A Bill

Act 538 of 1999

SENATE BILL 378

For An Act To Be Entitled

"THE INFORMATION NETWORK OF ARKANSAS ACT; AND FOR
OTHER PURPOSES"

Subtitle

"THE INFORMATION NETWORK OF ARKANSAS ACT"

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

SECTION 1. Arkansas Code 25-27-102 is amended to read as follows:

"25-27-102. Definitions. As used in this chapter:
(1) 'Agency' means any agency or instrumentality, board, commission, public instrumentality, political subdivision, or any of the foregoing entities acting on behalf of the State of Arkansas which stores, gathers, or generates public information;
(2) 'Gateway system' means any centralized electronic information system by which public information shall be provided via dial-in modem or continuous link to the public through subscription or through public libraries, disseminated or collected via the Internet, dial-in modem continuous link, or other electronic medium;
(3) 'I.N.A.' means the Information Network of Arkansas, or, if the Information Network of Arkansas shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this chapter to the Information Network of Arkansas shall be given by law;
(4) 'Network manager' means the entity or person engaged to manage and run designated by contractual obligation to establish, develop,
operate, maintain, and expand the gateway system on behalf of the Information Network of Arkansas;

(5) ‘Public information’ means any information stored, gathered, or generated in electronic or magnetic form by the State of Arkansas or an agency, its agencies, or instrumentalities, which is included within the information deemed to be public pursuant to the Freedom of Information Act of 1967, beginning at § 25-19-101 et seq.; and other Arkansas Code provisions providing for release of information to the public at large to specified groups or recipients; and

(6) ‘User association’ means an association:
   (A) Whose membership is identifiable by regular payment of association dues and regularly maintained membership lists;
   (B) Which is registered with the Secretary of State as an Arkansas corporation;
   (C) Which exists for the purpose of advancing the common occupation or profession of its membership; and
   (D) Which, after the appointment of the initial board of the Information Network of Arkansas, regularly promotes and encourages the subscription of its members to the gateway system developed by the Information Network of Arkansas.”

SECTION 2. Arkansas Code 25-27-103 is amended to read as follows:

   (a) There is created the Information Network of Arkansas, a public instrumentality carrying out an essential government function, which shall be governed by a board consisting of twelve (12) voting members, as follows:
      (1) The President of the Arkansas Science and Technology Authority, or the president's designee;
      (2) The Secretary of State, or the Secretary of State's designee;
      (3) The Director of the Department of Finance and Administration, or the director's designee;
      (4) Two (2) members, or their designees, who are chief executive officers of agencies of the executive branch other than the Department of Finance and Administration and the Department of Computer Services Information Systems, shall be appointed by the Governor;
      (5)(A)(i)(a) Four (4) members from user associations initially
selected by the Governor shall be appointed by the Governor from a list of
three (3) names submitted by each user association.

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

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

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

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

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

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

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

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

and

(8) The Director of the Department of Information Systems, or the
director's designee.

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

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

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

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

(d) The board shall meet at least semiannually.

(e) Members of the board shall serve without compensation, but shall be
eligible to receive reimbursement for mileage and reimbursement for expenses
in accordance with § 25-16-902."

SECTION 3. Arkansas Code 25-27-104 is amended to read as follows:
(a) The Information Network of Arkansas shall have the following duties:

(1) To develop and implement a dial-in electronic gateway system to provide electronic access to members of the public to public information and to develop, implement, and promote the use of electronic commerce and digital signature applications within the state in cooperation with the Department of Computer Services Information Systems;

(2) To provide appropriate oversight of any network manager;

(3) To establish charges for the services provided to gateway system subscribers by the Information Network of Arkansas;

(4) To explore ways of expanding the amount and kind of public information provided, increasing the utility and form of the public information provided, and, where appropriate, implementing such changes and implement such changes as required to be consistent with the provisions of this Chapter;

(5) To explore ways of improving citizen and business access to public information, expanding the base of users who access public information, and, where appropriate, implementing such changes;

(6) To explore ways of expanding a gateway system and its services to citizens and businesses by providing add-on services to subscribers the public such as access to other for-profit information databases, electronic mail, and calendaring;

(7) To serve in an advisory capacity to the Department of Finance and Administration, the Department of Computer Services Information Systems, and other state agencies regarding the provision of state data to dissemination to and collection of state data for the citizens and businesses of Arkansas;

(8) To seek advice from the general public, its subscribers, professional associations, academic groups, and institutions and individuals with knowledge or interest in computer networking, electronic mail, public information access, gateway services, add-on services, and electronic filing of information; and

(9) To accept gifts, donations, and grants for the support of a gateway system in Arkansas.

(b)(1) All state agencies shall cooperate participate with the
Information Network of Arkansas in providing assistance as may be requested for the achievement of its purpose.

(2) Services and information to be provided by any agency shall be specified pursuant to a contract between the Information Network of Arkansas and such agency.

(3) Agencies may contract to recover from the Information Network of Arkansas costs incurred by providing such assistance to the Information Network of Arkansas.

(4) The Information Network of Arkansas shall cooperate with the Arkansas Department of Information Systems to fulfill the purposes of the Arkansas Information Systems Act of 1997, beginning at § 25-4-101."

SECTION 4. Arkansas Code 25-27-105 is amended to read as follows:


(a)(1) The Information Network of Arkansas shall hire contract with a network manager and shall use a competitive bid process after developing, in consultation with the Department of Computer Services Information Systems, criteria and specifications for such a network manager and his duties.

(2)(A) The Information Network of Arkansas may negotiate and enter into a contract with the network manager.

(B) The contract shall specify the duties, and responsibilities, and compensation of the network manager, and shall also include any other terms necessary to the agreement.

(b) The network manager shall:

(1) Direct and supervise the day-to-day operations and expansion of the gateway system including the initial phase of operations necessary to make such gateway system operational;

(2) Attend meetings of the Information Network of Arkansas;

(3) Keep a record of all gateway, network, and related operations of the Information Network of Arkansas, which records shall be the property of the Information Network of Arkansas;

(4) Maintain and be a custodian of all financial and operational records, documents, and papers filed with the Information Network of Arkansas;

(5) Update and revise on a yearly basis the business plan of the Information Network of Arkansas in consultation with and under the direction of the Information Network of Arkansas; and
(6) Submit to the Information Network of Arkansas quarterly financial reports, an annual audit, an annual report, and any other information requested by the board; and

(7) Other such activities or services as requested or authorized by the Information Network of Arkansas consistent with the provisions of this Chapter.

(c) The Department of Computer Services Information Systems may provide to the Information Network of Arkansas such staff and other assistance under contract."

SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 3/11/1999