

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 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 2586

4  
5 By: Representative Pace  
6  
7

## For An Act To Be Entitled

9 AN ACT TO DISSOLVE AND TRANSFER THE DUTIES AND  
10 RESPONSIBILITIES OF THE EXECUTIVE CHIEF  
11 INFORMATION OFFICER, CHIEF INFORMATION OFFICER,  
12 AND OFFICE OF INFORMATION TECHNOLOGY; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO DISSOLVE AND TRANSFER THE  
16 DUTIES AND RESPONSIBILITIES OF THE  
17 EXECUTIVE CHIEF INFORMATION OFFICER,  
18 CHIEF INFORMATION OFFICER, AND OFFICE OF  
19 INFORMATION TECHNOLOGY.  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 6-1-301(b)(8), concerning the composition  
26 of the Arkansas Commission for Coordination of Educational Efforts, is  
27 amended to read as follows:

28 (8) ~~The Executive Chief Information Officer~~ The Director of the  
29 Department of Finance and Administration or the director's designee;  
30

31 SECTION 2. Arkansas Code § 6-21-112(e)(1), concerning the Division of  
32 Public School Academic Facilities and Transportation, is amended to read as  
33 follows:

34 (e)(1) ~~The Executive Chief Information Officer~~ Director of the  
35 Department of Finance and Administration shall assign one (1) individual ~~from~~  
36 ~~the staff of the Office of Information Technology~~ to serve as a technology



1 liaison to the division.

2

3 SECTION 3. Arkansas Code § 6-47-502(b)(3), concerning distance  
4 learning grants, is amended to read as follows:

5 (3) The distance learning technical protocol or protocols shall  
6 be in alignment with technical standards set by the office of the ~~Executive~~  
7 ~~Chief Information Officer~~ Director of the Department of Finance and  
8 Administration.

9

10 SECTION 4. Arkansas Code § 15-21-503 is amended to read as follows:  
11 15-21-503. Creation - Board.

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

13 (b)(1)(A) The board shall be composed of twelve (12) voting members  
14 appointed by the Governor for terms of four (4) years.

15 (B) At the time of appointment or reappointment, the  
16 appointing authority shall adjust the length of terms to ensure that the  
17 terms of members of the board are staggered so that, insofar as possible, an  
18 equal number of members shall rotate each year.

19 (2) The board shall be composed of the following members or  
20 their designees:

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

22 (B) Three (3) city, county, and local government  
23 representatives;

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

25 (D) Three (3) representatives of institutions of higher  
26 education.

27 (3) All members of the board shall have knowledge of the use and  
28 usefulness of digital land and geographic information in the management of  
29 government and a general awareness of the role of mapping as related to that  
30 management.

31 (4) No person shall serve as a member of the board for more than  
32 two (2) full consecutive terms.

33 (5) Upon the death, disability, resignation, removal, or refusal  
34 to serve of any member, the Governor shall appoint a qualified person to  
35 complete board membership.

36 (c)(1)(A) A chair and a vice chair shall be elected by the board

1 membership to oversee all board and committee meetings.

2 (B) Members of the board must elect a chair and vice chair  
3 every year.

4 (2)(A) The board will work with the State Geographic Information  
5 Coordinator assigned by the ~~Executive Chief Information Officer~~ Director of  
6 the Department of Information Systems with approval from the board.

7 (B) The State Geographic Information Coordinator will:

8 (i) Assist the board in developing a comprehensive  
9 plan and evaluation procedures on how the state should implement tactical and  
10 strategic geographic information systems and land information systems  
11 planning;

12 (ii) Implement informational and educational  
13 programs; and

14 (iii) Coordinate intrastate geographic information  
15 systems and land information systems efforts.

16 (C) The State Geographic Information Coordinator shall  
17 report directly to the ~~Executive Chief Information Officer~~ Director of the  
18 Department of Information Systems.

19 (d)(1) The State Geographic Information Coordinator shall administer  
20 daily operations of the Arkansas Geographic Information Office with direction  
21 from the board.

22 (2) This may include liaison between the board and the Governor,  
23 the ~~Executive Chief Information Officer~~ Director of the Department of  
24 Information Systems, and public or private sector entities involved in  
25 spatial data and land records modernization, project management in the  
26 preparation of the strategic planning documents related to spatial data and  
27 land records modernization, developing policy and procedures for land records  
28 modernization, and developing policy and procedures for the activities of the  
29 board.

30 (3) Additional requirements are the implementation of  
31 educational programs, coordinating vendor exhibits, and facilitating  
32 technical assistance and consulting.

33 (e) The board may conduct meetings at such places and such times as it  
34 may deem necessary or convenient to enable it to exercise fully and  
35 effectively its powers, perform its duties, and accomplish its objectives and  
36 purposes.

1 (f) Members of the board shall receive no compensation for their  
 2 services.

3 (g) The board will be provided administrative support through the  
 4 ~~Office of Information Technology~~ Arkansas Geographic Information Office.

5 (h) The funds necessary to carry out the provisions of this subchapter  
 6 shall come from the Geographic Information Systems Fund.

7 (i) The board shall seek the review and advice of the Joint Committee  
 8 on Advanced Communications and Information Technology prior to issuing  
 9 guidelines, proposed legislation, and strategic plans.

10  
 11 SECTION 5. Arkansas Code § 25-4-102(b)(4), concerning information  
 12 resources, is amended to read as follows:

13 (4) Develop technical standards and provide technical leadership  
 14 and guidance to support the state's shared technical architecture ~~as~~  
 15 ~~promulgated by the Executive Chief Information Officer~~.

16  
 17 SECTION 6. Arkansas Code § 25-4-103 is amended to read as follows:  
 18 25-4-103. Definitions.

19 As used in this chapter:

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

22 ~~(2)~~(1) "Application" means a separately identifiable and  
 23 interrelated set of information technology resources that allows information  
 24 processing to support specifically defined objectives;

25 ~~(3)~~(2) "Core information technology infrastructure" means the  
 26 state data, state network and application interfaces, state security, and  
 27 disaster recovery;

28 ~~(4)~~(3) "Customer" means a state agency, other governmental  
 29 entity, or nongovernmental first responder entity that purchases or uses  
 30 services under this chapter;

31 ~~(5)~~(4) "Department" means the Department of Information Systems;

32 ~~(6)~~(5) "Director" means the Director of the Department of  
 33 Information Systems;

34 ~~(7)~~(6) "Equipment" means the machines, devices, and transmission  
 35 facilities used in information processing, including computers, word  
 36 processors, terminals, telephones, cables, software, and related services;

1           ~~(8)~~(7) "Information processing" means the electronic capture,  
2 collection, storage, manipulation, transmission, retrieval, and presentation  
3 of information in the form of data, text, voice, or image and includes  
4 telecommunications and office automation functions;

5           ~~(9)~~(8) "Information technology" means any component related to  
6 information processing and wired and wireless telecommunications, including  
7 data processing and telecommunications hardware, software, services,  
8 planning, personnel, facilities, and training;

9           ~~(10)~~(9) "Information technology resources" means the procedures,  
10 equipment, and software that are designed, built, operated, and maintained to  
11 collect, record, process, store, retrieve, display, and transmit information,  
12 and the associated personnel, including consultants and contractors;

13           ~~(11)~~(10) "Network infrastructure" means the shared portions of  
14 the state's telecommunications transmission facilities, including all  
15 transmission lines and all associated equipment and software components  
16 necessary for the management and control of the state network;

17           ~~(12)~~(11) "Nongovernmental first responder entity" means state  
18 and law enforcement personnel, fire department personnel, and emergency  
19 medical personnel who will be deployed to bioterrorism attacks, terrorist  
20 attacks, catastrophic or natural disasters, and other emergencies;

21           ~~(13)~~(12) "Other governmental entities" means state-elected  
22 constitutional officers and their staffs, the Supreme Court and the  
23 Administrative Office of the Courts, the General Assembly or its committees  
24 or staffs, the Arkansas State Highway and Transportation Department, the  
25 Arkansas State Game and Fish Commission, the federal government, cities,  
26 counties, municipalities, and public school districts;

27           ~~(14)~~(13) "Project" means a program to apply information  
28 technology resources to functions within or among elements of a state agency  
29 that ideally is characterized by well-defined parameters, specific  
30 objectives, common benefits, planned activities, a scheduled completion date,  
31 and an established budget with a specified source of funding;

32           ~~(15)~~(14) "Project management" means principles, practices, and  
33 techniques applied to lead projects and teams and the control of project  
34 schedules, costs, and performance risks with the goal of satisfying  
35 customers' requirements;

36           ~~(16)~~(15) "Public instrumentality" means any statutorily created

1 entity charged with the responsibility of providing information or services  
 2 through the use of information technology;

3 ~~(17)~~(16) "State agencies" means all state departments, boards,  
 4 and commissions but shall not include the elected constitutional officers and  
 5 their staffs, the General Assembly and its committees and staffs, or the  
 6 Supreme Court and the Administrative Office of the Courts, and public  
 7 institutions of higher education with respect to academic, research,  
 8 healthcare, and existing information technology applications and underlying  
 9 support therefor;

10 ~~(18)~~(17) "State of Arkansas shared technical architecture" means  
 11 the structure of program or system components, how these components relate to  
 12 one another, and the principles that govern their design and evolution over  
 13 time; and

14 ~~(19)~~(18) "Telecommunications" means all forms of communications  
 15 devices and transport media for the conveyance by electronic or electrical  
 16 means of voice, words, data, signals, or images.

17  
 18 SECTION 7. Arkansas Code § 25-4-104 is amended to read as follows:  
 19 25-4-104. Department of Information Systems.

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

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

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

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

30 ~~(e) There is established an Office of Information Technology. The~~  
 31 ~~Administrator of the Office of Information Technology shall be appointed by~~  
 32 ~~the the Executive Chief Information Officer.~~

33 ~~(d)~~(c) The director may establish divisions and the organizational  
 34 structure deemed necessary and appropriate for the efficient performance of  
 35 the duties imposed under the provisions of this chapter, provided the  
 36 organizational structure of the department shall conform to the positions

1 authorized and limitations provided therefor in the biennial appropriation of  
 2 the department.

3 ~~(e)~~(d) The director shall appoint the deputy and division directors  
 4 and the professional, technical, and clerical assistants and employees as  
 5 necessary to perform the duties imposed by this chapter. All employees of the  
 6 department shall be employed by and serve at the pleasure of the director.

7 ~~(f)~~(e) The director shall report to the Governor any matters relating  
 8 to abuses of this chapter.

9 ~~(g)~~(f) The director shall recommend statutory changes to the Governor.  
 10

11 SECTION 8. Arkansas Code § 25-4-105 is amended to read as follows:  
 12

13 25-4-105. Department of Information Systems - General powers and  
 14 duties.

15 The Department of Information Systems shall be vested with all the  
 16 powers and duties necessary to administer the department and to enable it to  
 17 carry out fully and effectively the regulations and laws relating to the  
 18 department. These powers and duties relate to information technology and  
 19 include, but are not limited to:

20 (1) Conceptualizing, designing, developing, building, and  
 21 maintaining common information technology infrastructure elements used by  
 22 state agencies and governmental entities;

23 (2) Providing information technology services to state agencies,  
 24 other governmental entities, and nongovernmental first responder entities;

25 (3) Entering into contracts with state agencies, other  
 26 governmental entities, and nongovernmental first responder entities for the  
 27 purpose of providing information technology services;

28 (4)(A) Establishing fair and reasonable schedules of rates or  
 29 fees to be paid by customers that are provided service to enable the  
 30 department to recover all allowable costs of providing the services as  
 31 provided in this chapter.

32 (B) The same rate or fee structure will apply to all  
 33 customers receiving services;

34 (5)(A) Establishing estimated billing rates to be developed for  
 35 a two-year period to coincide with the budgeting process.

36 (B) The department shall have the authority to adjust

1 billing as necessary to effect compliance with applicable state and federal  
 2 statutory and regulatory provisions.

3 (C) Billing adjustments shall be subject to the approval  
 4 of the Chief Fiscal Officer of the State and review by the Legislative  
 5 Council;

6 (6) Acquiring information technology on behalf of state  
 7 agencies, the cost of which shall be recovered through customer billings or  
 8 through direct funding;

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

12 (8) Developing a departmental plan to support the goals and  
 13 objectives set forth for it in the state information technology plans and  
 14 strategies. ~~The department shall seek the advice of the Executive Chief~~  
 15 ~~Information Officer in the development of its plan;~~

16 (9) Implementing systems to ensure the security of state data  
 17 and state data processing assets, to provide for disaster recovery and  
 18 continuity of operations to the state agencies served, and to recover its  
 19 costs from the customers benefited; ~~and~~

20 (10) Performing any additional powers, functions, and duties  
 21 which are necessary and appropriate for the proper administration of the  
 22 provisions of this chapter;

23 (11) Monitor information resource security issues, coordinate  
 24 all security measures which could be used to protect resources by more than  
 25 one (1) governmental entity, and act as an information technology resource to  
 26 other state agencies; and

27 (12) Assist in the development of an information technology  
 28 security policy for state agencies.

29  
 30 SECTION 9. Arkansas Code § 25-4-107 is amended to read as follows:

31 25-4-107. ~~Office of Information Technology~~ Department of Finance and  
 32 Administration - General powers and duties.

33 The ~~Office of Information Technology~~ Department of Finance and  
 34 Administration shall be vested with all the powers and duties necessary to  
 35 carry out regulations and laws ~~relating to the Executive Chief Information~~  
 36 ~~Officer and~~ to oversee and administer information technology and shall:

1 (1) Assist the Department of Information Systems in performing  
 2 its duties;

3 (2) Review agencies' information technology plans and requests;  
 4 ~~(3) Provide leadership in coordinating information technology;~~

5 ~~(4)(3)~~ Advise agencies in acquiring information technology  
 6 service;

7 ~~(5)(4)~~ Advise agencies regarding information technology  
 8 contracts and agreements;

9 ~~(6) Monitor national and international standards relating to~~  
 10 ~~information technology;~~

11 ~~(7)(5)~~ Develop and publish policies, procedures, and standards  
 12 relating to information technology and ensure agencies' compliance with those  
 13 policies, procedures, and standards;

14 ~~(8)(6)~~ Develop standards to promote and facilitate electronic  
 15 access to government information and interoperability of information systems;

16 ~~(9)(7)~~ Develop a state information technology plan that shall  
 17 establish a state-level mission, goals, and objectives for the use of  
 18 information technology; and

19 ~~(10)(8)~~ Foster interagency use of information technologies that  
 20 is consistent with the established strategic direction of information  
 21 technology and avoids unnecessary duplication.

22  
 23 SECTION 10. Arkansas Code § 25-4-108 is repealed.

24 ~~25-4-108. Office of Information Technology—Working groups.~~

25 ~~(a) The Executive Chief Information Officer shall appoint working~~  
 26 ~~groups as necessary to provide the Office of Information Technology with~~  
 27 ~~expertise and advice on information technology.~~

28 ~~(b) Working group members shall:~~

29 ~~(1) Have knowledge and experience in information technology; and~~

30 ~~(2) Annually elect a chair.~~

31 ~~(c)(1) Working group members shall not receive compensation for~~  
 32 ~~service to the working groups.~~

33 ~~(2) However, working group members may receive reimbursement for~~  
 34 ~~actual and necessary expenses reasonably incurred in performing board~~  
 35 ~~service, subject to applicable limitations on reimbursement as provided by~~  
 36 ~~law.~~

1           ~~(d) A working group may be convened by:~~

2                     ~~(1) A majority of the working group's members;~~

3                     ~~(2) The working group's chair; or~~

4                     ~~(3) The Administrator of the Office of Information Technology.~~

5  
6           SECTION 11. Arkansas Code § 25-4-110 is amended to read as follows:

7           25-4-110. Information technology - Planning.

8           (a)(1) ~~The Office of Information Technology~~ Department of Finance and  
9 Administration shall develop the state information technology plan.

10                   ~~(2) The administrator under the direction of the Executive Chief~~  
11 ~~Information Officer shall prepare the draft state information technology plan~~  
12 ~~and periodic updates for the Governor and shall seek the advice of the~~  
13 ~~working groups.~~

14                   ~~(3)~~(2) Before the administrator submits the plan to the  
15 Governor, he or she shall seek the advice of The Department of Finance and  
16 Administration shall submit monthly status reports to the Joint Committee on  
17 Advanced Communications and Information Technology.

18           (b)~~(1)~~ The ~~Office of Information Technology~~ Department of Finance and  
19 Administration shall develop and maintain information technology standards.

20                   ~~(2) The administrator shall prepare the draft standards and~~  
21 ~~periodic updates for the Governor and shall seek the advice of the working~~  
22 ~~groups.~~

23                   ~~(3) Before the administrator submits the state standards to the~~  
24 ~~Governor, he or she shall seek the advice of the steering committee and the~~  
25 ~~advisory board.~~

26           (c)(1) Each state agency shall develop a biennial information  
27 technology plan that establishes state agency goals, objectives, and policies  
28 regarding the development and use of information technology.

29                   (2)(A) Each state agency shall specifically include a policy  
30 regarding the use of the Internet.

31                             (B) A statement of the agency's policy regarding the use  
32 of the Internet shall include:

33                                     (i) The penalties for violations of the agency's  
34 Internet policy;

35                                     (ii) The number of employees and computers which  
36 have access to the Internet and the percentage of those employees and

1 computers to the total number of employees and computers;

2 (iii) The needs of the agency and how those needs  
3 relate to the use of the Internet; and

4 (iv) The responsibilities of the agency's employees  
5 as those responsibilities relate to the efficient and responsible use of the  
6 Internet.

7 (3) Plans may be updated by agencies in a timely manner to  
8 remain current and must accommodate changes in the evolving state information  
9 technology plan and standards.

10 (d) ~~The Office of Information Technology~~ Department of Finance and  
11 Administration shall distribute criteria, elements, form, and format for  
12 agency plans. Plans may include, but not be limited to, the following:

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

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

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

20 (4) Compliance with the Freedom of Information Act of 1967, §  
21 25-19-101 et seq.;

22 (5) An explanation of how the state agency's mission, goals, and  
23 objectives for information technology support and conform to the state  
24 information technology plan developed by the office;

25 (6) An implementation strategy to include:

26 (A) Annual implementation objectives of the plan;

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

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

32 (7) Projects and resources required to meet the objectives of  
33 the plan;

34 (8) Estimated schedules and funding required to implement  
35 identified projects;

36 (9) An evaluation of the agency's performance relating to

1 information technology;

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

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

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

8 (e) Plans developed or updated shall be submitted to the ~~office~~  
9 department. The ~~office~~ department may reject, require modification to, or  
10 approve plans as deemed appropriate. Plans shall be modified by the state  
11 agency as necessary.

12 (f) Plans developed or updated by public instrumentalities shall be  
13 submitted for review to the Joint Committee on Advanced Communications and  
14 Information Technology. The committee may seek the assistance of the office  
15 in conducting this review. Plans shall be modified by the public  
16 instrumentality as necessary.

17  
18 SECTION 12. Arkansas Code § 25-4-111 is amended to read as follows:  
19 25-4-111. Information technology - Prerequisites.

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

22 (1) Acquire by purchase or lease any new or additional  
23 information technology; or

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

25 (b) If an agency desires to acquire information technology not part of  
26 an information technology plan approved under § 25-4-110, the requesting  
27 agency shall submit a waiver request to the ~~Executive Chief Information~~  
28 Officer Director of the Department of Finance and Administration that  
29 includes:

30 (1) Identification of necessary additional services or  
31 improvements in information technology;

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

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

36 (4) Measurement and evaluation criteria.

1 (c)(1) Upon evaluation of the waiver request, the ~~Executive Chief~~  
 2 ~~Information Officer~~ Director of the Department of Finance and Administration  
 3 shall notify the agency in writing of his or her approval or rejection of the  
 4 request and his or her reasons therefor.

5 (2) The ~~Executive Chief Information Officer~~ Director of the  
 6 Department of Finance and Administration shall make his or her evaluation in  
 7 a timely manner. If the ~~Executive Chief Information Officer~~ Director of the  
 8 Department of Finance and Administration requires more than thirty (30) days  
 9 to complete the evaluation, he or she shall report in writing to the Governor  
 10 his or her reasons for the delay in completion.

11 (3) If the ~~Executive Chief Information Officer~~ Director of the  
 12 Department of Finance and Administration rejects a request for a waiver, no  
 13 state agency shall make any expenditure of public funds for the acquisition  
 14 or expansion of information technology equipment or services.

15 (4) If the ~~Executive Chief Information Officer~~ Director of the  
 16 Department of Finance and Administration determines that the agency needs  
 17 additional information technology resources, he or she may:

18 (A) Authorize the agency to acquire the requested  
 19 information technology;

20 (B) Authorize acquisition of a modified information  
 21 technology configuration;

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

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

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

31  
 32 SECTION 13. Arkansas Code § 25-4-114(a), concerning contracts and  
 33 agreements for information technology, is amended to read as follows:

34 (a) In the event a state agency and the Department of Information  
 35 Systems are unable to resolve a dispute, the matter shall jointly be referred  
 36 to the ~~Executive Chief Information Officer~~ Director of the Department of

1 Finance and Administration for resolution.

2  
 3 SECTION 14. Arkansas Code § 25-18-603 is amended to read as follows:  
 4 25-18-603. Definitions.

5 As used in this subchapter:

6 ~~(1) "CIO Council" means the same as defined in § 25-33-102;~~

7 ~~(2) "Executive Chief Information Officer" means the Executive~~  
 8 ~~Chief Information Officer of the state appointed under § 25-33-103;~~

9 ~~(3)(1)~~ "Public records" means the same as defined in § 25-19-  
 10 103(5)(A); and

11 ~~(4)(2)(A)~~ "State agencies" means all state departments, boards,  
 12 and commissions.

13 (B) "State agencies" does not include:

14 (i) The elected constitutional officers and their  
 15 staffs;

16 (ii) The General Assembly and its committees and  
 17 staffs;

18 (iii) The Supreme Court;

19 (iv) The Court of Appeals;

20 (v) The Administrative Office of the Courts; and

21 (vi) Public institutions of higher education with  
 22 respect to academic, research, health care, and existing information and  
 23 technology applications and underlying support.

24  
 25 SECTION 15. Arkansas Code Title 25, Chapter 8, Subchapter 1 is amended  
 26 to add an additional section to read as follows:

27 25-8-110. Additional duties.

28 The Department of Finance and Administration shall:

29 (1) Develop retention schedules for control, preservation,  
 30 protection, and disposition of the electronic records of state agencies;

31 (2) Direct the development of policies and procedures which  
 32 state agencies shall follow in developing information technology plans and  
 33 technology-related budgets and technology project justification;

34 (3) Review procurements to ensure conformity with information  
 35 policies and standards and state-level plans and implementation strategies;

36 (4) Advise state agencies in acquiring information technology

1 service, as well as advise state agencies on information technology contracts  
2 and agreements;

3 (5) Report to the Joint Committee on Advanced Communications and  
4 Technology as requested regarding the status of information technology  
5 deployment; and

6 (6) Develop and promulgate rules and guidelines governing the  
7 retention and management of public records commonly found in most state  
8 agencies.

9  
10 SECTION 16. Arkansas Code § 25-33-101 is repealed.

11 ~~25-33-101. Finding.~~

12 ~~The General Assembly finds and declares information and information~~  
13 ~~resources to be strategic assets of the State of Arkansas and that procedures~~  
14 ~~must be established to ensure that:~~

15 ~~(1) Information technology resources are developed and~~  
16 ~~implemented to provide electronic government services to the citizens of~~  
17 ~~Arkansas twenty four (24) hours a day, seven (7) days a week;~~

18 ~~(2) Information resources are used in an efficient manner;~~

19 ~~(3) Information is administered and shared consistent with~~  
20 ~~requirements for security, privacy, and confidentiality;~~

21 ~~(4) Information technology acquisitions meet state needs and are~~  
22 ~~consistent with coordinated efforts to maximize standardization and cost~~  
23 ~~effectiveness; and~~

24 ~~(5) State officials have timely access to information in useful~~  
25 ~~forms.~~

26  
27 SECTION 17. Arkansas Code § 25-33-102 is repealed

28 ~~25-33-102. Definitions.~~

29 ~~For purposes of this chapter:~~

30 ~~(1) "Agency CIO" means the chief information officer of a state~~  
31 ~~agency whose charge is to apply technology to meet the agency's core business~~  
32 ~~processes;~~

33 ~~(2) "Executive CIO" means the Executive Chief Information~~  
34 ~~Officer of the state appointed under this chapter;~~

35 ~~(3) "CIO Council" means the CIO Council created by this chapter;~~

36 ~~(4) "Core information technology infrastructure" means the state~~

1 ~~data, state network and application interfaces, and state security;~~

2 ~~(5) "Electronic record" means a record created, generated, sent,~~  
 3 ~~communicated, received, or stored by electronic means;~~

4 ~~(6) "Enterprise project" refers to an information technology~~  
 5 ~~project that:~~

6 ~~(A) Applies to more than one (1) government entity; and~~

7 ~~(B) Has implications for the development of the core~~  
 8 ~~infrastructure in compliance with the state's shared technical architecture;~~

9 ~~(7) "Information technology" means any component related to~~  
 10 ~~information processing and telecommunications, including data processing and~~  
 11 ~~telecommunications hardware, software, services, planning, personnel,~~  
 12 ~~facilities, and training;~~

13 ~~(8) "Information technology resources" means:~~

14 ~~(A) The procedures, equipment, and software that are~~  
 15 ~~designed, built, operated, and maintained to collect, record, process, store,~~  
 16 ~~retrieve, display, and transmit information; and~~

17 ~~(B) Associated personnel, including consultants and~~  
 18 ~~contractors;~~

19 ~~(9) "Project" means a program to apply information technology~~  
 20 ~~resources to functions within or among elements of a state agency, that~~  
 21 ~~ideally is characterized by:~~

22 ~~(A) Well defined parameters;~~

23 ~~(B) Specific objectives;~~

24 ~~(C) Common benefits;~~

25 ~~(D) Planned activities;~~

26 ~~(E) A scheduled completion date; and~~

27 ~~(F) An established budget with a specified source of~~  
 28 ~~funding;~~

29 ~~(10) "State agencies" means all state departments, boards, and~~  
 30 ~~commissions, but shall not include the elected constitutional officers and~~  
 31 ~~their staffs, the General Assembly and its committees and staffs, the Supreme~~  
 32 ~~Court and the Administrative Office of the Courts, and public institutions of~~  
 33 ~~higher education with respect to academic, research, healthcare, and existing~~  
 34 ~~information technology applications and underlying support therefor; and~~

35 ~~(11) "State of Arkansas shared technical architecture" means:~~

36 ~~(A) The structure of program or system components of state~~

1 ~~government;~~

2 ~~(B) How these components relate to one another;~~

3 ~~(C) The means of communication among them; and~~

4 ~~(D) The principles that govern their design and evolution~~

5 ~~over time.~~

6

7 SECTION 18. Arkansas Code § 25-33-103 is amended to read as follows:

8 ~~25-33-103. Executive Chief Information Officer.~~

9 ~~(a) There is hereby created the position of Executive Chief~~

10 ~~Information Officer, which shall be appointed by and serve at the will of the~~  
11 ~~Governor.~~

12 ~~(b) Minimum qualifications for the Executive Chief Information~~  
13 ~~Officer, including, but not limited to, education, background, and experience~~  
14 ~~shall be promulgated by the Office of Personnel Management of the Division of~~  
15 ~~Managment Services of the Department of Finance and Administration to be~~  
16 ~~reviewed by the Legislative Council and approved by the Governor.~~

17 ~~(c)(1) The Office of Information Technology shall be under the~~  
18 ~~direction of the Executive Chief Information Officer as soon as the Executive~~  
19 ~~Chief Information Officer is appointed. Until that appointment, the office~~  
20 ~~shall remain under the Department of Information Systems.~~

21 ~~(2) The powers and duties of the Executive Chief Information~~  
22 ~~Officer shall not become effective until the appointment of the Executive~~  
23 ~~Chief Information Officer.~~

24

25 SECTION 19. Arkansas Code § 25-33-104 is repealed.

26 ~~25-33-104. Executive Chief Information Officer—Duties.~~

27 ~~(a) The Executive Chief Information Officer shall:~~

28 ~~(1) Utilize any personnel and resources of the Department of~~  
29 ~~Information Systems as deemed necessary with the consent of the Governor,~~  
30 ~~including, but not limited to, the functions currently performed by the~~  
31 ~~Office of Information Technology;~~

32 ~~(2)(A) Direct the formulation of promulgation of policies,~~  
33 ~~standards, specifications, and guidelines for information technology in the~~  
34 ~~state, including, but not limited to, those required to support state and~~  
35 ~~local government exchange in a secure environment for the acquisition,~~  
36 ~~storage, use, sharing, and distribution of core infrastructure components as~~

1 ~~defined by the State of Arkansas shared technical architecture.~~

2 ~~(B) The areas in which standards, policies, and guidelines~~  
 3 ~~shall be developed shall include, but are not limited to, retention schedules~~  
 4 ~~for control, preservation, protection, and disposition of the electronic~~  
 5 ~~records of agencies;~~

6 ~~(3) Develop a process for how all state agencies shall have~~  
 7 ~~input into the formation of these policies, standards, specifications, and~~  
 8 ~~guidelines and present the plan to the Governor and the General Assembly;~~

9 ~~(4) If deemed necessary and appropriate, establish working~~  
 10 ~~groups to assist in the formulation of policies, standards, specifications,~~  
 11 ~~and guidelines and assure that all agencies have the opportunity to review~~  
 12 ~~and comment;~~

13 ~~(5) Oversee the development of legislation and rules and~~  
 14 ~~regulations affecting electronic records management and retention, privacy,~~  
 15 ~~security, and related issues;~~

16 ~~(6) Create a state security office to monitor information~~  
 17 ~~resource security issues, coordinate all security measures which could be~~  
 18 ~~used to protect resources by more than one (1) governmental entity, and act~~  
 19 ~~as an information technology resource to other state agencies;~~

20 ~~(7) Oversee the development of information technology security~~  
 21 ~~policy for state agencies;~~

22 ~~(8) In consultation with the CIO Council, direct the development~~  
 23 ~~of policies and procedures which state agencies shall follow in developing~~  
 24 ~~information technology plans and technology related budgets and technology~~  
 25 ~~project justification;~~

26 ~~(9) Establish criteria for enterprise projects and review~~  
 27 ~~enterprise project plans and budget requests and recommend priorities to the~~  
 28 ~~council;~~

29 ~~(10)(A) Develop plans and implementation strategies to~~  
 30 ~~promulgate state level missions, goals, and objectives for the use of~~  
 31 ~~information technology, with the review and advice of the council.~~

32 ~~(B) These plans and strategies shall include, but not be~~  
 33 ~~limited to:~~

34 ~~(i) Business case development for information~~  
 35 ~~technology applications;~~

36 ~~(ii) Maximizing state purchasing power;~~



1 ~~(a)(4) of this section.~~

2 ~~(e) As to electronic records, the authority and responsibility of the~~  
 3 ~~State Records Commission [repealed] under § 13-4-105 [repealed] are~~  
 4 ~~transferred to the Executive Chief Information Officer.~~

5 ~~(f)(1) In the event a state agency proposes an information technology~~  
 6 ~~project which does not comply with the state information shared architecture~~  
 7 ~~or state information technology plan, the agency shall submit documentation~~  
 8 ~~to the Administrator of the Office of Information Technology explaining the~~  
 9 ~~reason for noncompliance.~~

10 ~~(2) The administrator shall advance the agency's concerns to the~~  
 11 ~~Executive Chief Information Officer, who shall seek review and advice of the~~  
 12 ~~council.~~

13 ~~(3) The Executive Chief Information Officer shall then approve~~  
 14 ~~or disapprove the proposed project plan.~~

15 ~~(g) The information technology project justification process developed~~  
 16 ~~by the Executive Chief Information Officer in connection with the council~~  
 17 ~~shall be followed by all state agencies.~~

18  
 19 SECTION 20. Arkansas Code § 25-33-105 is repealed.  
 20 ~~25-33-105. CIO Council.~~

21 ~~(a)(1) There is hereby created the CIO Council to be appointed by the~~  
 22 ~~Governor with the advice of the Information Technology Oversight Committee.~~

23 ~~(2) The council shall advise the Executive Chief Information~~  
 24 ~~Officer on information technology resource usage and prioritization.~~

25 ~~(b)(1) The Executive Chief Information Officer shall present a~~  
 26 ~~recommendation of the membership of the council to the Governor within sixty~~  
 27 ~~(60) days after his or her appointment.~~

28 ~~(2) The council shall have representatives from state~~  
 29 ~~government, public education, cities, and counties.~~

30 ~~(3) The Executive Chief Information Officer shall implement a~~  
 31 ~~policy to ensure representation for every state agency on the council,~~  
 32 ~~although every state agency shall not have an individual representative on~~  
 33 ~~the council.~~

34 ~~(c)(1) Specific state agency participation on the council shall be~~  
 35 ~~through the position of agency chief information officer.~~

36 ~~(2) Minimum qualifications for the agency chief information~~

1 officer, including, but not limited to, education, background, and experience  
 2 shall be promulgated by the Office of Personnel Management of the Division of  
 3 Management Services of the Department of Finance and Administration to be  
 4 reviewed by the Legislative Council and approved by the Governor.

5 (3) The Executive Chief Information Officer shall have the  
 6 authority to appoint representatives of other agencies to subcommittees.

7 (4) In addition, the chief executive employee of the network  
 8 manager contracted pursuant to the Information Network of Arkansas Act, § 25-  
 9 27-101 et seq., shall serve as an ex officio member of the council.

10 (d) The council shall:

11 (1) Provide leadership in coordinating information technology in  
 12 the state;

13 (2) Assist in establishing a prioritization system for state  
 14 investment in enterprise projects;

15 (3) Assist in the development of policies and procedures, in  
 16 consultation with the Executive Chief Information Officer, which state  
 17 agencies and institutions of higher learning shall follow in developing  
 18 information technology plans and technology-related budget requests;

19 (4) Advise on the modification of the state information  
 20 technology plan;

21 (5) Create the methodology to evaluate the applications for  
 22 funding of information technology projects based on the return on investment  
 23 of the project and the linkage of the project to the agency's business  
 24 objectives; and

25 (6) Establish standards and methodologies to ensure that good  
 26 business case analysis is required from state agencies prior to allocation of  
 27 funds.

28 (e)(1) The business case analysis shall identify total costs from  
 29 beginning to end of the project to include, but not be limited to, consultant  
 30 needs, required hardware or software support, ongoing support and  
 31 maintenance, education and training, network bandwidth capacity, etc.

32 (2) All information technology projects shall be evaluated on  
 33 the basis of the return on investment of the project, the value added  
 34 services, and the compatibility with the state shared architecture.

35 (3) The evaluation method shall verify the link between the  
 36 agency's business objectives and the agency's information technology

1 strategy.

2 ~~(4) The Executive Chief Information Officer shall report to the~~  
 3 ~~appropriate legislative committees and the Governor the total business~~  
 4 ~~analysis prepared for information technology projects.~~

5 ~~(f)(1) To achieve the best return on investment for the citizens of~~  
 6 ~~Arkansas, a state agency shall seek an existing application or technology for~~  
 7 ~~its information technology projects before proposing the development of a new~~  
 8 ~~application to be created by either a private company or the Department of~~  
 9 ~~Information Systems.~~

10 ~~(2) The business case analysis necessary to make the appropriate~~  
 11 ~~determination shall include line items to identify staff resources required~~  
 12 ~~for creating the interfaces to the state's core infrastructure so that~~  
 13 ~~interoperability of all newly acquired technologies can be accomplished~~  
 14 ~~within the life cycle of the project.~~

15

16 SECTION 21. Arkansas Code § 25-33-106 is repealed.

17 ~~25-33-106. Information Technology Oversight Committee.~~

18 ~~(a) There is created the Information Technology Oversight Committee,~~  
 19 ~~to be appointed by the Governor as follows:~~

20 ~~(1) Three (3) members nominated by the Joint Committee on~~  
 21 ~~Advanced Communications and Information Technology;~~

22 ~~(2) Four (4) members from the Arkansas private sector;~~

23 ~~(3) Two (2) members who shall be elected officials from Arkansas~~  
 24 ~~local government;~~

25 ~~(4) Two (2) members nominated by the Arkansas Higher Education~~  
 26 ~~Coordinating Board in consultation with the Executive Council; and~~

27 ~~(5) One (1) member nominated by the State Board of Workforce~~  
 28 ~~Education and Career Opportunities.~~

29 ~~(b) Members of the Information Technology Oversight Committee must~~  
 30 ~~have knowledge and experience in the management and implementation of~~  
 31 ~~information technology.~~

32 ~~(c) The Information Technology Oversight Committee shall advise the~~  
 33 ~~Executive Chief Information Officer on the allocation of information~~  
 34 ~~technology resources in the state.~~

35

36 SECTION 22. Arkansas Code § 25-33-107 is amended to read as follows:

~~25-33-107. Appeal.~~

~~(a) With respect to any finding, ruling, or determination that the Administrator of the Office of Information Technology is authorized to make under the provisions of this chapter, any state agency aggrieved by any decision of the administrator, or undue delay by the administrator in reviewing agency requests or plans under the provisions of this chapter, may appeal therefrom in writing to the Executive Chief Information Officer.~~

~~(b) The Executive Chief Information Officer shall secure review and advice of the CIO Council within thirty (30) days and immediately furnish a copy of the appeal, including a statement of the reasons for the appeal, and the Executive Chief Information Officer's recommendation to:~~

~~(1) The Governor;~~

~~(2) During the interim between sessions, the Joint Committee on Advanced Communications and Information Technology; and~~

~~(3) During a legislative session, the House Committee on Advanced Communications and Information Technology and the Senate Committee on Technology and Legislative Affairs.~~

~~(c) The Governor shall make any individual evaluation and study with respect to an appeal which he or she deems appropriate and, in connection with the evaluation and study, may enlist the cooperation or technical assistance of other state agencies.~~

~~(d) The Governor shall issue his or her ruling within thirty (30) days, which may be:~~

~~(1) To uphold the decision of the Executive Chief Information Officer;~~

~~(2) To reject the decision of the Executive Chief Information Officer and approve the action sought by the state agency; or~~

~~(3) To modify the decision of the Executive Chief Information Officer in any manner which the Governor deems appropriate.~~

~~(e) The Governor shall notify the following in writing of his or her decision:~~

~~(1) During the interim between sessions, the Joint Committee on Advanced Communications and Information Technology; and~~

~~(2) During a legislative session, the House Committee on Advanced Communications and Information Technology and the Senate Committee on Technology and Legislative Affairs.~~

1           ~~(f) The review by the Executive Chief Information Officer, the~~  
 2 ~~council, and the committees identified in subsection (b) of this section is~~  
 3 ~~intended to be advisory to the Governor, with ultimate responsibility for the~~  
 4 ~~decision to rest with the Governor.~~

5  
 6           SECTION 23. Arkansas Code § 25-33-201 is repealed.

7           ~~25-33-201. Findings and purpose.~~

8           ~~(a) It is found and determined by the General Assembly that:~~

9                   ~~(1) There is a need to invest in technologies that will provide~~  
 10 ~~for both greater efficiencies and better responsiveness in order for Arkansas~~  
 11 ~~to take full advantage of technological applications in providing services~~  
 12 ~~and solving problems of its citizens;~~

13                   ~~(2) State government can save money by creating information~~  
 14 ~~technology solutions that can be used by more than one (1) state agency or~~  
 15 ~~institution of higher learning;~~

16                   ~~(3) Arkansas citizens desire state government services to be~~  
 17 ~~more accessible and less expensive; and~~

18                   ~~(4) These goals can be achieved through the careful selection of~~  
 19 ~~appropriate applications of technology, identified through a collaborative~~  
 20 ~~process and justified by using strong business case analysis to include~~  
 21 ~~performance outcomes.~~

22           ~~(b) It is further found and determined by the General Assembly that:~~

23                   ~~(1) The creation of an Arkansas Technology Infrastructure Fund~~  
 24 ~~will make moneys available to state agencies and institutions of higher~~  
 25 ~~education for enterprise level information technology projects;~~

26                   ~~(2) The fund is created to be an incentive to accelerate the~~  
 27 ~~implementation of electronic government and to encourage state agencies to~~  
 28 ~~pursue innovative and creative approaches using technology to provide needed~~  
 29 ~~citizens' services in a more cost effective and efficient manner; and~~

30                   ~~(3) The fund allows agency technology innovators to compete for~~  
 31 ~~dollars on a year round, ongoing basis.~~

32  
 33           SECTION 25. Arkansas Code § 25-33-202 is repealed.

34           ~~25-33-202. Arkansas Technology Infrastructure Fund—Creation.~~

35           ~~(a) There is created on the books of the Treasurer of State, the~~  
 36 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~

1 known as the "Arkansas Technology Infrastructure Fund".

2 (b) ~~The following moneys shall be deposited or transferred into the~~  
 3 ~~State Treasury to the credit of the Arkansas Technology Infrastructure Fund;~~

4 (1)(A) ~~Savings that accrue to state agencies from reductions in~~  
 5 ~~the cost of providing services to citizens as a result of employing~~  
 6 ~~technology.~~

7 (B)(i) ~~If a state agency determines that there are~~  
 8 ~~reductions in the cost of providing services to citizens as a result of~~  
 9 ~~employing technology, then the savings which result may be transferred, upon~~  
 10 ~~written approval of the amount by the Chief Fiscal Officer of the State, from~~  
 11 ~~any appropriation and funds of the agency to the Arkansas Technology~~  
 12 ~~Infrastructure Fund.~~

13 (ii) ~~Before approving any transfers to the Arkansas~~  
 14 ~~Technology Infrastructure Fund of moneys appropriated for a state agency, the~~  
 15 ~~Chief Fiscal Officer of the State shall obtain the review of the Legislative~~  
 16 ~~Council with respect to the transfer.~~

17 (iii) ~~If approved by the Chief Fiscal Officer of the~~  
 18 ~~State and reviewed by the Legislative Council, then the Chief Fiscal Officer~~  
 19 ~~of the State shall cause transfers to be made upon his or her books and those~~  
 20 ~~of the Treasurer of State and the Auditor of State;~~

21 (2) ~~Any funds approved by the General Assembly by law;~~

22 (3) ~~Grants, gifts, and donations received by this state for the~~  
 23 ~~purposes of this subchapter; and~~

24 (4) ~~Agency investments toward enterprise projects.~~

25 (c) ~~Any unused portion of the Arkansas Technology Infrastructure Fund~~  
 26 ~~shall remain in the Arkansas Technology Infrastructure Fund and will not~~  
 27 ~~revert to the General Revenue Fund Account of the State Apportionment Fund.~~

28 (d)(1) ~~The Arkansas Technology Infrastructure Fund shall be managed by~~  
 29 ~~the Executive Chief Information Officer.~~

30 (2) ~~The Governor shall oversee the expenditures from the~~  
 31 ~~Arkansas Technology Infrastructure Fund.~~

32  
 33 SECTION 26. Arkansas Code § 25-33-203 is repealed.

34 ~~25-33-203. Project standards and methodologies.~~

35 Upon review by the CIO Council, the Executive Chief Information Officer  
 36 shall establish standards and methodologies to:

~~(1)(A) Evaluate the funding of enterprise level projects.~~

~~(B) The evaluation method shall:~~

~~(i) Verify the link between the agency's business objectives and the agency's information technology strategy; and~~

~~(ii) Identify the plan for interfacing with the state's core systems; and~~

~~(2)(A) Ensure that good business case analysis is required from the agencies prior to the allocation of funds.~~

~~(B) The business case analysis shall identify total costs from beginning to end of the project, to include, but not be limited to:~~

~~(i) Consultant needs;~~

~~(ii) Required hardware or software support;~~

~~(iii) Ongoing support and maintenance;~~

~~(iv) Education and training; and~~

~~(v) Network bandwidth capacity.~~

SECTION 27. Arkansas Code § 25-33-204 is repealed.

~~25-33-204. Project funding.~~

~~(a) Upon review by the CIO Council, the Executive Chief Information Officer shall evaluate, prioritize, and approve proposals for enterprise projects.~~

~~(b) Before funds are approved from the Arkansas Technology Infrastructure Fund, the Executive Chief Information Officer shall report to the Legislative Council and the Governor the total business analysis prepared for the project.~~

~~(c) Requests for funding from the fund shall demonstrate any of the following:~~

~~(1) Improvement in the quality of life for Arkansans;~~

~~(2) Elimination of redundant systems;~~

~~(3) Improved service for Arkansas citizens;~~

~~(4) Enhanced economic development opportunities in Arkansas;~~

~~(5) Implementation of electronic government twenty four (24) hours a day, seven (7) days a week; or~~

~~(6) Substantial benefit to more than one (1) agency through lower operating costs.~~