from the user's
3 account to the department's revolving account. The Chief Fiscal Officer
4 shall transfer the amount within ten (10) working days.

5 (b) For accounts that are sixty (60) days overdue and have charges
6 being contested by the user, the department may request the Chief Fiscal
7 Officer of the State to transfer all or part of the overdue amount from the
8 user's account to the department's revolving account. If the resolution of
9 contested charges favors the user, the user may request the Chief Fiscal
10 Officer of the State to transfer all or part of the overdue amount from the
11 department's revolving account to the user's account.

12 (c) The department is authorized to discontinue information technology
13 service to users who do not make a timely remittance of payment for services
14 rendered, and is specifically prohibited from providing services to state
15 agencies lacking funds or sufficient appropriations to pay for the services.

16
17 SECTION 13. Arkansas Code 25-4-118 is repealed:

18 ~~25-4-118. Appeals.~~

19 ~~(a) With respect to any finding, ruling, or determination that the~~
20 ~~administrator of the Office of Information Technology is authorized to make~~
21 ~~under the provisions of this chapter, any state agency aggrieved by any~~
22 ~~decision of the administrator, or undue delay by the administrator in~~
23 ~~reviewing agency requests or plans under the provisions of this chapter, may~~
24 ~~appeal therefrom in writing to the director.~~

25 ~~(b) If the director, in reviewing the appeal, decides to uphold the~~
26 ~~decision of the administrator, he shall offer to the agency to have the~~
27 ~~Department of Information Systems Steering Committee review and provide~~
28 ~~advice on the appeal.~~

29 ~~(c)(1) With respect to any finding, ruling, or determination that the~~
30 ~~director is authorized to make under the provisions of this chapter any state~~
31 ~~agency aggrieved by any decision of the director or undue delay by the~~
32 ~~director in reviewing agency requests or plans under the provisions of this~~
33 ~~chapter may appeal therefrom in writing to the Governor within twenty (20)~~
34 ~~days after receiving written notice of the director's action. The agency~~
35 ~~shall simultaneously furnish a copy of the appeal, including a statement of~~
36 ~~the reasons for the appeal, to the Joint Committee on Advanced Communications~~

1 ~~and Information Technology and appropriate standing committees of the~~
 2 ~~Arkansas General Assembly.~~

3 ~~(2) The agency shall simultaneously furnish a copy of the~~
 4 ~~appeal, including a statement of the reasons for the appeal, to the Joint~~
 5 ~~Committee on Advanced Communications and Information Technology and~~
 6 ~~appropriate standing committees of the General Assembly.~~

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

11 ~~(e) The Governor shall issue his ruling within sixty (60) days, which~~
 12 ~~may be:~~

13 ~~(1) To uphold the decision of the director;~~

14 ~~(2) To reject the decision of the director and approve the~~
 15 ~~action sought by the state agency; or~~

16 ~~(3) To modify the decision of the director in any manner which~~
 17 ~~the Governor deems appropriate.~~

18 ~~(f) The Governor shall notify in writing the Joint Committee on~~
 19 ~~Advanced Communications and Information Technology and the appropriate~~
 20 ~~standing committees of the General Assembly of his decision.~~

21 ~~(g) The review by the committee is intended to be advisory to the~~
 22 ~~Governor, with ultimate responsibility for the decision to rest with the~~
 23 ~~Governor.~~

24
 25 SECTION 14. Arkansas Code 25-4-119(b) through (d) are amended to read
 26 as follows:

27 (b)(1) When the General Assembly has completed the appropriation
 28 process, the director shall oversee budgetary planning for the department for
 29 each fiscal year of the biennium ~~and shall assure that planned information~~
 30 ~~technology expenditures for customers can be met from funds appropriated by~~
 31 ~~the General Assembly.~~

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

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

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

5 (c) The quarterly allotment procedures applicable to state agencies,
6 as defined by § 19-4-101 et seq., shall be applicable to ~~the department~~ all
7 appropriations funded directly through general revenue.

8 ~~(d) With the exception of the public institutions of higher learning,~~
9 ~~prior to the commencement of budget hearings conducted by the Legislative~~
10 ~~Council, all agencies shall submit to the administrator the information~~
11 ~~technology portion of their budget. The office shall review and may comment~~
12 ~~on the agency request.~~

13
14 SECTION 15. Arkansas Code 25-4-121 is amended to read as follows:

15 25-4-121. Department of Information Systems Revolving Fund.

16 (a) There is 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 Department of Information Systems Revolving Fund.

19 ~~(b) The moneys credited to the Department of Information Systems~~
20 ~~Revolving Fund shall be used for major information technology acquisitions,~~
21 ~~personal services, maintenance, operation, and improvement of only those~~
22 ~~activities or programs of the department which are responsible for providing~~
23 ~~the services from which the revenues are derived.~~

24 ~~(c)~~(b) The fund shall consist of nonrevenue receipts derived from
25 services provided to various agencies of the federal, state, city, and county
26 governments, and any other moneys which may be provided by law for credit to
27 the fund.

28 ~~(d)~~(c) All revenues received by the Department of Information Systems
29 for providing information technology services shall be deposited in the State
30 Treasury as nonrevenue receipts, there to be used for the maintenance,
31 operation, and improvement of the department.

32 ~~(e)~~(d) All revenues received from agencies or other governmental
33 entities for information technology services provided by contracts between
34 the Department of Information Systems and outside vendors may be deposited in
35 the State Treasury as refund to expenditures.

36

1 SECTION 16. Uncodified Section 3(c) of Act 1042 of 2001 is amended to
2 read as follows:

3 (c) The Office of Information Technology shall ~~hereafter~~ as soon as
4 the Executive CIO is appointed be under the direction of the Executive CIO
5 and until that appointment the office shall remain under the Department of
6 Information Systems. The powers and duties of the Executive CIO shall not
7 become effective until the appointment of the Executive CIO.

8
9 SECTION 17. Uncodified Section 4(f)(1) and (2) of Act 1042 of 2001 are
10 amended to read as follows:

11 (f)(1) In the event a state agency proposes an information technology
12 project which does not comply with the state information shared architecture
13 or state information technology plan, the agency shall submit documentation
14 to the ~~director~~ Administrator of the Office of Information Technology
15 explaining the reason for noncompliance.

16 (2) The ~~director~~ administrator shall advance the agency's
17 concerns to the Executive CIO, who shall seek review and advice of the CIO
18 Council.

19
20 SECTION 18. Uncodified Section 7(a) of Act 1042 of 2001 are amended to
21 read as follows:

22 (a) With respect to any finding, ruling, or determination that the
23 ~~director~~ Administrator of the Office of Information Technology is authorized
24 to make under the provisions of this act, any state agency aggrieved by any
25 decision of the administrator, or undue delay by the administrator in
26 reviewing agency requests or plans under the provisions of this act, may
27 appeal therefrom in writing to the Executive CIO.

28
29 SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by
30 the General Assembly that this Act 1042 of 2001 was enacted with an emergency
31 clause; that this act makes changes to current law that are necessitated by
32 Act 1042 of 2001; and that this law should become effective as soon as
33 possible in order to complement and implement Act 1042 of 2001. Therefore,
34 an emergency is declared to exist and this act being immediately necessary
35 for the preservation of the public peace, health and safety shall become
36 effective on the date of its approval by the Governor. If the bill is

1 neither approved nor vetoed by the Governor, it shall become effective on the
2 expiration of the period of time during which the Governor may veto the bill.
3 If the bill is vetoed by the Governor and the veto is overridden, it shall
4 become effective on the date the last house overrides the veto.

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/s/ Stoval