

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1647

By: Representative S. Meeks

By: Senator J. Bryant

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE DIVISION OF INFORMATION SYSTEMS; TO CHANGE THE NAME OF THE DIVISION OF INFORMATION SYSTEMS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE DIVISION OF INFORMATION SYSTEMS; TO CHANGE THE NAME OF THE DIVISION OF INFORMATION SYSTEMS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-11-128(b)(1), concerning definitions pertaining to the Arkansas Public School Computer Network, is amended to read as follows:

(1) Periodically conducting a thorough security review and security risk assessment for all information, including without limitation personally identifiable employee and student information, that originates in the school districts and terminates on the ~~Division of Information Systems~~ Office of State Technology and Arkansas Public School Computer Network servers;

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

(h) The Division of Elementary and Secondary Education shall



coordinate and share certain administrative, custodial, legal, internal finance, and other necessary personnel and responsibilities to effectuate the daily operations of the Division of Public School Academic Facilities and Transportation and the ~~Division of Information Systems~~ Office of State Technology.

SECTION 3. Arkansas Code § 6-47-502(b)(3), concerning distance learning grants of the Division of Elementary and Secondary Education, is amended to read as follows:

(3) The distance learning technical protocol or protocols shall be in alignment with technical standards set by the Director of the ~~Division of Information Systems~~ Office of State Technology.

SECTION 4. Arkansas Code § 6-60-1302(b)(4), concerning entities the Division of Higher Education shall work with to collect and compile information, is amended to read as follows:

(4) The ~~Division of Information Systems~~ Office of State Technology; and

SECTION 5. Arkansas Code § 7-9-124(b), concerning the voter registration signature imaging system, is amended to read as follows:

(b) The ~~Division of Information Systems~~ Office of State Technology shall cooperate with and assist the Secretary of State in determining the computer equipment and software needed in the office of the Secretary of State for the voter registration signature imaging system.

SECTION 6. Arkansas Code § 10-3-1704(c), concerning the duties of the Joint Committee on Advanced Communications and Information Technology, is amended to read as follows:

(c) The Joint Committee on Advanced Communications and Information Technology shall exercise appropriate legislative oversight of the operations of the ~~Division of Information Systems~~ Office of State Technology.

SECTION 7. Arkansas Code § 10-3-1705 is amended to read as follows:
10-3-1705. Duties of joint standing committee.

Bills pertaining to the ~~Division of Information Systems~~ Office of State

Technology, advanced communications and information technology, telemedicine, distance learning, or public information access shall be referred to the Joint Committee on Advanced Communications and Information Technology or the Committee on Advanced Communications and Information Technology, as appropriate.

SECTION 8. Arkansas Code § 10-3-1707(c), concerning interim committee meetings, is amended to read as follows:

(c) All other appropriate state agencies, including, but not limited to, the ~~Division of Information Systems~~ Office of State Technology, the Arkansas Economic Development Commission, and public colleges and universities in the State of Arkansas, shall be available to assist the Joint Committee on Advanced Communications and Information Technology on advanced communications and information technology matters as may be requested by the Joint Committee on Advanced Communications and Information Technology.

SECTION 9. Arkansas Code § 10-4-424(c), concerning the audit of information systems operations, is amended to read as follows:

(c) The ~~Division of Information Systems~~ Office of State Technology, its successor agency, or other entities of the state or political subdivisions of the state that provide internet, network, or other computer services or information to an entity of the state or a political subdivision of the state shall provide access to all data, support, or other necessary information services to Arkansas Legislative Audit in connection with their functions at no cost to Arkansas Legislative Audit.

SECTION 10. Arkansas Code § 12-1-104(a)(2), concerning the bail reporting system of the Arkansas Crime Information Center, is amended to read as follows:

(2) To facilitate the administration of the portal required under subdivision (a)(1) of this section, the Arkansas Crime Information Center may seek the assistance of the ~~Division of Information Systems~~ Office of State Technology or enter into a contract for technical database and data processing services.

SECTION 11. Arkansas Code § 12-75-111(d)(4), concerning the powers and

duties of the Division of Emergency Management, is amended to read as follows:

(4) The Division of Emergency Management may request the assistance of the ~~Division of Information Systems~~ Office of State Technology in reviewing technology-related emergency operation plans.

SECTION 12. Arkansas Code § 12-75-132(b)(18), concerning the representatives of the Arkansas Homeland Security Advisory Group, is amended to read as follows:

(18) ~~Division of Information Systems~~ Office of State Technology;

SECTION 13. Arkansas Code § 15-21-502(10), concerning definitions pertaining to the Arkansas Geographic Information Systems Board, is amended to read as follows:

(10) "State Chief Technology Officer" means the Director of the ~~Division of Information Systems~~ Office of State Technology;

SECTION 14. Arkansas Code § 15-55-213 is amended to read as follows:
15-55-213. Access to information.

The Office of the State Geologist and the ~~Division of Information Systems~~ Office of State Technology shall grant access to and provide information determined by the Commissioner of State Lands to be necessary to successfully accomplish the Commissioner of State Lands' mission.

SECTION 15. Arkansas Code § 16-93-214(b)(3), concerning the mobile application concerning inmates and parolees, the Safe Arkansas App, is amended to read as follows:

(3) To facilitate the administration of the mobile application required under subdivision (b)(1) of this section, the board may seek the assistance of the ~~Division of Information Systems~~ Office of State Technology of the Department of Transformation and Shared Services or enter into a contract for technical database and data processing services.

SECTION 16. Arkansas Code § 19-4-522(c)(1), concerning the maintenance and general operation of the financial management system, is amended to read as follows:

(1) In the event the amount of any of the budget classifications of maintenance and general operation in an agency's appropriation act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he or she shall set out on the forms the particular classifications for which he or she is requesting an increase or decrease, the amounts thereof, and his or her reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassification unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the ~~Division of Information Systems~~ Office of State Technology that data processing services for a state agency can be performed on a more cost-efficient basis by the ~~division~~ office than through the purchase of data processing equipment by that state agency;

SECTION 17. Arkansas Code § 19-5-1055 is amended to read as follows:

19-5-1055. ~~Division of Information Systems~~ Office of State Technology Revolving Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "~~Division of Information Systems~~ Office of State Technology Revolving Fund".

(b)(1) The fund shall consist of nonrevenue receipts derived from services provided to various agencies of the federal, state, city, and county governments, and any other moneys which may be provided by law.

(2) The fund shall be used for the maintenance, operation, and improvement of the ~~Division of Information Systems~~ Office of State Technology as set out in the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

SECTION 18. Arkansas Code § 19-5-1056(b)(1), concerning the Information Technology Reserve Fund, is amended to read as follows:

(b)(1) The Information Technology Reserve Fund shall consist of those

funds transferred from the ~~Division of Information Systems~~ Office of State Technology Revolving Fund in an amount up to the authorized reserve for equipment acquisition as certified by the Chief Fiscal Officer of the State within thirty (30) days following the closing of each fiscal year, any loans which may be received from the Budget Stabilization Trust Fund, and any other moneys which may be provided by law.

SECTION 19. Arkansas Code § 19-11-1004(e)(2), concerning restrictions on professional and consultant services contracts, is amended to read as follows:

(2) However, the ~~Division of Information Systems~~ Office of State Technology may employ persons over whom they exercise day-to-day managerial control for those services under § 25-4-112 for which professional services contracts may be used.

SECTION 20. Arkansas Code § 20-8-404 is amended to read as follows:
20-8-404. Rules.

The ~~Division of Information Systems~~ Office of State Technology, Department of Finance and Administration, Department of Health, Department of Human Services, State Insurance Department, and all other appropriate departments, agencies, subcontractors, and officers shall promulgate rules to implement this subchapter.

SECTION 21. Arkansas Code § 21-2-805(a)(1)(C), concerning the members of the Arkansas Cyber Response Board, is amended to read as follows:

(C) The Director of the ~~Division of Information Systems~~ Office of State Technology or his or her designee;

SECTION 22. Arkansas Code § 23-17-409(b)(4), concerning the authorization of competing local exchange carriers under the Telecommunications Regulatory Reform Act of 2013, is amended to read as follows:

(4) A government entity may purchase voice, data, broadband, video, or wireless telecommunications services, directly or indirectly, from a private provider through a contract administered and services managed by the ~~Division of Information Systems~~ Office of State Technology under the

Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

SECTION 23. Arkansas Code § 25-1-203(b)(2), concerning the distribution of certain publications on state agency websites, is amended to read as follows:

(2) The ~~Division of Information Systems~~ Office of State Technology shall assist those state agencies requesting assistance in placing publications on the state agency's website.

SECTION 24. Arkansas Code § 25-4-102 is amended to read as follows:

25-4-102. Legislative findings and declaration of intent.

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

- (1) Information resources are used in an efficient manner;
- (2) Resources of the ~~Division of Information Systems~~ Office of State Technology are used unless an exception is authorized;
- (3) Information is administered and shared, consistent with requirements for security, privacy, and confidentiality;
- (4) Information technology acquisitions meet state needs and are consistent with coordinated efforts to maximize standardization and cost effectiveness;
- (5) State officials have timely access to information in useful forms; and
- (6) The ~~division~~ office complies with applicable state and federal statutory and regulatory provisions.

(b) The General Assembly further declares its intent to create a state agency ~~division~~ office to:

- (1) Provide design and management services for the state's core information technology infrastructures;
- (2) Provide information technology services;
- (3) Implement appropriate technologies to exchange and share information; and
- (4) Develop technical standards and specifications and provide technical leadership and guidance to support the state's enterprise architecture.

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

- (1) Implement increased capabilities for communication and exchange of information; and
- (2) Develop and publish mechanisms for more timely acquisition of information technology.

(d)(1) The General Assembly further finds and determines that:

- (A) Information technology services are readily available in the private sector;
- (B) The public interest would be well served by competition for the provision of such services to the state;
- (C) Public-private partnerships or joint ventures for the provision of such services may be appropriate in certain instances; and
- (D) Emphasis will be given to encouraging and enabling competition among+ suppliers of such services whenever possible in the administration of this chapter.

~~(i) Suppliers of such services whenever possible in the administration of this chapter; and~~

~~(ii) Women-owned and minority-owned suppliers of such services whenever possible in the administration of this chapter.~~

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

(e)(1) In exercising its authority under § 25-4-105, the ~~division~~ office shall competitively procure information technology except as provided in this subsection.

(2) The ~~division~~ office is not authorized by § 25-4-105 to provide information technology services, including telecommunications and broadband services, to the general public, other than nongovernmental first responder entities, in competition with private sector telecommunications and cable communications providers.

(3) Customers of the ~~division~~ office are not authorized to use

information technology facilities and services provided by the ~~division office~~ to provide telecommunications and broadband services to the general public in competition with private sector telecommunications and cable communications providers.

SECTION 25. Arkansas Code § 25-4-103(15), concerning definitions pertaining to the Division of Information Systems, is amended to read as follows:

(15) "State Chief Technology Officer" means the Director of the ~~Division of Information Systems~~ Office of State Technology;

SECTION 26. Arkansas Code § 25-4-104 is amended to read as follows:

25-4-104. ~~Division of Information Systems~~ Office of State Technology.

(a) There is established within the Department of Transformation and Shared Services the ~~Division of Information Systems~~ Office of State Technology.

(b)(1) The ~~Division of Information Systems~~ Office of State Technology shall be headed by a director to be appointed by the Governor, subject to confirmation by the Senate in the manner provided by law, and shall serve at the pleasure of the Governor.

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

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

(c) The director, in consultation with the Secretary of the Department of Transformation and Shared Services, may establish divisions and the organizational structure deemed necessary and appropriate for the efficient performance of the duties imposed under the provisions of this chapter, provided the organizational structure of the ~~division office~~ shall conform to the positions authorized and limitations provided therefor in the biennial appropriation of the ~~division office~~.

(d) The director, in consultation with the Secretary of the Department of Transformation and Shared Services, shall appoint the deputy and ~~division office~~ directors and the professional, technical, and clerical assistants and employees as necessary to perform the duties imposed by this chapter. All

employees of the ~~division~~ office shall be employed by the department and serve at the pleasure of the Secretary of the Department of Transformation and Shared Services.

(e) The director shall report to the Secretary of the Department of Transformation and Shared Services any matters relating to abuses of this chapter.

(f) The director shall recommend statutory changes to the Secretary of the Department of Transformation and Shared Services.

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

25-4-105. ~~Division of Information Systems~~ Office of State Technology – General powers and duties.

(a)(1) The ~~Division of Information Systems~~ Office of State Technology shall be vested with all the powers and duties necessary to administer the ~~division~~ Office of State Technology and to enable it to carry out fully and effectively the rules and laws relating to the ~~division~~ Office of State Technology.

(2) The ~~division's~~ Office of State Technology's powers and duties relate to information technology and include without limitation:

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

(B) Providing information technology services to state agencies, other governmental entities, nongovernmental first responder entities, and other quasi-governmental entities;

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

(D)(i) Establishing fair and reasonable schedules of rates or fees to be paid by customers that are provided service to enable the ~~division~~ Office of State Technology to recover all allowable costs of providing the services as provided in this chapter.

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

(E)(i) Establishing estimated billing rates to be developed for a period to coincide with the budgeting process.

(ii) The ~~division~~ Office of State Technology shall have the authority to adjust billing as necessary to effect compliance with applicable state and federal statutory and regulatory provisions.

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

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

(G) Promulgating rules that are necessary for efficient administration and enforcement of the powers, functions, and duties of the ~~division~~ Office of State Technology as provided in this chapter;

(H) Developing a ~~division~~ plan for the Office of State Technology to support the goals and objectives set forth for it in the state information technology plans and strategies;

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

(J) Performing any additional powers, functions, and duties that are necessary and appropriate for the proper administration of the provisions of this chapter;

(K) Providing a State Cyber Security Office to monitor information resource security issues, coordinating all security measures that could be used to protect resources by more than one (1) governmental entity, and acting as an information technology resource to other state agencies;

(L) Assisting in the development of an information technology security policy for state agencies;

(M) Developing the information technology security policy for state agencies;

(N) Advising agencies in acquiring information technology service;

(O) Developing the information technology policies, standards, and specifications for state agencies and ensuring agencies' compliance with those policies, procedures, and standards;

(P) Participating in the development of information

technology state contracts, including without limitation the identification of requirements, contract negotiation, and vendor evaluation;

(Q) With respect to their technology functions and applications, all state departments, boards, commissions, and public institutions of higher education, consulting and cooperating with the ~~division~~ Office of State Technology in the formation and implementation of security policies for the state core information technology infrastructure;

(R) Developing a state information technology plan that shall establish a state-level mission, goals, and objectives for the use of information technology;

(S) Identifying and establishing information technology solutions that can support more than one (1) agency in providing governmental services;

(T) Advising agencies regarding information technology contracts and agreements;

(U) Developing policies to promote and facilitate electronic access to government information and interoperability of information systems; and

(V) Reviewing and approving agencies' information technology plans and requests.

(b) This chapter shall not be construed to deprive, transfer, limit, or in any way alter or change any of the powers vested in the board of trustees of any institution of higher education under existing constitutional and statutory provisions.

SECTION 28. Arkansas Code § 25-4-106 is amended to read as follows:
25-4-106. Reporting requirements.

(a)(1) The Director of the ~~Division of Information Systems~~ Office of State Technology will report periodically to the Joint Committee on Advanced Communications and Information Technology regarding the status of the ~~Division of Information Systems'~~ Office of State Technology's information technology responsibilities in state government.

(2) The director may report any factors that are outside the scope of the ~~division~~ office but are deemed to inhibit or to promote the ~~division's~~ office's responsibilities.

(b)(1) By October 31, January 31, April 30, and July 31 of each fiscal

year, the director shall compile and submit a report to the:

(A) Legislative Council, if submitted between regular sessions of the General Assembly;

(B) Joint Budget Committee, if submitted during a session of the General Assembly; and

(C) Joint Committee on Advanced Communications and Information Technology.

(2) The report shall:

(A) Detail all requests from state agencies, boards, and commissions for advice regarding information technology planning, implementation, installation, rates or fees, utilization of products, services, and integrations or upgrades to be added to all existing technology plans; and

(B) Provide a full report of all corresponding recommendations made by the ~~division~~ office to the requesting state agencies, boards, and commissions.

(3) The report shall include:

(A) The name of the state agency, board, or commission requesting the advice;

(B) The name and scope of the project for which advice is being sought;

(C) The type of advice sought, for example, technical, product or service utilization, planning, implementation, installation, integration, or upgrades;

(D) A detailed explanation of all recommendations provided by the ~~division~~ office;

(E) How the recommendation fits into the information technology plan of the agency, board, or commission;

(F) How the recommendation fits into the state's information technology plan and state enterprise architecture; and

(G) Other information as may be useful for policy making decisions by the Legislative Council or the Joint Committee on Advanced Communications and Information Technology.

SECTION 29. Arkansas Code § 25-4-108(a), concerning the working groups of the Division of Information Systems, is amended to read as follows:

(a) The Director of the ~~Division of Information Systems~~ Office of State Technology may appoint working groups as necessary for specific purposes related to information technology coordination.

SECTION 30. Arkansas Code § 25-4-109 is amended to read as follows:
25-4-109. Information technology centers.

(a) The ~~Division of Information Systems~~ Office of State Technology is authorized to establish, maintain, and operate information technology centers and, in connection therewith, to rent, purchase, install, operate, and maintain information technology for state agencies as authorized in this chapter.

(b) The ~~division~~ office is authorized to enter into contracts or agreements with state agencies for the purpose of providing information technology.

(c) State agencies are authorized to enter into any contracts with the ~~division~~ office or its successor that may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services that are the subject of this chapter.

(d) Agencies shall use the core information technology infrastructure.

(e) The ~~division~~ office is authorized to enter into agreements and contracts with public utilities for telecommunications service.

(f) The information technology centers operated by the ~~division~~ office shall be made available to all state agencies that fall within economical and feasible boundaries.

(g) Agencies shall use project management for designated activities defined as a project.

SECTION 31. Arkansas Code § 25-4-110 is amended to read as follows:
25-4-110. Information technology – Planning.

(a) The ~~Division of Information Systems~~ Office of State Technology shall submit status reports annually or when requested to the Joint Committee on Advanced Communications and Information Technology.

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

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

regarding the use of the internet.

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

(i) The penalties for violations of the agency's internet policy;

(ii) The number of employees and computers that have access to the internet and the percentage of those employees and computers to the total number of employees and computers;

(iii) The needs of the agency and how those needs relate to the use of the internet; and

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

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

(c) The ~~division~~ office shall distribute criteria, elements, form, and format for agency plans. Plans may include, but not be limited to, the following:

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

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

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

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

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

(6) An implementation strategy to include:

(A) Annual implementation objectives of the plan;

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

(C) Agency activities to increase electronic access to

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

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

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

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

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

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

(12) An inventory of state agency information technology.

(d)(1) Plans developed or updated shall be submitted to the ~~division~~ office.

(2) The ~~division~~ office may reject, require modification to, or approve plans as deemed appropriate.

(3) Plans shall be modified by the state agency as necessary.

(e)(1) Plans developed or updated by public instrumentalities shall be submitted for review to the Joint Committee on Advanced Communications and Information Technology.

(2) The Joint Committee on Advanced Communications and Information Technology may seek the assistance of the ~~division~~ office in conducting this review.

(3) Plans shall be modified by the public instrumentality as necessary.

SECTION 32. The introductory language of Arkansas Code § 25-4-111(b), concerning information technology prerequisites for state agencies, is amended to read as follows:

(b) If an agency desires to acquire information technology not part of an information technology plan approved under § 25-4-110, the requesting agency shall submit a waiver request to the Director of the ~~Division of Information Systems~~ Office of State Technology that includes:

SECTION 33. Arkansas Code § 25-4-111(c)(4)(C), concerning information technology prerequisites for state agencies, is amended to read as follows:

(C) Notify the agency of the availability of ~~Division of Information Systems~~ Office of State Technology facilities to provide the requested information technology; or

SECTION 34. Arkansas Code § 25-4-112(b), concerning applications of information technology to educational institutions, is amended to read as follows:

(b)(1) A state-supported institution of higher education, a post-secondary vocational-technical school, an area vocational school, or a public school district may request technical assistance regarding information technology from the ~~Division of Information Systems~~ Office of State Technology.

(2)(A) Assistance shall be provided by the ~~division~~ office free of charge within a reasonable period.

(B) However, the requesting institution shall reimburse the ~~division~~ office for any actual expenses incurred while providing requested technical assistance.

SECTION 35. Arkansas Code § 25-4-114(b), concerning contracts and agreements for information technology, is amended to read as follows:

(b) A state agency shall submit to the Director of the ~~Division of Information Systems~~ Office of State Technology for review and approval a request for the state agency to enter into a technology contract or agreement that is not in compliance with the state enterprise architecture.

SECTION 36. Arkansas Code § 25-4-115 is amended to read as follows:

25-4-115. Professional services contracts between ~~division~~ office and outside vendors.

(a)(1) In the event that, due to unforeseen circumstances, the ~~Division of Information Systems~~ Office of State Technology cannot provide sufficient information technology support to state agencies, the Director of the ~~Division of Information Systems~~ Office of State Technology is authorized to enter into professional services contracts for the necessary information technology support.

(2) The ~~division~~ office may also consolidate information technology needs to satisfy state agency requests.

(b)(1) The ~~division~~ office may utilize moneys appropriated for maintenance, operation, and payment of regular salaries of the ~~division~~ office for the purchase of professional services upon approval by the Secretary of the Department of Transformation and Shared Services.

(2)(A) Provided, however, that before approving the use of moneys appropriated for payment of regular salaries of the ~~division~~ office for obtaining professional services, the secretary shall determine that resignations, vacancies in positions, or the inability to employ persons with technical skills to provide the professional services has necessitated that action.

(B) In addition, the secretary shall obtain the approval of the Legislative Council or the Joint Budget Committee if the General Assembly is in session, before approving any transfer of regular salary appropriations to the maintenance and operation appropriation of a state agency to be used for payment of professional services.

SECTION 37. Arkansas Code § 25-4-116(a), concerning payment for information technology, is amended to read as follows:

(a) Before a state agency may enter into an agreement with the ~~Division of Information Systems~~ Office of State Technology for purchase of information technology, the agency shall certify that adequate appropriations and funds are available for purchasing information technology from the ~~division~~ office.

SECTION 38. Arkansas Code § 25-4-116(b)(3), concerning payment for information technology, is amended to read as follows:

(3) The transfers authorized in this chapter shall be made from time to time within the amounts authorized in the procedures set forth in this chapter, upon payment for information technology purchased from the ~~division~~ office.

SECTION 39. Arkansas Code § 25-4-117 is amended to read as follows:
25-4-117. Delinquent accounts.

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

contested by the user, the ~~Division of Information Systems~~ Office of State Technology may request the Chief Fiscal Officer of the State to transfer all or part of the overdue amount from the user's account to the ~~division's~~ office's revolving account. The Chief Fiscal Officer of the State shall transfer the amount within ten (10) working days.

(b) For accounts that are sixty (60) days overdue and have charges being contested by the user, the ~~division~~ office may request the Chief Fiscal Officer of the State to transfer all or part of the overdue amount from the user's account to the ~~division's~~ office's revolving account. If the resolution of contested charges favors the user, the user may request the Chief Fiscal Officer of the State to transfer all or part of the overdue amount from the ~~division's~~ office's revolving account to the user's account.

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

SECTION 40. Arkansas Code § 25-4-119 is amended to read as follows:
25-4-119. Budget procedures.

(a)(1) Prior to the commencement of budget hearings conducted by the Legislative Council, the Director of the ~~Division of Information Systems~~ Office of State Technology shall prepare an operating budget indicating the amount of money that will be required to operate the ~~Division of Information Systems~~ Office of State Technology each year of the succeeding biennium.

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

(b)(1) When the General Assembly has completed the appropriation process, the director shall oversee budgetary planning for the ~~division~~ office for each fiscal year of the biennium.

(2) The proposed annual operating budget shall be submitted to the Secretary of the Department of Transformation and Shared Services for his or her approval prior to the beginning of each fiscal year.

(3)(A) During the course of the biennium, the director shall

make certain that the expenditures of the ~~division~~ office do not exceed the income to be received by the ~~division~~ office for the current fiscal year.

(B) Subject to the written approval of the Chief Fiscal Officer of the State upon the written application of the ~~division~~ office and review by the Legislative Council, in order to effect compliance with state and federal statutory and regulatory provisions:

(i) The director shall adjust rates for services or issue billing adjustments as necessary; or

(ii) Funds sufficient to effect compliance shall be provided to the ~~division~~ office.

(4)(A) If rates charged to a customer are increased to ensure compliance with state and federal statutory and regulatory provisions under subdivision (b)(3) of this section, then the director shall promptly notify the Governor, the Joint Committee on Advanced Communications and Information Technology, and all state agencies and other customers before any changes shall be effected.

(B) Rates shall be reviewed by the ~~division~~ office on no less than an annual basis in order to ensure compliance with state and federal statutory and regulatory provisions.

(c) The quarterly allotment procedures applicable to state agencies, as defined by the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., shall be applicable to all appropriations funded directly through general revenue.

SECTION 41. Arkansas Code § 25-4-120(c), concerning revisions to the budget, purchasing, and personnel process related to information technology, is amended to read as follows:

(c) The ~~Division of Information Systems~~ Office of State Technology shall make recommendations regarding revisions to the state budget, purchasing, and personnel process related to information technology to the Legislative Council by March 1 of each even-numbered year.

SECTION 42. Arkansas Code § 25-4-121 is amended to read as follows:

25-4-121. ~~Division of Information Systems~~ Office of State Technology Revolving Fund.

(a) There is created and established on the books of the Treasurer of

State, the Auditor of State, and the Department of Finance and Administration the ~~Division of Information Systems~~ Office of State Technology Revolving Fund.

(b) The ~~Division of Information Systems~~ Office of State Technology Revolving Fund shall consist of nonrevenue receipts derived from services provided to various agencies of the federal, state, city, and county governments, and any other moneys which may be provided by law for credit to the ~~Division of Information Systems~~ Office of State Technology Revolving Fund.

(c) All revenues received by the ~~Division of Information Systems~~ Office of State Technology for providing information technology services shall be deposited into the State Treasury as nonrevenue receipts, there to be used for the maintenance, operation, and improvement of the ~~division~~ office.

(d) All revenues received from agencies or other governmental entities for information technology services provided by contracts between the ~~division~~ office and outside vendors may be deposited into the State Treasury as refund to expenditures.

(e) Subject to the written approval of the Chief Fiscal Officer of the State upon written application of the ~~division~~ office and review by the Legislative Council, the Director of the ~~Division of Information Systems~~ Office of State Technology shall have the authority to transfer funds between the Information Technology Reserve Fund established by §§ 19-5-1056 and 25-4-123 and the ~~Division of Information Systems~~ Office of State Technology Revolving Fund established under this section for cash management purposes.

SECTION 43. Arkansas Code § 25-4-122 is amended to read as follows:
25-4-122. Reserve for equipment acquisition – Loans.

(a)(1) The ~~Division of Information Systems~~ Office of State Technology is authorized to accumulate a reserve for equipment acquisition in an amount not to exceed the ~~division's~~ office's depreciation expense per fiscal year.

(2)(A) In addition, the ~~division~~ office is authorized to obtain from the State Board of Finance loans from the Budget Stabilization Trust Fund to supplement the reserve if the reserve is insufficient to handle the total cost of required equipment acquisitions.

(B) These loans and the reserve for equipment acquisition

shall be used exclusively for major equipment acquisitions or improvements of information technology required in order to fulfill the requirements for one (1) or more user agencies.

(C) The loans from the Budget Stabilization Trust Fund to the Information Technology Reserve Fund shall be repaid within five (5) years from revenues derived from charges to users, and the annual loan repayment amount shall be computed as a part of the total yearly expenses of the ~~division~~ office and shall be charged proportionately to users.

(b)(1)(A) However, before the board approves any requests for loans by the ~~division~~ office authorized in subdivision (a)(2) of this section, the requests shall be submitted to the Governor for his or her approval after the Governor has first obtained the advice of the Legislative Council in regard thereto.

(B) After having obtained advice, the Governor may in writing approve or reject the request.

(C) However, if the Legislative Council fails to give its written advice or opinion to the Governor within thirty (30) days after receiving notice of the request for loans, the Governor may proceed to act on the matter without the advice of the Legislative Council.

(2) The board shall make no loans if the approval of the Governor has not been obtained therefor.

(3) After obtaining the Governor's approval in writing, the board shall also review and may approve the loans and establish terms of repayment and a rate of interest to be paid by the ~~Division of Information Systems~~ Office of State Technology Revolving Fund to the Budget Stabilization Trust Fund. The rate shall be approximately equivalent to the rate of interest the board is receiving on other investments at the time of approving the loan request.

SECTION 44. Arkansas Code § 25-4-123(b), concerning the Information Technology Reserve Fund, is amended to read as follows:

(b) The Information Technology Reserve Fund shall consist of those funds transferred from the ~~Division of Information Systems~~ Office of State Technology Revolving Fund in an amount up to the authorized reserve for equipment acquisition as certified by the Chief Fiscal Officer of the State within thirty (30) days following the closing of each fiscal year, any loans

which may be received from the Budget Stabilization Trust Fund, and any other moneys which may be provided by law, there to be used exclusively for major equipment acquisitions or improvements as set out in § 25-4-122.

SECTION 45. Arkansas Code § 25-4-124 is amended to read as follows:

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

(a) Within sixty (60) days following the final closing entries for the consolidated annual financial report for each fiscal year, the Director of the ~~Division of Information Systems~~ Office of State Technology shall obtain from the Chief Fiscal Officer of the State the written approval of a plan that shall include a proposed methodology to make all appropriate adjustments to effect compliance with state and federal statutory and regulatory provisions for the fiscal year.

(b)(1) If the plan under subsection (a) of this section requires appropriate credits or debits to customer accounts to effect compliance with state and federal statutory and regulatory provisions, the ~~Division of Information Systems~~ Office of State Technology shall make any adjustments within sixty (60) days after approval of the plan.

(2) In the event that a customer no longer uses the services of the ~~division office~~, a fund transfer in the amount of that customer's credits under the plan described in subsection (a) of this section shall be made from the ~~Division of Information Systems~~ Office of State Technology Revolving Fund to the customer's treasury fund, upon certification of the amount by the director to the Chief Fiscal Officer of the State and the Treasurer of State. In the event the customer does not have a treasury fund, a warrant shall be issued by the ~~division office~~ in payment of the customer's credit.

(c) In the event that the customer has an unpaid account balance due the ~~division office~~, the customer's credit shall be withheld until the account balance is satisfied.

SECTION 46. Arkansas Code § 25-4-126(a), concerning the Chief Data Officer of the Division of Information Systems, is amended to read as follows:

(a)(1) The Director of the ~~Division of Information Systems~~ Office of State Technology shall select an individual to serve as the Chief Data

Officer of the ~~Division of Information Systems~~ Office of State Technology and the Chief Privacy Officer of the ~~Division of Information Systems~~ Office of State Technology.

(2) The Chief Data Officer of the ~~Division of Information Systems~~ Office of State Technology and the Chief Privacy Officer of the ~~Division of Information Systems~~ Office of State Technology shall not be the same person.

SECTION 47. The introductory language of Arkansas Code § 25-4-126(b), concerning the Chief Data Officer of the Division of Information Systems, is amended to read as follows:

(b) The Chief Data Officer of the ~~Division of Information Systems~~ Office of State Technology shall:

SECTION 48. The introductory language of Arkansas Code § 25-4-126(c), concerning the Chief Privacy Officer of the Division of Information Systems, is amended to read as follows:

(c) The Chief Privacy Officer of the ~~Division of Information Systems~~ Office of State Technology shall:

SECTION 49. Arkansas Code § 25-4-127(b)(4) and (5), concerning the members of the Data and Transparency Panel, are amended to read as follows:

(4)(A) The Chief Data Officer of the ~~Division of Information Systems~~ Office of State Technology.

(B) The Chief Data Officer of the ~~Division of Information Systems~~ Office of State Technology shall be the Chair of the Data and Transparency Panel.

(C) The members of the panel shall select a vice chair annually;

(5) The Chief Privacy Officer of the ~~Division of Information Systems~~ Office of State Technology; and

SECTION 50. Arkansas Code § 25-4-127(c)(4), concerning the duties of the Data and Transparency Panel, is amended to read as follows:

(4) Evaluate and identify data that may be provided to the public in accordance with data standards and specifications developed by the ~~Division of Information Systems~~ Office of State Technology;

SECTION 51. Arkansas Code § 25-4-127(c)(8)(B), concerning the duties of the Data and Transparency Panel, is amended to read as follows:

(B) In implementation of the shared services data hub under subdivision (c)(8)(A) of this section, the ~~Division of Information Systems~~ Office of State Technology shall:

(i)(a) Establish and maintain a program to collect, analyze, and exchange government information in carrying out the powers and duties of the executive state agency sharing the data.

(b) In carrying out the program under subdivision (c)(8)(B)(i)(a) of this section, the ~~Division of Information Systems~~ Office of State Technology may obtain government information from each executive state agency;

(ii) Establish and maintain a program to make government information available to executive state agencies, political subdivisions, educational institutions, researchers, nongovernmental organizations, and the general public, subject to the following:

(a)(1) A program established and maintained under this section shall include a policy governing access to government information held by the ~~Division of Information Systems~~ Office of State Technology under this chapter.

(2) Government information may be made available only if doing so does not violate state or federal confidentiality and disclosure laws;

(b)(1) The ~~Division of Information Systems~~ Office of State Technology is considered to be an agent of the executive state agency sharing government information and is an authorized receiver of government information under the statutory or administrative law that governs the government information unless:

(A) The ~~Division of Information Systems~~ Office of State Technology or executive state agencies are specifically excluded as an authorized receiver; or

(B) An authorized receiver of government information is specifically enumerated under the statutory or administrative law governing the government information without stated exceptions or qualifications.

(2) Interagency data sharing under this section does not constitute a disclosure or release under any statutory or administrative law that governs the government information;

(c)(1) A program established and maintained under this section shall prescribe a form to be used to memorialize the sharing of data under this section.

(2) The form required under subdivision (c)(8)(B)(ii)(c)(1) of this section shall be signed by the administrative head of the executive state agency so long as the form does not require the sharing of state agency information that would be in contradiction of existing state or federal law; and

(d)(1) A data sharing form completed and signed under subdivision (c)(8)(B)(ii)(c)(1) of this section constitutes the agreement required by any statutory or administrative law that governs the data.

(2) Additional documentation is not required to share data under this section;

(iii) Establish privacy and quality policy for government information that complies with all applicable Arkansas and federal laws, rules, and policies;

(iv) According to standards developed by the state security office, establish and maintain a program to ensure the security of government information under this section; and

(v) Establish a public portal that will provide Arkansans with easy access to data.

SECTION 52. Arkansas Code § 25-4-128(a), concerning the records of the Data and Transparency Panel, is amended to read as follows:

(a) All records, reports, and other information obtained by the Data and Transparency Panel shall be confidential unless approved for publication in accordance with data standards and specifications developed by the ~~Division of Information Systems~~ Office of State Technology.

SECTION 53. Arkansas Code § 25-4-129 is amended to read as follows:
25-4-129. Gifts, grants, and donations – Reports.

(a) The Director of the ~~Division of Information Systems~~ Office of

State Technology may accept on behalf of the ~~Division of Information Systems~~ Office of State Technology funds from any source, including but not limited to:

- (1) Special revenue;
- (2) General revenue;
- (3) Gifts;
- (4) Grants;
- (5) Cash;
- (6) Bequests;
- (7) Devices;
- (8) Donations;
- (9) Real property;
- (10) Personal property; and
- (11) Equipment.

(b) The ~~division~~ office shall file with the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, a quarterly report summarizing all funds received under subsection (a) of this section.

SECTION 54. Arkansas Code § 25-8-107(c), concerning the Office of Child Support Enforcement, is amended to read as follows:

(c) The Department of Human Services and the ~~Division of Information Systems~~ Office of State Technology shall grant access to and provide information determined by the Office of Child Support Enforcement to be necessary to successfully accomplish its mission.

SECTION 55. Arkansas Code § 25-18-702(a), concerning the standards and policies pertaining to electronic records of state agencies, is amended to read as follows:

(a) The Director of the ~~Division of Information Systems~~ Office of State Technology shall establish standards and polices governing the use, management, retention, privacy, and security of electronic records of state agencies.

SECTION 56. Arkansas Code § 25-18-703 is amended to read as follows:
25-18-703. State agency standards and policies.

A state agency may use the standards and policies developed by the

Director of the ~~Division of Information Systems~~ Office of State Technology under § 25-18-702, or it may develop its own standards and policies consistent with the requirements established in § 25-18-702(b).

SECTION 57. Arkansas Code § 25-26-204(a)(1), concerning procurement requirements for information technology access for the blind, is amended to read as follows:

(a)(1) The technology access clause specified in § 25-26-203 shall be developed by the ~~Division of Information Systems~~ Office of State Technology and shall require compliance with nonvisual access standards established by the ~~division~~ office.

SECTION 58. Arkansas Code § 25-27-103(a)(4), concerning the board members of the Information Network of Arkansas, is amended to read as follows:

(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 ~~Division of Information Systems~~ Office of State Technology, shall be appointed by the Governor;

SECTION 59. Arkansas Code § 25-27-103(a)(8), concerning the board members of the Information Network of Arkansas, is amended to read as follows:

(8) The Director of the ~~Division of Information Systems~~ Office of State Technology, or the Director of the ~~Division of Information Systems'~~ Office of State Technology's designee.

SECTION 60. Arkansas Code § 25-27-104(a)(1), concerning the duties of the Information Network of Arkansas, is amended to read as follows:

(1) To develop and implement an 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 ~~Division of Information Systems~~ Office of State Technology;

SECTION 61. Arkansas Code § 25-27-105(a)(1), concerning the network

manager of the Information Network of Arkansas, is amended to read as follows:

(a)(1) The Information Network of Arkansas shall procure a network manager after developing, in consultation with the ~~Division of Information Systems~~ Office of State Technology, criteria and specifications for such a network manager and his or her duties.

SECTION 62. Arkansas Code § 25-27-105(c), concerning the network manager of the Information Network of Arkansas, is amended to read as follows:

(c) The ~~division~~ office may provide to the Information Network of Arkansas such staff and other assistance under contract.

SECTION 63. Arkansas Code § 25-32-117(b), concerning the creation and retention of electronic records and conversion of written records by governmental agencies, is amended to read as follows:

(b) Each state agency shall comply with applicable standards and policies adopted or established by the Department of Transformation and Shared Services with advice and review from the ~~Division of Information Systems~~ Office of State Technology to determine whether and the extent to which it will retain and convert written records to electronic records.

SECTION 64. Arkansas Code § 25-32-118(a)(2), concerning the acceptance and distribution of electronic records by governmental agencies under the Uniform Electronic Transactions Act, is amended to read as follows:

(2) For state agencies, the determinations shall be consistent with applicable standards and policies adopted or established by the Department of Transformation and Shared Services with advice and review from the ~~Division of Information Systems~~ Office of State Technology.

SECTION 65. Arkansas Code § 25-34-104(a)(1), concerning agency policy under the Arkansas Computer and Electronic Solid Waste Management Act, is amended to read as follows:

(a)(1) Each agency shall prepare and implement an agency-wide policy for the management and sale of agency surplus computer equipment and electronics in accord with the Director of the ~~Division of Information~~

~~Systems~~ Office of State Technology policies for review and replacement of computer and electronic equipment.

SECTION 66. Arkansas Code § 25-43-812(a)(3)(D), concerning the members of the State Health Alliance for Records Exchange, is amended to read as follows:

(D) A representative of the ~~Division of Information Systems~~ Office of State Technology;

SECTION 67. Arkansas Code § 25-43-1502(a)(5), concerning state entities transferred to the Department of Transformation and Shared Services, is amended to read as follows:

(5) The Department of Information Systems, created under § 25-4-104, now to be known as the ~~"Division of Information Systems"~~ "Office of State Technology";

SECTION 68. Arkansas Code § 27-14-1708(b)(1), concerning the temporary tag database within the Revenue Division of the Department of Finance and Administration, is amended to read as follows:

(b)(1) The vehicle temporary tag database shall be administered by the Revenue Division of the Department of Finance and Administration with the assistance of the ~~Division of Information Systems~~ Office of State Technology or other designated agent with whom the Revenue Division of the Department of Finance and Administration may contract to supply technical database and data processing expertise.

SECTION 69. DO NOT CODIFY. Corrections.

The Arkansas Code Revision Commission may change references to the Division of Information Systems in the Arkansas Code to the Office of State Technology:

(1) During the codification of legislation enacted during the Ninety-Fifth General Assembly; and

(2) In existing law that was not included in this act.

SECTION 70. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the people of the State of

Arkansas rely on state department and division names to conduct business with the state; that to ensure the efficient operations of state government divisions it is important to set a date certain for the official change of the name of a division; and that this act is necessary because it will allow the Division of Information Systems to prepare for the official name change in a timely and efficient manner to coincide with the start of the fiscal year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety, shall become effective on July 1, 2025.

APPROVED: 3/25/25