

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
4

As Engrossed: H3/16/07 S3/23/07

A Bill

HOUSE BILL 2586

5 By: Representatives Pace, Berry, Blount, Cook, Glidewell, Hardy, J. Johnson, Patterson, Rainey, Schulte
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 Information Systems 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 Information Systems shall assign one (1) individual ~~from the~~*
36 *~~staff of the Office of Information Technology~~ to serve as a technology*



1 liaison to the division.

2

3 SECTION 3. Arkansas Code 6-47-305(d)(5), concerning the Distance
4 Learning Coordinating Council, is amended to read as follows:

5 (5) Staff support shall be provided by appropriate personnel
6 from the Department of Education, the Department of Workforce Education, the
7 Department of Higher Education, the Division of Public School Academic
8 Facilities and Transportation, the Division of Public School Accountability,
9 and the state's public institutions of higher education, ~~and the Office of~~
10 ~~Information Technology~~ with the assistance of any appropriate staff of the
11 other agencies whose directors serve on the commission.

12

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

15 (3) The distance learning technical protocol or protocols shall
16 be in alignment with technical standards set by the ~~office of the Executive~~
17 ~~Chief Information Officer~~ Director of the Department of Information Systems.

18

19 SECTION 5. Arkansas Code 10-3-1704(b)(1)(B)(iii), concerning the Joint
20 Committee on Advanced Communications and Information Technology, is amended
21 to read as follows:

22 (iii)~~(a)~~ The committee shall review any plan
23 developed or updated by a public instrumentality.

24 ~~(b) The committee may seek the assistance of~~
25 ~~the Office of Information Technology of the Department of Information Systems~~
26 ~~in conducting this review.~~

27

28 SECTION 6. Arkansas Code 12-75-132(b), concerning the Arkansas
29 Homeland Security Advisory Group, is amended to read as follows:

30 (b) The advisory group shall consist of representatives of federal,
31 state, and local agencies and professional associations as determined by the
32 Director of the Arkansas Department of Emergency Management. The advisory
33 group shall include, at a minimum, representatives of the following:

34 (1) Arkansas Department of Emergency Management;

35 (2) Arkansas Ambulance Association;

36 (3) Arkansas Association of Chiefs of Police;

- 1 (4) Arkansas Association of Fire Chiefs;
- 2 (5) Arkansas Citizen Corps Point of Contact;
- 3 (6) Arkansas Department of Environmental Quality;
- 4 (7) Department of Health;
- 5 (8) Arkansas Emergency Management Association;
- 6 (9) Arkansas Highway Police Division of the Arkansas State
- 7 Highway and Transportation Department;
- 8 (10) Arkansas Livestock and Poultry Commission;
- 9 (11) Arkansas Municipal League;
- 10 (12) National Guard;
- 11 (13) 61st Civil Support Team of the National Guard;
- 12 (14) Arkansas Sheriffs' Association;
- 13 (15) Department of Arkansas State Police;
- 14 (16) State Plant Board;
- 15 (17) County Judges Association of Arkansas;
- 16 (18) Centers for Disease Control;
- 17 (19) Department of Information Systems;
- 18 (20) Federal Bureau of Investigation;
- 19 (21) Health Resources and Services Administration of the United
- 20 States Department of Health and Human Services;
- 21 ~~(22) Office of Information Technology;~~
- 22 ~~(23)~~(22) United States Secret Service;
- 23 ~~(24)~~(23) United States Attorney for the Eastern District of
- 24 Arkansas; and
- 25 ~~(25)~~(24) United States Attorney for the Western District of
- 26 Arkansas.

27

28 SECTION 7. Arkansas Code § 15-21-503 is amended to read as follows:

29 15-21-503. Creation - Board.

- 30 (a) The Arkansas State Land Information Board is created.
- 31 (b)(1)(A) The board shall be composed of twelve (12) voting members
- 32 appointed by the Governor for terms of four (4) years.
- 33 (B) At the time of appointment or reappointment, the
- 34 appointing authority shall adjust the length of terms to ensure that the
- 35 terms of members of the board are staggered so that, insofar as possible, an
- 36 equal number of members shall rotate each year.

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

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

4 (B) Three (3) city, county, and local government
5 representatives;

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

7 (D) Three (3) representatives of institutions of higher
8 education.

9 (3) All members of the board shall have knowledge of the use and
10 usefulness of digital land and geographic information in the management of
11 government and a general awareness of the role of mapping as related to that
12 management.

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

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

18 (c)(1)(A) A chair and a vice chair shall be elected by the board
19 membership to oversee all board and committee meetings.

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

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

25 (B) The State Geographic Information Coordinator will:

26 (i) Assist the board in developing a comprehensive
27 plan and evaluation procedures on how the state should implement tactical and
28 strategic geographic information systems and land information systems
29 planning;

30 (ii) Implement informational and educational
31 programs; and

32 (iii) Coordinate intrastate geographic information
33 systems and land information systems efforts.

34 (C) The State Geographic Information Coordinator shall
35 report directly to the ~~Executive Chief Information Officer~~ Director of the
36 Department of Information Systems.

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

4 (2) This may include liaison between the board and the Governor,
5 the ~~Executive Chief Information Officer~~ Director of the Department of
6 Information Systems, and public or private sector entities involved in
7 spatial data and land records modernization, project management in the
8 preparation of the strategic planning documents related to spatial data and
9 land records modernization, developing policy and procedures for land records
10 modernization, and developing policy and procedures for the activities of the
11 board.

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

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

19 (f) Members of the board shall receive no compensation for their
20 services.

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

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

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

28
29 SECTION 8. Arkansas Code 19-5-1112(b), concerning the Geographic
30 Information Systems Fund, is amended to read as follows:

31 (b)(1)(A) The ~~Executive Chief Information Officer~~ Director of the
32 Department of Information Systems shall manage the fund, and the Governor
33 shall oversee the expenditures from the fund.

34 (B) The Arkansas State Land Information Board shall
35 establish standards and methodologies for evaluating the funding of
36 enterprise-level geographic information systems projects.

1 (2)(A) ~~The Executive Chief Information Officer~~ Director of the
2 Department of Information Systems, with advice from the board, shall
3 evaluate, prioritize, and approve proposals for geographic information
4 systems projects.

5 (B) Such proposals and requests for funding shall
6 demonstrate any or all of the following:

7 (i) Improvement in the quality of life for
8 Arkansans;

9 (ii) Elimination of redundant systems;

10 (iii) Improved service for Arkansas citizens;

11 (iv) Enhanced economic development opportunities in
12 Arkansas;

13 (v) Implementation of electronic government twenty-
14 four (24) hours a day, seven (7) days a week;

15 (vi) Substantial benefit to more than one (1) agency
16 through lower operating costs; and

17 (vii) Continued development of the Arkansas Spatial
18 Data Infrastructure.

19
20 SECTION 9. Arkansas Code 19-11-1101(c), concerning state agency
21 contracts, is amended to read as follows:

22 (c)(1) All contracts authorized by this subchapter shall be entered
23 into pursuant to the requirements of the Arkansas Procurement Law, § 19-11-
24 201 et seq., and amendments thereto.

25 (2) Prior to execution of the contract, the following process
26 shall be followed:

27 (A) The requesting agency shall request approval from the
28 Chief Fiscal Officer of the State to prepare a request for proposal for a
29 project authorized under this subchapter;

30 (B) The request shall include the general nature of the
31 project, the anticipated revenues that will be enhanced, and the forecasted
32 revenues for the current biennium;

33 (C) Upon approval of the Chief Fiscal Officer of the
34 State, the requesting agency shall prepare a request to the Department of
35 Finance and Administration for approval to prepare a request for proposal for
36 a technology project authorized under this subchapter;

1 (D) The request must include the revenue source or sources
2 that will be increased as a result of the project and the projected revenues
3 for the anticipated life of the project;

4 (E) The requesting agency shall prepare a request for
5 proposal, with advice and consultation from ~~the office of the Executive Chief~~
6 ~~Information Officer~~ and the department, for the purchase of technology
7 systems on the basis of a portion of the increase in the agency's revenues
8 produced by the technology system; and

9 (F)(i) The request for proposal may provide that the
10 agency and the vendor may negotiate an amount or baseline upon which the
11 increase in taxes or fees is measured.

12 (ii) Any contract other than a fixed fee contract
13 shall include a factor in the baseline calculation to account for an increase
14 in taxes or fees due solely to economic factors and not to the use of the
15 technology.

16 (3) The agency procurement official or procurement agent and the
17 vendor shall negotiate the contract, with the oversight of ~~the office of the~~
18 ~~Executive Chief Information Officer~~ and the department to assist in
19 negotiating an advantageous contract.

20 (4)(A) The agency director shall submit the proposed contract
21 and a request for new appropriation to the Governor or his or her designee.

22 (B) The accompanying information will include the
23 methodology used to calculate the baseline amount proposed by the agency and
24 other justifications and information that detail the program and the expected
25 benefits of the agreement.

26 (C) The Governor or his or her designee shall study the
27 request and determine whether the appropriation requested and the terms of
28 the proposed contract are in strict compliance with this subchapter.

29 (D)(i) The Governor may approve or modify the request for
30 new appropriation and the proposed contract.

31 (ii) Any modification of the proposed contract shall
32 be submitted to the vendor for approval.

33 (5)(A) Upon approval of the shared benefit agreement and new
34 appropriation request, the Governor shall seek the advice and recommendation
35 of the Legislative Council.

36 (B) Upon review of the Legislative Council, the Governor

1 shall forward a copy of his or her approvals to the agency director and the
2 Chief Fiscal Officer of the State.

3
4 SECTION 10. Arkansas Code § 25-4-102(b)(4), concerning information
5 resources, is amended to read as follows:

6 (4) Develop technical standards and specifications and provide
7 technical leadership and guidance to support the state's ~~shared technical~~
8 enterprise architecture as promulgated by the Executive Chief Information
9 Officer subject to the written approval of the Chief Fiscal Officer of the
10 State.

11
12 SECTION 11. Arkansas Code § 25-4-103 is amended to read as follows:
13 25-4-103. Definitions.

14 As used in this chapter:

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

17 ~~(2)(1)~~ "Application" means a separately identifiable and
18 interrelated set of information technology resources that allows information
19 processing to support specifically defined objectives;

20 ~~(3)(2)~~ "Core information technology infrastructure" means the
21 state data, state network and application interfaces, state security, and
22 disaster recovery;

23 ~~(4)(3)~~ "Customer" means a state agency, other governmental
24 entity, or nongovernmental first responder entity that purchases or uses
25 services under this chapter;

26 ~~(5)(4)~~ "Department" means the Department of ~~Information Systems~~
27 Finance and Administration;

28 ~~(6)(5)~~ "~~Director~~ Chief Technology Officer" means the Director of
29 the Department of Information Systems;

30 ~~(7)(6)~~ "Equipment" means the machines, devices, and transmission
31 facilities used in information processing, including computers, word
32 processors, terminals, telephones, cables, software, and related services;

33 ~~(8)(7)~~ "Information processing" means the electronic capture,
34 collection, storage, manipulation, transmission, retrieval, and presentation
35 of information in the form of data, text, voice, or image and includes
36 telecommunications and office automation functions;

1 ~~(9)~~(8) "Information technology" means any component related to
2 information processing and wired and wireless telecommunications, including
3 data processing and telecommunications hardware, software, services,
4 planning, personnel, facilities, and training;

5 ~~(10)~~(9) "Information technology resources" means the procedures,
6 equipment, and software that are designed, built, operated, and maintained to
7 collect, record, process, store, retrieve, display, and transmit information,
8 and the associated personnel, including consultants and contractors;

9 ~~(11)~~(10) "Network infrastructure" means the shared portions of
10 the state's telecommunications transmission facilities, including all
11 transmission lines and all associated equipment and software components
12 necessary for the management and control of the state network;

13 ~~(12)~~(11) "Nongovernmental first responder entity" means state
14 and law enforcement personnel, fire department personnel, and emergency
15 medical personnel who will be deployed to bioterrorism attacks, terrorist
16 attacks, catastrophic or natural disasters, and other emergencies;

17 ~~(13)~~(12) "Other governmental entities" means state-elected
18 constitutional officers and their staffs, the Supreme Court and the
19 Administrative Office of the Courts, the General Assembly or its committees
20 or staffs, the Arkansas State Highway and Transportation Department, the
21 Arkansas State Game and Fish Commission, the federal government, cities,
22 counties, municipalities, and public school districts;

23 ~~(14)~~(13) "Project" means a program to apply information
24 technology resources to functions within or among elements of a state agency
25 that ideally is characterized by well-defined parameters, specific
26 objectives, common benefits, planned activities, a scheduled completion date,
27 and an established budget with a specified source of funding;

28 ~~(15)~~(14) "Project management" means principles, practices, and
29 techniques applied to lead projects and teams and the control of project
30 schedules, costs, and performance risks with the goal of satisfying
31 customers' requirements;

32 ~~(16)~~(15) "Public instrumentality" means any statutorily created
33 entity charged with the responsibility of providing information or services
34 through the use of information technology;

35 ~~(17)~~(16) "State agencies" means all state departments, boards,
36 and commissions but shall not include the elected constitutional officers and

1 their staffs, the General Assembly and its committees and staffs, or the
2 Supreme Court and the Administrative Office of the Courts, and public
3 institutions of higher education with respect to academic, research,
4 healthcare, and existing information technology applications and underlying
5 support therefor;

6 ~~(18)~~(17) "State of Arkansas ~~shared technical enterprise~~
7 architecture" means the structure of program or system components, how these
8 components relate to one another, and the principles that govern their design
9 and evolution over time; ~~and~~

10 ~~(19)~~(18) "Telecommunications" means all forms of communications
11 devices and transport media for the conveyance by electronic or electrical
12 means of voice, words, data, signals, or images; ~~and~~

13 (19) "Working group" means a group of subject matter experts
14 convened for the purpose of collaborating and devising strategies.

15
16 SECTION 12. Arkansas Code § 25-4-104 is amended to read as follows:

17 25-4-104. Department of Information Systems.

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

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

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

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

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

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

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

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

7 ~~(g)~~(f) The director shall recommend statutory changes to the Governor.
8

9 SECTION 13. Arkansas Code § 25-4-105 is amended to read as follows:

10 25-4-105. Department of Information Systems - General powers and
11 duties.

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

17 (1) Conceptualizing, designing, developing, building, and
18 maintaining common information technology infrastructure elements used by
19 state agencies and governmental entities;

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

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

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

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

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

33 (B) The department shall have the authority to adjust
34 billing as necessary to effect compliance with applicable state and federal
35 statutory and regulatory provisions.

36 (C) Billing adjustments shall be subject to the approval

1 of the Chief Fiscal Officer of the State and review by the Legislative
2 Council;

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

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

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

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

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

20 (11) Monitoring information resource security issues,
21 coordinating all security measures which could be used to protect resources
22 by more than one (1) governmental entity, and acting as an information
23 technology resource to other state agencies;

24 (12) Assisting in the development of an information technology
25 security policy for state agencies; and

26 (13) Developing the information technology security policy for
27 state agencies;

28 (14) Advising agencies in acquiring information technology
29 service;

30 (15) Developing the information technology standards and
31 specifications for state agencies when requested;

32 (16) Participating in the development of information technology
33 state contracts as requested by a state agency, including without limitation
34 the identification of requirements, contract negotiation, and vendor
35 evaluation;

36 (17) With respect to their technology functions and

1 applications, all state departments, boards, commissions, and public
2 institutions of higher education shall consult and cooperate with the
3 Department of Information Systems in the formation and implementation of
4 security policies for the state core information technology infrastructure;
5 and

6 (18) Assisting in the development of a state information
7 technology plan that shall establish a state-level mission, goals, and
8 objectives for the use of information technology.

9 (b) Nothing in this chapter shall be construed to deprive, transfer,
10 limit, or in any way alter or change any of the powers vested in the board of
11 trustees of any institution of higher education under existing constitutional
12 and statutory provisions.

13
14 SECTION 14. Arkansas Code 25-4-106(a), concerning reporting
15 requirements, is amended to read as follows:

16 (a)(1) The Director of the Department of Information Systems will
17 report periodically to the Joint Committee on Advanced Communications and
18 Information Technology ~~and the Executive Chief Information Officer~~ regarding
19 the status of the Department of Information Systems' information technology
20 responsibilities in state government.

21
22 SECTION 15. Arkansas Code § 25-4-107 is amended to read as follows:

23 ~~25-4-107. Office of Information Technology~~ Department of Finance and
24 Administration - General powers and duties.

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

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

31 (2) Review and approve agencies' information technology plans
32 and requests;

33 ~~(3) Provide leadership in coordinating information technology;~~

34 ~~(4)(3)~~ (3) Advise agencies in acquiring information technology
35 service;

36 ~~(5)(4)~~ (4) Advise agencies regarding information technology

1 contracts and agreements;

2 ~~(6) Monitor national and international standards relating to~~
3 ~~information technology;~~

4 ~~(7)(5) Develop and publish policies, procedures, and standards~~
5 ~~relating to information technology with advice and review from the Department~~
6 ~~of Information Systems and ensure agencies' compliance with those policies,~~
7 ~~procedures, and standards;~~

8 ~~(8)(6) Develop ~~standards~~ policies to promote and facilitate~~
9 ~~electronic access to government information and interoperability of~~
10 ~~information systems;~~

11 ~~(9)(7) Develop Assist in developing a state information~~
12 ~~technology plan that shall establish a state-level mission, goals, and~~
13 ~~objectives for the use of information technology; and~~

14 ~~(10)(8) Foster interagency use of information technologies that~~
15 ~~is consistent with the established strategic direction of information~~
16 ~~technology and avoids unnecessary duplication.~~

17
18 SECTION 16. Arkansas Code § 25-4-108 is amended to read as follows:

19 25-4-108. ~~Office of Information Technology~~ Department of Information
20 Systems - Working groups.

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

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

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

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

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

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

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

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

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

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

1 (a) The Director of the Department of Information Systems may appoint
2 working groups as necessary for specific purposes related to information
3 technology coordination.

4 (b) Working group membership shall be determined by the Director of
5 the Department of Information Systems.

6 (c) Each working group shall establish a timeline for completion of
7 its charge to accomplish performance-driven results.

8 (d) Working groups shall meet at least quarterly to achieve their
9 assigned charge.

10
11 SECTION 17. Arkansas Code § 25-4-110 is amended to read as follows:
12 25-4-110. Information technology - Planning.

13 ~~(a)(1) The Office of Information Technology Department of Finance and~~
14 ~~Administration shall develop assist in developing~~ the state information
15 technology plan.

16 ~~(2) The administrator under the direction of the Executive Chief~~
17 ~~Information Officer shall prepare the draft state information technology plan~~
18 ~~and periodic updates for the Governor and shall seek the advice of the~~
19 ~~working groups.~~

20 ~~(3)(2) Before the administrator submits the plan to the~~
21 ~~Governor, he or she shall seek the advice of The Department of Information~~
22 ~~Systems shall submit monthly status reports to the Joint Committee on~~
23 ~~Advanced Communications and Information Technology.~~

24 ~~(b)(1) The Office of Information Technology Department of Finance and~~
25 ~~Administration with advice and review of the Department of Information~~
26 ~~Systems shall develop and maintain information technology standards policies.~~

27 ~~(2) The administrator shall prepare the draft standards and~~
28 ~~periodic updates for the Governor and shall seek the advice of the working~~
29 ~~groups.~~

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

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

36 (2)(A) Each state agency shall specifically include a policy

1 regarding the use of the Internet.

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

4 (i) The penalties for violations of the agency's
5 Internet policy;

6 (ii) The number of employees and computers which
7 have access to the Internet and the percentage of those employees and
8 computers to the total number of employees and computers;

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

11 (iv) The responsibilities of the agency's employees
12 as those responsibilities relate to the efficient and responsible use of the
13 Internet.

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

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

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

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

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

27 (4) Compliance with the Freedom of Information Act of 1967, §
28 25-19-101 et seq.;

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

32 (6) An implementation strategy to include:

33 (A) Annual implementation objectives of the plan;

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

36 (C) Agency activities to increase electronic access to

1 public records and information to be implemented within available resources
2 and existing state agency planning processes;

3 (7) Projects and resources required to meet the objectives of
4 the plan;

5 (8) Estimated schedules and funding required to implement
6 identified projects;

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

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

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

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

15 (e) Plans developed or updated shall be submitted to the ~~office~~
16 Department of Finance and Administration. The ~~office~~ Department of Finance
17 and Administration may reject, require modification to, or approve plans as
18 deemed appropriate. Plans shall be modified by the state agency as necessary.

19 (f) Plans developed or updated by public instrumentalities shall be
20 submitted for review to the Joint Committee on Advanced Communications and
21 Information Technology. The committee may seek the assistance of the ~~office~~
22 Department of Finance and Administration in conducting this review. Plans
23 shall be modified by the public instrumentality as necessary.

24
25 SECTION 18. Arkansas Code § 25-4-111 is amended to read as follows:

26 25-4-111. Information technology - Prerequisites.

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

29 (1) Acquire by purchase or lease any new or additional
30 information technology; or

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

32 (b) If an agency desires to acquire information technology not part of
33 an information technology plan approved under § 25-4-110, the requesting
34 agency shall submit a waiver request to the ~~Executive Chief Information~~
35 Officer director of the Department of Finance and Administration that
36 includes:

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

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

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

7 (4) Measurement and evaluation criteria.

8 (c)(1) Upon evaluation of the waiver request, the ~~Executive Chief~~
9 ~~Information Officer~~ director of the Department of Finance and Administration
10 shall notify the agency in writing of his or her approval or rejection of the
11 request and his or her reasons therefor.

12 (2) The ~~Executive Chief Information Officer~~ director of the
13 Department of Finance and Administration shall make his or her evaluation in
14 a timely manner. If the ~~Executive Chief Information Officer~~ director of the
15 Department of Finance and Administration requires more than thirty (30) days
16 to complete the evaluation, he or she shall report in writing to the Governor
17 his or her reasons for the delay in completion.

18 (3) If the ~~Executive Chief Information Officer~~ director of the
19 Department of Finance and Administration rejects a request for a waiver, no
20 state agency shall make any expenditure of public funds for the acquisition
21 or expansion of information technology equipment or services.

22 (4) If the ~~Executive Chief Information Officer~~ director of the
23 Department of Finance and Administration determines that the agency needs
24 additional information technology resources, he or she may:

25 (A) Authorize the agency to acquire the requested
26 information technology;

27 (B) Authorize acquisition of a modified information
28 technology configuration;

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

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

33 (d) All state agencies shall comply with the provisions of the
34 Arkansas Procurement Law, § 19-11-201 et seq., and applicable provisions of
35 the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., in
36 the acquisition, purchase, contracting for the purchase of, and leasing of

1 information technology.

2
3 SECTION 19. Arkansas Code § 25-4-114(a), concerning contracts and
4 agreements for information technology, is amended to read as follows:

5 (a) In the event a state agency and the Department of Information
6 Systems are unable to resolve a dispute, the matter shall jointly be referred
7 to the ~~Executive Chief Information Officer~~ director of the Department of
8 Finance and Administration for resolution.

9
10 SECTION 20. Arkansas Code § 25-18-603 is amended to read as follows:
11 25-18-603. Definitions.

12 As used in this subchapter:

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

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

16 ~~(3)(1)~~ (1) "Public records" means the same as defined in § 25-19-
17 103(5)(A); and

18 ~~(4)(2)(A)~~ (A) "State agencies" means all state departments, boards,
19 and commissions.

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

21 (i) The elected constitutional officers and their
22 staffs;

23 (ii) The General Assembly and its committees and
24 staffs;

25 (iii) The Supreme Court;

26 (iv) The Court of Appeals;

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

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

31
32 SECTION 21. Arkansas Code 25-18-604 is amended to read as follows:
33 25-18-604. Retention requirement.

34 (a)~~(1)~~ The ~~Executive Chief Information Officer~~ Department of Finance
35 and Administration shall direct the development of rules and guidelines for
36 the retention of public records commonly found in most state agencies.

1 ~~(2) The CIO Council shall provide review and advice on the rules~~
2 ~~and guidelines developed pursuant to subdivision (a)(1) of this section.~~

3 ~~(b)(1) Before January 1, 2006, the Executive Chief Information Officer~~
4 ~~The Department of Finance and Administration shall promulgate pursuant to the~~
5 ~~Arkansas Administrative Procedure Act, § 25-15-201 et seq., rules and~~
6 ~~guidelines governing the retention and management of public records commonly~~
7 ~~found in most state agencies, including, but not limited to, electronic~~
8 ~~records.~~

9 ~~(2) The Arkansas General Records Retention Schedule, previously~~
10 ~~promulgated and adopted as Agency Policy 200.000 of the Office of Information~~
11 ~~Technology, shall be an official regulation of the Department of Finance and~~
12 ~~Administration subject to revision under subsection (d) of this section.~~

13 ~~(c) Each state agency shall comply with the rules and guidelines~~
14 ~~promulgated under this subchapter upon the earlier of the effective date of~~
15 ~~subsection (b)(2) of this section.+~~

16 ~~(1) July 1, 2007; or~~

17 ~~(2) The line item appropriation to the agency in question of~~
18 ~~funds to comply with this subchapter.~~

19 ~~(d) The Executive Chief Information Officer Department of Finance and~~
20 ~~Administration shall make periodic updates to the rules governing the~~
21 ~~retention and management of public records commonly found in most state~~
22 ~~agencies pursuant to the provisions of the Arkansas Administrative Procedure~~
23 ~~Act, § 25-15-201 et seq.~~

24
25 SECTION 22. 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 under
31 § 25-18-601 et seq.;

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

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

1 (4) Advise state agencies on information technology contracts
2 and agreements; and

3 (5) Develop and promulgate rules and guidelines governing the
4 retention and management of public records commonly found in most state
5 agencies under § 25-18-601 et seq.

6
7 SECTION 23, Arkansas Code 25-32-117 is amended to read as follows:
8 25-32-117. Creation and retention of electronic records and conversion
9 of written records by governmental agencies.

10 (a) Each governmental agency of this State shall determine whether,
11 and the extent to which, it will create and retain electronic records and
12 convert written records to electronic records.

13 (b) Each state agency shall comply with applicable standards and
14 policies adopted or established by the ~~Executive Chief Information Officer,~~
15 ~~in collaboration with the CIO Council~~ Department of Finance and
16 Administration with advice and review from the Department of Information
17 Systems to determine whether and the extent to which it will retain and
18 convert written records to electronic records.

19
20 SECTION 24. Arkansas Code 25-32-118(a), concerning acceptance and
21 distribution of agency records by governmental agencies, is amended to read
22 as follows:

23 (a)(1) Except as otherwise provided in § 25-32-112(f), each
24 governmental agency of this State shall determine whether, and the extent to
25 which, it will send and accept electronic records and electronic signatures
26 to and from other persons and otherwise create, generate, communicate, store,
27 process, use, and rely upon electronic records and electronic signatures.

28 (2) For state agencies, the determinations shall be consistent
29 with applicable standards and policies adopted or established by the
30 ~~Executive Chief Information Officer, in collaboration with the CIO Council~~
31 Department of Finance and Administration with advice and review from the
32 Department of Information Systems.

33
34 SECTION 25. Arkansas Code 25-32-119 is amended to read as follows:
35 25-32-119. Interoperability.

36 With respect to standards adopted pursuant to § 25-32-118, the

1 ~~Executive Chief Information Officer~~ Department of Finance and Administration
2 may encourage and promote consistency and interoperability with similar
3 requirements adopted by other governmental agencies of this and other States
4 and the federal government and nongovernmental persons interacting with
5 governmental agencies of this State. If appropriate, those standards may
6 specify differing levels of standards from which governmental agencies of
7 this State may choose in implementing the most appropriate standard for a
8 particular application.

9
10 SECTION 26. Arkansas Code § 25-33-101 is amended to read as follows:

11 25-33-101. Finding State Technology Council.

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 (a) There is created the State Technology Council to consist of the
27 following members:

28 (1) The Director of the Department of Information Systems or his
29 or her designee who shall act as chair of the council;

30 (2) The Director of the Department of Finance and Administration
31 or his or her designee;

32 (3) Two (2) members from the private sector appointed by the
33 Governor with knowledge and experience in the management and implementation
34 of information technology; and

35 (4) Two (2) members from state agencies appointed by the
36 Governor who have knowledge and experience in the management and

1 implementation of information technology.

2 (b) The State Technology Council shall be responsible for developing:

3 (1) The information technology standards and specifications for
4 state agencies;

5 (2) A state information technology plan that shall establish
6 state-level mission, goals, and objectives for the use of information
7 technology; and

8 (3) Technical standards and specifications to support the
9 state's shared enterprise architecture.

10 (c) The council may meet as deemed necessary by the chair of the
11 council.

12 (d) A quorum of the council shall consist of three (3) members.

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

14 (f) The chair of the council shall file a quarterly status report with
15 the Governor and the Joint Committee on Advanced Communications and
16 Information Technology.

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

19 ~~25-33-102. Definitions.~~

20 ~~For purposes of this chapter:~~

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

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

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

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

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

31 ~~(6) "Enterprise project" refers to an information technology~~
32 ~~project that:~~

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

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

36 ~~(7) "Information technology" means any component related to~~

1 ~~information processing and telecommunications, including data processing and~~
 2 ~~telecommunications hardware, software, services, planning, personnel,~~
 3 ~~facilities, and training;~~

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

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

8 ~~(B) Associated personnel, including consultants and~~
 9 ~~contractors;~~

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

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

14 ~~(B) Specific objectives;~~

15 ~~(C) Common benefits;~~

16 ~~(D) Planned activities;~~

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

18 ~~(F) An established budget with a specified source of~~
 19 ~~funding;~~

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

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

27 ~~(A) The structure of program or system components of state~~
 28 ~~government;~~

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

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

31 ~~(D) The principles that govern their design and evolution~~
 32 ~~over time.~~

33
 34 SECTION 28. Arkansas Code § 25-33-103 is amended to read as follows:

35 ~~25-33-103. Executive Chief Information Officer.~~

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

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

3 ~~(b) Minimum qualifications for the Executive Chief Information~~
4 ~~Officer, including, but not limited to, education, background, and experience~~
5 ~~shall be promulgated by the Office of Personnel Management of the Division of~~
6 ~~Management Services of the Department of Finance and Administration to be~~
7 ~~reviewed by the Legislative Council and approved by the Governor.~~

8 ~~(c)(1) The Office of Information Technology shall be under the~~
9 ~~direction of the Executive Chief Information Officer as soon as the Executive~~
10 ~~Chief Information Officer is appointed. Until that appointment, the office~~
11 ~~shall remain under the Department of Information Systems.~~

12 ~~(2) The powers and duties of the Executive Chief Information~~
13 ~~Officer shall not become effective until the appointment of the Executive~~
14 ~~Chief Information Officer.~~

15
16 SECTION 29. Arkansas Code § 25-33-104 is repealed.

17 ~~25-33-104, Executive Chief Information Officer—Duties.~~

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

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

23 ~~(2)(A) Direct the formulation of promulgation of policies,~~
24 ~~standards, specifications, and guidelines for information technology in the~~
25 ~~state, including, but not limited to, those required to support state and~~
26 ~~local government exchange in a secure environment for the acquisition,~~
27 ~~storage, use, sharing, and distribution of core infrastructure components as~~
28 ~~defined by the State of Arkansas shared technical architecture.~~

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

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

36 ~~(4) If deemed necessary and appropriate, establish working~~

1 ~~groups to assist in the formulation of policies, standards, specifications,~~
2 ~~and guidelines and assure that all agencies have the opportunity to review~~
3 ~~and comment;~~

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

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

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

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

17 ~~(9) Establish criteria for enterprise projects and review~~
18 ~~enterprise project plans and budget requests and recommend priorities to the~~
19 ~~council;~~

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

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

25 ~~(i) Business case development for information~~
26 ~~technology applications;~~

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

28 ~~(iii) Increasing collaborative efforts for projects~~
29 ~~of mutual interest; and~~

30 ~~(iv) Creating opportunities to develop public and~~
31 ~~private partnerships;~~

32 ~~(11) Review procurements to ensure conformity with information~~
33 ~~policies and standards and state level plans and implementation strategies;~~

34 ~~(12) Advise state agencies in acquiring information technology~~
35 ~~service, as well as advise state agencies on information technology contracts~~
36 ~~and agreements;~~

1 ~~(13) Make a quarterly report to the Joint Committee on Advanced~~
2 ~~Communications and Information Technology regarding the status of information~~
3 ~~technology deployment to meet the goals set forth in this enabling~~
4 ~~legislation;~~

5 ~~(14) Solicit, receive, and administer funds from public and~~
6 ~~private entities to be used for the purchase of information technology~~
7 ~~resources;~~

8 ~~(15) Report to the committee and the Governor the total business~~
9 ~~analysis prepared for information technology projects; and~~

10 ~~(16) Develop and promulgate rules and guidelines governing the~~
11 ~~retention and management of public records commonly found in most state~~
12 ~~agencies.~~

13 ~~(b) With respect to their technology functions and applications, all~~
14 ~~state departments, boards, commissions, and public institutions of higher~~
15 ~~education shall:~~

16 ~~(1) Advise the Executive Chief Information Officer in advance of~~
17 ~~their anticipated usage needs for the state core information technology~~
18 ~~infrastructure to facilitate network capacity planning; and~~

19 ~~(2) Consult and cooperate with the Executive Chief Information~~
20 ~~Officer in the formation and implementation of security policies for the~~
21 ~~state core information technology infrastructure.~~

22 ~~(c) Nothing in this chapter shall be construed to deprive, transfer,~~
23 ~~limit, or in any way alter or change any of the powers vested in the board of~~
24 ~~trustees of any institution of higher education under existing constitutional~~
25 ~~and statutory provisions.~~

26 ~~(d) All state agencies shall adopt the policies, standards,~~
27 ~~specifications, and guidelines, if applicable, to implement subdivision~~
28 ~~(a)(4) of this section.~~

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

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

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

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

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

9
10 SECTION 30. Arkansas Code § 25-33-105 is repealed.

11 ~~25-33-105. CIO Council.~~

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

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

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

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

21 ~~(3) The Executive Chief Information Officer shall implement a~~
22 ~~policy to ensure representation for every state agency on the council,~~
23 ~~although every state agency shall not have an individual representative on~~
24 ~~the council.~~

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

27 ~~(2) Minimum qualifications for the agency chief information~~
28 ~~officer, including, but not limited to, education, background, and experience~~
29 ~~shall be promulgated by the Office of Personnel Management of the Division of~~
30 ~~Management Services of the Department of Finance and Administration to be~~
31 ~~reviewed by the Legislative Council and approved by the Governor.~~

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

34 ~~(4) In addition, the chief executive employee of the network~~
35 ~~manager contracted pursuant to the Information Network of Arkansas Act, § 25-~~
36 ~~27-101 et seq., shall serve as an ex officio member of the council.~~

1 ~~(d) The council shall:~~

2 ~~(1) Provide leadership in coordinating information technology in~~
3 ~~the state;~~

4 ~~(2) Assist in establishing a prioritization system for state~~
5 ~~investment in enterprise projects;~~

6 ~~(3) Assist in the development of policies and procedures, in~~
7 ~~consultation with the Executive Chief Information Officer, which state~~
8 ~~agencies and institutions of higher learning shall follow in developing~~
9 ~~information technology plans and technology-related budget requests;~~

10 ~~(4) Advise on the modification of the state information~~
11 ~~technology plan;~~

12 ~~(5) Create the methodology to evaluate the applications for~~
13 ~~funding of information technology projects based on the return on investment~~
14 ~~of the project and the linkage of the project to the agency's business~~
15 ~~objectives; and~~

16 ~~(6) Establish standards and methodologies to ensure that good~~
17 ~~business case analysis is required from state agencies prior to allocation of~~
18 ~~funds.~~

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

23 ~~(2) All information technology projects shall be evaluated on~~
24 ~~the basis of the return on investment of the project, the value-added~~
25 ~~services, and the compatibility with the state shared architecture.~~

26 ~~(3) The evaluation method shall verify the link between the~~
27 ~~agency's business objectives and the agency's information technology~~
28 ~~strategy.~~

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

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

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

6
7 SECTION 31. Arkansas Code § 25-33-106 is repealed.

8 ~~25-33-106. Information Technology Oversight Committee.~~

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

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

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

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

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

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

20 ~~(b) Members of the Information Technology Oversight Committee must~~
21 ~~have knowledge and experience in the management and implementation of~~
22 ~~information technology.~~

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

26
27 SECTION 32. Arkansas Code § 25-33-107 is repealed.

28 ~~25-33-107. Appeal.~~

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

35 ~~(b) The Executive Chief Information Officer shall secure review and~~
36 ~~advice of the CIO Council within thirty (30) days and immediately furnish a~~

1 ~~copy of the appeal, including a statement of the reasons for the appeal, and~~
2 ~~the Executive Chief Information Officer's recommendation to:~~

3 ~~(1) The Governor;~~

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

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

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

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

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

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

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

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

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

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

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

32
33 SECTION 33. Arkansas Code § 25-33-201 is repealed.

34 ~~25-33-201. Findings and purpose.~~

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

36 ~~(1) There is a need to invest in technologies that will provide~~

1 ~~for both greater efficiencies and better responsiveness in order for Arkansas~~
2 ~~to take full advantage of technological applications in providing services~~
3 ~~and solving problems of its citizens;~~

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

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

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

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

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

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

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

23
24 ~~SECTION 34. Arkansas Code § 25-33-202 is repealed.~~

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

26 ~~(a) There is created on the books of the Treasurer of State, the~~
27 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
28 ~~known as the "Arkansas Technology Infrastructure Fund".~~

29 ~~(b) The following moneys shall be deposited or transferred into the~~
30 ~~State Treasury to the credit of the Arkansas Technology Infrastructure Fund:~~

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

34 ~~(B)(i) If a state agency determines that there are~~
35 ~~reductions in the cost of providing services to citizens as a result of~~
36 ~~employing technology, then the savings which result may be transferred, upon~~

1 ~~written approval of the amount by the Chief Fiscal Officer of the State, from~~
2 ~~any appropriation and funds of the agency to the Arkansas Technology~~
3 ~~Infrastructure Fund.~~

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

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

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

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

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

16 ~~(e) Any unused portion of the Arkansas Technology Infrastructure Fund~~
17 ~~shall remain in the Arkansas Technology Infrastructure Fund and will not~~
18 ~~revert to the General Revenue Fund Account of the State Apportionment Fund.~~

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

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

23
24 SECTION 35. Arkansas Code § 25-33-203 is repealed.

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

26 ~~Upon review by the CIO Council, the Executive Chief Information Officer~~
27 ~~shall establish standards and methodologies to:~~

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

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

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

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

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

36 ~~(B) The business case analysis shall identify total costs~~

1 ~~from beginning to end of the project, to include, but not be limited to:~~

- 2 ~~(i) Consultant needs;~~
- 3 ~~(ii) Required hardware or software support;~~
- 4 ~~(iii) Ongoing support and maintenance;~~
- 5 ~~(iv) Education and training; and~~
- 6 ~~(v) Network bandwidth capacity.~~

7

8 SECTION 36. Arkansas Code § 25-33-204 is repealed.

9 ~~25-33-204. Project funding.~~

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

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

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

- 19 ~~(1) Improvement in the quality of life for Arkansans;~~
- 20 ~~(2) Elimination of redundant systems;~~
- 21 ~~(3) Improved service for Arkansas citizens;~~
- 22 ~~(4) Enhanced economic development opportunities in Arkansas;~~
- 23 ~~(5) Implementation of electronic government twenty-four (24)~~
24 ~~hours a day, seven (7) days a week; or~~
- 25 ~~(6) Substantial benefit to more than one (1) agency through~~
26 ~~lower operating costs.~~

27

28 SECTION 37. Arkansas Code 25-33-205 is repealed.

29 ~~25-33-205. Applicability.~~

30 ~~This subchapter shall not apply to the State Bank Department, State~~
31 ~~Insurance Department, or State Securities Department.~~

32

33 SECTION 38. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly of the State of Arkansas that this act dissolves and
35 transfers the duties of the Executive Chief Information Officer, Chief
36 Information Officer, and Office of Information Technology; and that

1 dissolving the offices at the beginning of the state's fiscal year will
2 result in a more efficient transfer of responsibilities and funds.
3 Therefore, an emergency is declared to exist, and this act being necessary
4 for the preservation of the public peace, health, and safety shall become
5 effective on July 1, 2007.

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/s/ Pace

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