

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1272

By: Representative A. Davis

By: Senator Hester

For An Act To Be Entitled

AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO ESTABLISH CABINET-LEVEL DEPARTMENTS; TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES; TO TRANSFER STATE ENTITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES; TO TRANSFER STATE ENTITIES; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 25, Chapter 43, is amended to add an additional subchapter to read as follows:

Subchapter 15 – Department of Transformation and Shared Services

25-43-1501. Department of Transformation and Shared Services.

There is created the Department of Transformation and Shared Services as a cabinet-level department.

25-43-1502. State entities transferred to the Department of



Transformation and Shared Services.

(a) The administrative functions of the following state entities are transferred to the Department of Transformation and Shared Services under a cabinet-level department transfer:

- (1) The Arkansas Geographic Information Systems Board, created under § 15-21-503;
- (2) The Arkansas Geographic Information Systems Office, created under § 15-21-502;
- (3) The Building Authority Division, created under § 22-2-104;
- (4) The Data and Transparency Panel, created under § 25-4-127;
- (5) The Division of Information Systems, created under § 25-4-104;
- (6) The Employee Benefits Division, created under § 25-43-105;
- (7) The Office of Personnel Management, created under § 25-43-104;
- (8) The Office of State Procurement, created under § 19-11-215;
- (9) The State and Public School Life and Health Insurance Board, created under 21-5-402; and
- (10) The State Technology Council, created under § 25-33-101.

(b) Each entity transferred shall retain its specified statutory duties.

25-43-1503. Secretary of the Department of Transformation and Shared Services.

(a) The executive head of the Department of the Transformation and Shared Services shall be the Secretary of the Department of Transformation and Shared Services.

(b) The secretary shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(c)(1) All personnel of the department shall be employed by the secretary, unless otherwise provided by statute.

(2)(A) Members of a statutory board or commission shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to that board or commission as the statutes may from time to time be amended.

(B) All personnel employed by a statutory board or commission shall be employees of the department.

(d) Nothing in this section shall reduce any right that an employee of the department has under any civil service or merit system.

(e) Each division of the department shall be under the direction, control, and supervision of the secretary. The secretary may delegate his or her functions, powers, and duties to various divisions or employees of the department as he or she shall deem desirable and necessary for the effective and efficient operation of the department.

25-43-1504. Office of Personnel Management – State Personnel Administrator.

(a) There is created within the Department of Transformation and Shared Services the Office of Personnel Management.

(b)(1)(A) The Director of the Office of Personnel Management shall be known as the "State Personnel Administrator".

(B) The State Personnel Administrator shall be employed by the Secretary of the Department of Transformation and Shared Services with the advice and consent of the Governor.

(2) The Office of Personnel Management shall be under the overall direction, control, and supervision of the Secretary of the Department of Transformation and Shared Services.

25-43-1505. Employee Benefits Division.

There is created within the Department of Transformation and Shared Services the Employee Benefits Division.

SECTION 2. Arkansas Code § 1-4-133(b), concerning the display of the national motto, is amended to read as follows:

(b) The copies or posters authorized under this section shall either be donated or shall be purchased solely with funds made available through voluntary contributions to the local school boards or the Building Authority

Division of the Department of ~~Finance and Administration~~.

SECTION 3. Arkansas Code § 6-11-128(b)(1), concerning 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 ~~Department~~ Division of Information Systems and Arkansas Public School Computer Network servers;

SECTION 4. Arkansas Code § 6-20-1407(e), concerning the approval of school facility building plans, is amended to read as follows:

(e)(1) For new public school facilities, a copy of final construction documents shall be submitted to the Design Review Section of the Building Authority Division ~~of the Department of Finance and Administration~~.
for review in regard to compliance with the Arkansas-adopted Americans with Disabilities Act Accessibility Guidelines.

(2) All review comments received from the Building Authority Division ~~of the Department of Finance and Administration~~ shall be in writing.

(3) Corrected construction documents shall be received and approved by the Building Authority Division ~~of the Department of Finance and Administration~~.

(4) No new public school facilities project shall be released for bidding or construction until the requirements of this subsection are met.

SECTION 5. Arkansas Code § 6-21-109(a), concerning the rules governing public works projects, is amended to read as follows:

(a) The Commission for Arkansas Public School Academic Facilities and Transportation, after consulting with the Building Authority Division ~~of the Department of Finance and Administration~~ and any other entities, shall establish rules applicable to public educational entities for all public works projects when the public educational entity uses its own employees or acts as a general contractor.

SECTION 6. Arkansas Code § 6-21-112(e), concerning the Division of

Public School Academic Facilities and Transportation, is amended to read as follows:

(e)(1) The ~~Director of the Department of Information Systems~~ Secretary of the Department of Transformation and Shared Services shall assign one (1) individual to serve as a technology liaison to the Division of Public School Academic Facilities and Transportation.

(2) The ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services shall assign one (1) individual from the staff of the Building Authority Division ~~of the Department of Finance and Administration~~ to serve as a physical plant liaison to the Division of Public School Academic Facilities and Transportation.

SECTION 7. Arkansas Code § 6-21-112(h), concerning the Division of Public School Academic Facilities and Transportation, is amended to read as follows:

(h) The Department of 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 ~~Department~~ Division of Information Systems.

SECTION 8. Arkansas Code § 6-47-502(b)(3), concerning distance learning grants, 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 ~~Department~~ Division of Information Systems.

SECTION 9. Arkansas Code § 6-62-302(b), concerning authorization for university building construction and purchases, is amended to read as follows:

(b) No board of trustees of such public institutions of higher education shall be required to obtain any prior review, consultation, approval, assistance, or advice from the Building Authority Division ~~of the Department of Finance and Administration~~ for projects undertaken based on the foregoing powers and authority. Provided, however, nothing in this subsection

shall prevent any board of trustees of such public institutions of higher education from entering into an agreement with the division to provide review, consultation, approval, assistance, or advice for such projects. However, public institutions of higher education exempt from project review, consultation, approval, assistance, or advice of the division shall remain subject to other laws governing public works, including without limitation § 19-4-1401 et seq. and § 22-9-101 et seq.

SECTION 10. Arkansas Code § 6-62-606(b), concerning an exemption from compliance with review by the Building Authority Division of the Department of Finance and Administration, is amended to read as follows:

(b) In proceeding under this subchapter, it shall not be necessary for the board to comply with any other laws relating to the procurement, disposal, or leasing of property, including without limitation laws concerning the appointment of appraisers in connection therewith, laws restricting the obligation of funds for construction, and laws dealing with the improvement of historic structures, except that the transfer and the lease agreement shall be subject to the review and approval of the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 11. Arkansas Code § 6-62-611(a)(2), concerning agreements for the transfer and lease of property, instruments of conveyance, and title insurance, is amended to read as follows:

(2) The agreement may provide that the owner will make improvements or additions to the property subject to the inspection and approval of all improvements and additions to the property by the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 12. Arkansas Code § 6-63-602(a), concerning the administration of the higher education catastrophic leave bank program, is amended to read as follows:

(a)(1) The Department of ~~Finance and Administration~~ Transformation and Shared Services shall have administrative responsibility for developing, implementing, and maintaining a catastrophic leave bank program for nonfaculty benefits-eligible, full-time employees of the state institutions of higher education.

(2) Each state institution of higher education may participate in the catastrophic leave bank authorized by this section and administered by the Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration~~, or the institution may establish a catastrophic leave bank for its employees.

SECTION 13. Arkansas Code § 6-63-602(f), concerning the administration of the higher education catastrophic leave bank program, is amended to read as follows:

(f) ~~The Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services or his or her designee shall promulgate necessary rules and regulations as deemed necessary to carry out the provisions of this section.

SECTION 14. Arkansas Code § 7-9-124(b), concerning the creation of the Voter Registration Signature Imaging System Fund, is amended to read as follows:

(b) ~~The Department~~ Division of Information Systems 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 15. Arkansas Code § 10-3-601 is amended to read as follows:
10-3-601. Intent.

It is the intent of this subchapter to establish procedures whereby the types of contracts to be let for legislative printing or duplicating requirements may be determined after study and review of the printing or duplicating needs of the General Assembly. Adequate specifications and safeguards may be established for such contracts in order that the State Procurement Director of the Office of State Procurement ~~of the Department of Finance and Administration~~ might be advised thereof in the letting of contracts for legislative printing or duplicating requirements.

SECTION 16. Arkansas Code § 10-3-1704(c), concerning the members and 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 ~~Department~~ Division of Information Systems.

SECTION 17. Arkansas Code § 10-3-1705 is amended to read as follows:
10-3-1705. Duties of joint standing committee.

Bills pertaining to the ~~Department~~ Division of Information Systems, 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 18. Arkansas Code § 10-3-1707(c), concerning interim committee meetings, expenses, and staff of the Joint Committee on Advanced Communications and Information Technology, is amended to read as follows:

(c) All other appropriate state agencies, including, but not limited to, the ~~Department~~ Division of Information Systems, 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 19. Arkansas Code § 10-4-424(c), concerning the audit of information systems operations, is amended to read as follows:

(c) The ~~Department~~ Division of Information Systems, 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 20. Arkansas Code § 12-75-109(c)(2), concerning the establishment and personnel of the Arkansas Department of Emergency

Management, is amended to read as follows:

(2) All such employees shall be in job positions as approved by the Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration.~~

SECTION 21. Arkansas Code § 12-75-109(d)(4)(A), concerning the establishment and personnel of the Arkansas Department of Emergency Management, is amended to read as follows:

(4)(A) Emergency reserve cadre personnel may be called to active duty upon declaration of a disaster emergency as stipulated in this chapter or the Disaster Relief Act of 1974, Pub. L. No. 93-288, or both, or by executive order of the Governor upon recommendation by the director for due cause or pending emergency needs or for disaster-related assistance to the ~~Arkansas Department~~ Division of Emergency Management as determined by the director and shall remain on active duty no longer than the maximum allowed by the Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration~~ for part-time employment status.

SECTION 22. Arkansas Code § 13-3-101(b) and (c), concerning the creation and purpose of the Arkansas State Archives, are amended to read as follows:

(b) The ~~Department~~ Division of Arkansas Heritage and the Building Authority Division ~~of the Department of Finance and Administration~~ shall determine the facility needs of the Arkansas State Archives.

(c) The Building Authority Division ~~of the Department of Finance and Administration~~ may locate and negotiate an appropriate facility for the Arkansas State Archives, but the ~~Department~~ Division of Arkansas Heritage shall have final approval of the facility's location.

SECTION 23. Arkansas Code § 13-4-203(b)(5), concerning the Records Retention Committee, is amended to read as follows:

(5) The ~~Department~~ Division of Information Systems;

SECTION 24. Arkansas Code § 15-21-205(a), concerning the duties and appointment of the State Surveyor, is amended to read as follows:

(a) The Arkansas Geographic Information Systems Board shall employ, with the approval of the Secretary of the Department of Transformation and Shared Services, a State Surveyor to be the head of the Division of Land Surveys of the Arkansas Geographic Information Systems Office.

SECTION 25. Arkansas Code § 15-21-205(b)(2), concerning the appointment of the State Surveyor, is amended to read as follows:

(2) Be appointed by and serve at the pleasure of the ~~Arkansas Geographic Information Systems Office after the Arkansas Geographic Information Systems Office consults~~ Secretary of the Department of Transformation and Shared Services after consultation with the State Board of Licensure for Professional Engineers and Professional Surveyors and the Arkansas Society of Professional Surveyors;

SECTION 26. The introductory language of Arkansas Code § 15-21-206, concerning the powers and duties of the State Surveyor, is amended to read as follows:

The State Surveyor, acting under the supervision and direction of the Arkansas Geographic Information Systems Office and the Secretary of the Department of Transformation and Shared Services, shall have the following authority and responsibility:

SECTION 27. Arkansas Code § 15-21-206(13), concerning the powers and duties of the State Surveyor, is amended to read as follows:

(13) To employ, with the approval of the Secretary of the Department of Transformation and Shared Services, such surveyors and other professional and nonprofessional assistants and to take other reasonable action as deemed necessary to carry out the purposes of this subchapter.

SECTION 28. Arkansas Code § 15-21-207, concerning surveyors, is amended to read as follows:

15-21-207. Surveyors generally.

(a) Every employee of the Department of Transformation and Shared Services, Division of Land Surveys of the Arkansas Geographic Information Systems Office who performs any work required by law to be done by a registered professional surveyor shall be a registered surveyor.

(b) Neither the State Surveyor nor any employee of the department performing work on behalf of the division shall engage in private land surveying or consultation while so employed by the division.

(c) The State Surveyor and employees of the department performing work on behalf of the division shall cooperate with and assist county surveyors in performing their duties as prescribed by law and shall cooperate with and assist other surveyors in locating or establishing section corner markers and other land description markers and monuments.

(d) In performing the duties and responsibilities provided for in this subchapter, the State Surveyor and employees of the office of State Surveyor of the Department of Transformation and Shared Services may solicit the advice and assistance of the county surveyor in each county and other surveyors in the county.

(e) If there are no registered professional surveyors in a particular county, the department on behalf of the division may employ qualified registered professional surveyors from other areas of the state to assist the division in carrying out its duties and responsibilities under this subchapter.

SECTION 29. Arkansas Code § 15-21-208 is amended to read as follows:
15-21-208. Right to enter private property.

(a) The State Surveyor or any employee of the Department of Transformation and Shared Services or of the Division of Land Surveys of the Arkansas Geographic Information Systems Office shall have the right to enter upon private property for the purpose of making surveys or searching for, locating, relocating, or remonumenting land monuments, levelling stations, or section corners.

(b) Employees of the department or division shall be immune from arrest for trespass in performing their duties as prescribed in this subchapter and under the direction of a registered professional land surveyor but shall always, when practical, announce and identify themselves and their intentions before entering upon private property.

SECTION 30. Arkansas Code § 15-21-502(10), concerning the definition of "State Chief Technology Officer" under the laws governing the Arkansas Geographic Information Systems Board, is amended to read as follows:

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

SECTION 31. Arkansas Code § 15-21-503(c)(2)(C), concerning the creation and powers of the Arkansas Geographic Information Systems Board, is amended to read as follows:

(C) The State Geographic Information Officer shall report ~~directly to the Governor~~ to the Secretary of the Department of Transformation and Shared Services.

SECTION 32. Arkansas Code § 15-21-503(d)(1) and (2), concerning the creation and powers of the Arkansas Geographic Information Systems Board, are amended to read as follows:

(d)(1) The State Geographic Information Officer shall administer daily operations of the Arkansas Geographic Information Systems Office with direction from the board and the secretary.

(2) This may include liaison between the board, the Governor, the secretary, the State Chief Technology Officer, and public or private sector entities involved in spatial data and land records modernization, project management in the preparation of the strategic planning documents related to spatial data and land records modernization, developing policy and procedures for land records modernization, and developing policy and procedures for the activities of the board.

SECTION 33. Arkansas Code § 15-55-213 is amended to read as follows:
15-55-213. Access to information.

The Arkansas Geological Survey and the ~~Department~~ Division of Information Systems shall grant access to and provide information determined by the ~~Office of the~~ Commissioner of State Lands to be necessary to successfully accomplish its mission.

SECTION 34. The introductory language of Arkansas Code § 17-105-121(a), concerning the uniform classification plan and physician assistant employment, is amended to read as follows:

(a) The Office of Personnel Management ~~of the Division of Administrative Services of the Department of Finance and Administration~~ shall

establish and maintain a position classification of physician assistant. The initial position classification shall mirror the Veterans Health Administration Directive 10-95-020 of March 3, 1995, and the United States Department of Veterans Affairs regulation as embodied in:

SECTION 35. Arkansas Code § 18-44-503(b), concerning public buildings and improvements, is amended to read as follows:

(b) All persons, firms, associations, and corporations who have valid claims against the bond may bring an action on the bond against the corporate surety, provided that no action shall be brought on the bond after twelve (12) months from the date on which the Building Authority Division ~~of the Department of Finance and Administration~~ or institutions exempt from construction review and approval by the division approve final payment on the state contract, nor shall any action be brought outside the State of Arkansas.

SECTION 36. Arkansas Code § 19-1-205 is amended to read as follows:
19-1-205. Office.

The Building Authority Division ~~of the Department of Finance and Administration~~ shall assign to the Department of Finance and Administration and divisions of the department suitable office space with the necessary conveniences for the transaction of the department's business and the safekeeping of the department's records.

SECTION 37. Arkansas Code § 19-4-522(c)(1), concerning the maintenance and general operations under the state accounting and budgetary procedures, 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 ~~Department~~ Division of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the ~~Department~~ Division of Information Systems than through the purchase of data processing equipment by that state agency;

SECTION 38. Arkansas Code § 19-4-522(d)(5), concerning the maintenance and general operations under the state accounting and budgetary procedures, is amended to read as follows:

(5) Data Processing. This subclassification includes purchase of data processing services from the ~~Department~~ Division of Information Systems, or others, and other expenses that are not necessarily classified elsewhere in this section by virtue of the appropriation based upon budgets presented for consideration.

SECTION 39. Arkansas Code § 19-4-702(e)(2)(A), concerning the time limits for presenting vouchers, is amended to read as follows:

(2)(A) All state agencies may carry over from the first fiscal year of any biennium to the second fiscal year of the biennium any unexpended maintenance and operation appropriations and funds, as defined under § 19-4-522, to the extent necessary to pay for renovation and minor and major repairs under the jurisdiction of the Building Authority Division ~~of the Department of Finance and Administration~~ which were under contract at least ninety (90) days prior to the end of the first fiscal year but which will not be completed until after the end of the first fiscal year and are substantiated by written contracts.

SECTION 40. Arkansas Code § 19-4-1402(a), concerning contracts to be filed, is amended to read as follows:

(a) Executed counterparts of all contracts entered into by any state agency with respect to proposed projects for new improvements or major repairs or additions to existing buildings and facilities shall be approved by and filed with the Building Authority Division ~~of the Department of~~

~~Finance and Administration~~ before the issuance of any vouchers making payments under the contract, unless the contract is exempted from the jurisdiction of the division by a law or a regulation promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 41. Arkansas Code § 19-4-1405(c)(2)(A), concerning bidding procedures, is amended to read as follows:

(2)(A) The bonds shall be both for the completion of the construction free of all liens and encumbrances, in an amount fixed by the Building Authority Division ~~of the Department of Finance and Administration~~, and for the protection of the state agency and its members against all liability for injury to persons or damage to, or loss of, property arising, or claimed to have arisen, in the course of the work project, within limits fixed by the division.

SECTION 42. Arkansas Code § 19-4-1405(e)(1)(A), concerning bidding procedures, is amended to read as follows:

(e)(1)(A) When it is obvious from examination of the bid document that it was the intent of a bidder to submit a responsive bid and because of a scrivener's error, the bid, if accepted, would create a serious financial loss to the bidder, the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services may relieve the bidder from responsibility under his or her bond and may reject the bid.

SECTION 43. Arkansas Code § 19-4-1411(a)(1)(B), concerning the processing of payments, is amended to read as follows:

(B) A state agency or institution of higher education exempt from review and approval by the Building Authority Division ~~of the Department of Finance and Administration~~ – five (5) working days, including preparation of a voucher and submission for payment; and

SECTION 44. Arkansas Code § 19-4-1413(a)(2)(B), concerning projects constructed with private funds, is amended to read as follows:

(B) The Chief Fiscal Officer of the State may forward a copy of this statement to the Building Authority Division ~~of the Department~~

of Finance and Administration, the Secretary of the Department of Transformation and Shared Services, and the Governor for information; and

SECTION 45. Arkansas Code § 19-4-1415(b)(1), concerning projects exceeding five million dollars (\$5,000,000), is amended to read as follows:

(b)(1) No contract for projects between the state agency and the construction manager, general contractor, architect, or engineer shall be entered into without first obtaining approval of the Building Authority Division ~~of the Department of Finance and Administration~~ and review by the Legislative Council.

SECTION 46. Arkansas Code § 19-4-1416(e)(1), concerning job order contracting, is amended to read as follows:

(e)(1) Executed counterparts of a contract entered into by a state agency with respect to job order projects shall be approved by and filed with the Building Authority Division ~~of the Department of Finance and Administration~~ before the issuance of any vouchers making payments under the contract.

SECTION 47. Arkansas Code § 19-5-1046(a)(2), concerning the Building Authority Division Maintenance Fund, is amended to read as follows:

(2) The fund shall be used for the maintenance, operation, and improvement of lands, buildings, and facilities that may be acquired by the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 48. Arkansas Code § 19-5-1052(b), concerning the Justice Building Fund, is amended to read as follows:

(b) The Justice Building Fund shall consist of all moneys transferred or deposited from the State Administration of Justice Fund, there to be used exclusively by the Building Authority Division ~~of the Department of Finance and Administration~~ for the maintenance of the Arkansas Justice Building.

SECTION 49. Arkansas Code § 19-5-1055 is amended to read as follows:

19-5-1055. ~~Department~~ Division of Information Systems 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 "~~Department~~ Division of Information Systems 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 ~~Department~~ Division of Information Systems as set out in the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

SECTION 50. 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 ~~Department~~ Division of Information Systems 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 51. Arkansas Code § 19-5-1087(a), concerning the Justice Building Construction Fund, is amended to read as follows:

(a) There is created in accordance with §§ 19-4-801 – 19-4-803, 19-4-805, 19-4-806, and the Revenue Classification Law, § 19-6-101 et seq., a cash fund entitled the "Justice Building Construction Fund", which shall be maintained in such depository bank or banks as may, from time to time, be designated by the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 52. Arkansas Code § 19-5-1206(b)(2), concerning the Building Authority Division Real Estate Fund, is amended to read as follows:

(2) The Building Authority Division Real Estate Fund shall be used to acquire either by deed or by lease, to own or operate, to maintain, to repair, to renovate, to develop, or to construct real properties, including any necessary demolition and site improvements, for use by state agencies, as defined in § 22-2-102, for capital improvement needs under the jurisdiction of the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 53. Arkansas Code § 19-11-203(14)(Y), concerning the definition of "exempt commodities and services" under the state procurement laws, is amended to read as follows:

(Y) Capital improvements valued at less than twenty thousand dollars (\$20,000), subject to minimum standards and criteria of the Building Authority Division ~~of the Department of Finance and Administration;~~

SECTION 54. Arkansas Code § 19-11-203(27)(B), concerning the definition of "services" under the state procurement laws, is amended to read as follows:

(B) "Services" shall not include employment agreements, collective bargaining agreements, exempt commodities and services, or architectural or engineering contracts requiring approval of the Building Authority Division ~~of the Department of Finance and Administration~~ or higher education;

SECTION 55. Arkansas Code § 19-11-215 is amended to read as follows:
19-11-215. Office of State Procurement.

(a) There is created within the Department of ~~Finance and Administration~~ Transformation and Shared Services the Office of State Procurement to be administered by the State Procurement Director.

(b)(1) The office shall be subject to the supervision and management of the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services.

(2) The rules and regulations authorized in this subchapter shall be approved by the ~~Director of the Department of Finance and Administration~~ secretary prior to the filing of the rules and regulations in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 56. Arkansas Code § 19-11-216(a)(2), concerning the State Procurement Director, is amended to read as follows:

(2) The State Procurement Director shall be appointed by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services.

SECTION 57. Arkansas Code § 19-11-217(b)(1), concerning the powers and duties of the State Procurement Director, is amended to read as follows:

(b)(1) Except as otherwise provided in this subchapter and upon the approval of the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services, the State Procurement Director shall have the authority and responsibility to promulgate regulations consistent with this subchapter.

SECTION 58. Arkansas Code § 19-11-218 is amended to read as follows:
19-11-218. Assistants and designees.

Subject to the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., and the approval of the Secretary of the Department of Transformation and Shared Services, the State Procurement Director may:

- (1) Employ and supervise such assistants and other persons as may be necessary;
- (2) Fix their compensation as provided by law; and
- (3) Delegate authority to such designees or to any state agency as the director may deem appropriate, within the limitations of state law and the state procurement regulations.

SECTION 59. Arkansas Code § 19-11-220(b)(2), concerning agency procurement officials, is amended to read as follows:

(2)(A) Approval by the Office of State Procurement of contracts administered by the official shall not be required, unless a determination has been made by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services that administrative procedures and controls are not adequate.

(B)(i) Such a determination shall result in notification by the ~~Director of the Department of Finance and Administration~~ secretary of the specific deficiencies and the reasons therefor.

(ii) After the notification, approval of contracts by the Office of State Procurement shall be required until the ~~Director of the Department of Finance and Administration~~ secretary determines that the deficiencies have been corrected.

SECTION 60. Arkansas Code § 19-11-226(b)(3), concerning recommendations to the State Procurement Director, is amended to read as follows:

(3) ~~The Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services may make recommendations to the State Procurement Director.

SECTION 61. Arkansas Code § 19-11-227 is amended to read as follows:
19-11-227. Statistical data.

The State Procurement Director and the Secretary of the Department of Transformation and Shared Services shall cooperate with the Office of Budget of the Department of Finance and Administration and the Office of Accounting of the Department of Finance and Administration in the preparation of statistical data concerning the procurement and disposition of all commodities and services, unless otherwise provided in this subchapter.

SECTION 62. Arkansas Code § 19-11-235(b)(2), concerning the responsibility of bidders and offerors, is amended to read as follows:

(2) This section is not intended to prohibit the office from disclosing such information to the Governor, the Attorney General, or the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services when any of those officers deems it necessary.

SECTION 63. Arkansas Code § 19-11-602(a), concerning a purchase for schools and school districts, is amended to read as follows:

(a) ~~The Arkansas Department~~ Division of Emergency Management is authorized to purchase surplus commodities, materials, supplies, equipment, and other property from the federal government through any of its agencies for tax-supported schools and for school districts in Arkansas. The ~~department~~ division is authorized to cooperate with the State Procurement Director in the purchase of school items.

SECTION 64. Arkansas Code § 19-11-801(a)(1), concerning the use of procurement procedures for legal, architectural, engineering, construction

management, and land surveying professional consultant services, is amended to read as follows:

(1) State agencies not exempt from review and approval of the Building Authority Division ~~of the Department of Finance and Administration~~ shall follow procedures established by the division for the procurement of architectural, engineering, land surveying, and construction management services; and

SECTION 65. Arkansas Code § 19-11-902(b)(6)(B), concerning the definition of "services" under the procurement rules for work center products and services, is amended to read as follows:

(B) "Services" shall not include employment agreements, collective bargaining agreements, or architectural or engineering contracts requiring approval of the Building Authority Division ~~of the Department of Finance and Administration~~;

SECTION 66. Arkansas Code § 19-11-1001(3)(D)(i), concerning the definition of "design professional contract" under professional and consultant services contracts, is amended to read as follows:

(D)(i) A state agency shall follow applicable Building Authority Division ~~of the Department of Finance and Administration~~ guidelines, procedures, and rules for the selection and award of contracts.

SECTION 67. Arkansas Code § 19-11-1011(a)(1), concerning the review requirement for professional consultant services contracts, is amended to read as follows:

(a)(1) Every contract for professional consultant services covered by this subchapter that is executed using the professional and consultant service contract form approved by the State Procurement Director shall be filed with the Office of State Procurement ~~of the Department of Finance and Administration~~.

SECTION 68. Arkansas Code § 20-8-404 is amended to read as follows:
20-8-404. Rules.

The ~~Department~~ Division of Information Systems, 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 69. Arkansas Code § 20-46-301(c), concerning the powers and duties of the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, is amended to read as follows:

(c) The Department of Human Services, in cooperation with the Building Authority Division ~~of the Department of Finance and Administration~~, may sell, donate, lease on a short-term or long-term basis, or assign the use of any property and equipment owned by the Department of Human Services, including real property, furniture, fixtures, and office equipment and supplies, to those community mental health clinics and centers to assist them in the advancement of mental health in the state.

SECTION 70. Arkansas Code § 21-5-402(a)(1)(D) and (E), concerning the creation and members of the State and Public School Life and Health Insurance Board, are amended to read as follows:

(D) The Commissioner of Primary and Secondary Education or his or her designee;

(E) The ~~Director~~ Secretary of the Department of Finance and Administration or his or her designee;

SECTION 71. Arkansas Code § 21-5-402(a)(1)(I), concerning the creation and members of the State and Public School Life and Health Insurance Board, is amended to read as follows:

(I) The ~~Executive~~ Director of the Arkansas State Board of Pharmacy or his or her state employee pharmacist designee;

SECTION 72. Arkansas Code § 21-5-403 is amended to read as follows:
21-5-403. Policy-making body only – Reports.

(a) The State and Public School Life and Health Insurance Board is a policy-making body only.

(b) The ~~Executive~~ Director of the Employee Benefits Division ~~of the Department of Finance and Administration~~ and the board shall report upon request to the House Committee on Insurance and Commerce and the Senate

Committee on Insurance and Commerce regarding the State and Public School Life and Health Insurance Program.

SECTION 73. Arkansas Code § 21-5-404(12)(B)(i)(a)(1), concerning the powers, functions, and duties of the State and Public School Life and Health Insurance Board, is amended to read as follows:

(1) The ~~Executive~~ Director of the Arkansas State Board of Pharmacy or his or her pharmacist designee;

SECTION 74. Arkansas Code § 21-5-405(a)(1), concerning the additional duties of the State and Public School Life and Health Insurance Board, is amended to read as follows:

(a)(1) The State and Public School Life and Health Insurance Board and the ~~Executive~~ Director of the Employee Benefits Division ~~of the Department of Finance and Administration~~ shall take a risk management approach in designing the State and Public School Life and Health Insurance Program.

SECTION 75. Arkansas Code § 21-5-405(b)(4)(B)(ii), concerning the additional duties of the State and Public School Life and Health Insurance Board, is amended to read as follows:

(ii) Agree to rules of program participation as stated in the policies adopted by the board and as defined in the regulations and procedures issued by the ~~Executive~~ Director of the Employee Benefits Division ~~of the Department of Finance and Administration~~, including without limitation timely eligibility reporting, prepayment of insurance premiums, actuarial adjustment for new enrollees, and any other requirements deemed necessary by the board;

SECTION 76. Arkansas Code § 21-5-406 is amended to read as follows:

21-5-406. ~~Executive director~~ Director – Staff.

(a)(1) The State and Public School Life and Health Insurance Board shall choose the ~~Executive~~ Director of the Employee Benefits Division ~~of the Department of Finance and Administration~~ with the approval of the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services.

(2)(A) The ~~Executive Director of the Employee Benefits Division~~

~~of the Department of Finance and Administration director shall be employed by and serve at the pleasure of the Director of the Department of Finance and Administration secretary, and shall perform all duties in consultation with the secretary.~~

(B) However, the board may recommend the removal of the ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration director~~, but removal is subject to the approval of the ~~Director of the Department of Finance and Administration secretary~~.

(3) The ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration director~~ shall employ staff adequate to manage the State and Public School Life and Health Insurance Program within the funds appropriated for the program within the Department of ~~Finance and Administration Transformation and Shared Services~~.

(b) The ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration director~~ shall establish internal controls for the fiscal management of the program.

(c)(1) The ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration director~~ and his or her staff shall be located in the ~~Employee Benefits Division of the Department of Finance and Administration division~~.

(2) Funds collected from employers, participating employees, retirees, and any other sources for the program, including plan options offered under the program, shall be used solely to pay medical claims, drug claims, premiums, benefits, and direct administrative expenses of the program.

(d) The ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration director~~ shall administer this subchapter and the rules and orders of the division and the board.

(e)(1) The ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration director~~ may require all participating entities to appoint health insurance representatives who shall adhere to the policies adopted by the board and the rules and procedures issued by the ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration director~~ in managing the enrollment and premium payment processes of the state agency or school district.

(2) The ~~Executive Director of the Employee Benefits Division of~~

~~the Department of Finance and Administration~~ director may request the removal of a health insurance representative to ensure necessary internal controls.

(3)(A) The ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration~~ director has the authority to supervise the implementation and day-to-day management of the program and other employee benefits, plans, and individual and group policies made available to participants, if applicable.

(B) The authority granted under subdivision (e)(3)(A) of this section includes without limitation supervising:

- (i) Life insurance coverage;
- (ii) Accident coverage;
- (iii) Dental coverage;
- (iv) Disability benefit programs;
- (v) Optional retirement programs;
- (vi) Deferred compensation;
- (vii) Cafeteria plans; and
- (viii) Such other benefit plans, benefit programs,

and individual and group benefit coverage that are offered from time to time to state employees, state employee retirees, public school employees, and public school employee retirees.

(C) The authority granted under subdivision (e)(3)(A) of this section does not include supervising the State Employees Benefit Corporation benefit plan in effect on July 1, 1995.

(D) In addition, the ~~Executive Director of the Employee Benefits Division of the Department of Finance and Administration~~ director and the board may utilize the services of healthcare consultants and actuaries if necessary as provided for through the appropriation of the division.

(E) The Arkansas State Police Employee Health Plan is exempt from any mandatory participation required by this section.

SECTION 77. Arkansas Code § 21-5-411(a)(2)(A)(ii), concerning eligibility of certain retired employs to participate in the State and Public School Life and Health Insurance Program, is amended to read as follows:

(ii) The election to enroll in the program shall be made within thirty (30) days of the state employee retiree's or public school

employee retiree's becoming an active retiree and shall be made in writing to the Employee Benefits Division ~~of the Department of Finance and Administration~~ on forms required by the division.

SECTION 78. Arkansas Code § 21-5-412(b)(2)(B)(i), concerning eligibility of certain elected officials to participate in the State and Public School Life and Health Insurance Program, is amended to read as follows:

(B)(i) An elected official qualifying for continuation of participation in the program under this subsection shall be considered an eligible inactive retiree and shall have thirty-one (31) days from the effective date of termination to elect to continue program participation by notifying the Employee Benefits Division ~~of the Department of Finance and Administration~~ in writing on forms required by the division.

SECTION 79. Arkansas Code § 21-5-414(a), concerning partial state contribution of employees' premiums, is amended to read as follows:

(a) The Department of ~~Finance and Administration~~ Transformation and Shared Services shall seek the advice of the Legislative Council and the House Committee on Insurance and Commerce and the Senate Committee on Insurance and Commerce before additional state contributions can be made to the State and Public School Life and Health Insurance Program on behalf of state employees.

SECTION 80. Arkansas Code § 21-5-415(a)(1), concerning nonpayment of premiums and failure to file reports by an agency or a school district, is amended to read as follows:

(a)(1) If any participating state agency or school district does not remit insurance premiums and required monthly reports to the Employee Benefits Division ~~of the Department of Finance and Administration~~ by the last calendar day of each billing month, the division shall impose a penalty of two dollars (\$2.00) per insured member or one hundred dollars (\$100), whichever is greater.

SECTION 81. The introductory language of Arkansas Code § 21-5-415(b)(1), concerning nonpayment of premiums and failure to file reports by

an agency or a school district, is amended to read as follows:

(b)(1) If a participating entity or participating institution fails to follow established policy and procedures set by the ~~Executive~~ Director of the Employee Benefits Division ~~of the Department of Finance and Administration~~, including without limitation notifying the division of an insured's leave without pay, family medical leave, or military leave status or if any participating entity or participating institution provides incorrect benefit information or processes unauthorized benefit changes, including system entries that result in unreimbursed expenses to the State Employees Benefit Trust Fund or Public School Insurance Trust Fund, the division may:

SECTION 82. Arkansas Code § 21-5-416(2), concerning annual performance audits, is amended to read as follows:

(2) Employee Benefits Division ~~of the Department of Finance and Administration~~.

SECTION 83. Arkansas Code § 21-5-417 is amended to read as follows:

21-5-417. State contribution for employee receiving workers' compensation.

Notwithstanding any other provisions of the law, a state agency shall remit the employer's contribution for a state employee participating in the State and Public School Life and Health Insurance Program to the Employee Benefits Division ~~of the Department of Finance and Administration~~ when the state employee is:

- (1) In a leave-without-pay status because of a work-related injury; and
- (2) Receiving benefits from workers' compensation.

SECTION 84. Arkansas Code § 21-11-109(a), concerning funding and appropriations, is amended to read as follows:

(a) No agency, board, or commission shall receive additional appropriations or funds to carry out this chapter except the Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration~~, which shall be allocated funds and appropriations to administer it.

SECTION 85. Arkansas Code § 22-2-102(2), concerning the definition of "minimum standards and criteria" under the Building Authority Division Act, is amended to read as follows:

(2) "Minimum standards and criteria" and other like phrases mean those standards and criteria relating to construction, design, maintenance, and leasing of state agencies' capital improvements as adopted by the Building Authority Division ~~of the Department of Finance and Administration~~ after appropriate public hearings and notice to the public and interested persons and organizations;

SECTION 86. Arkansas Code § 22-2-104 is amended to read as follows:
22-2-104. Creation of Building Authority Division.

(a) ~~The Building Authority Division of the Department of Finance and Administration is created~~ There is created within the Department of Transformation and Shared Services the Building Authority Division.

(b) The division shall carry out the duties and responsibilities set out in § 22-2-108 under the policies, guidelines, standards, and procedures established by the Department of ~~Finance and Administration~~ Transformation and Shared Services.

SECTION 87. Arkansas Code § 22-2-105 is amended to read as follows:

22-2-105. Director of the Department of Finance and Administration – Duties.

(a) The ~~Director~~ Secretary of the Department of ~~Finance and Administration~~ Transformation and Shared Services may hire sufficient staff as authorized by legislation to perform the duties of the Building Authority Division ~~of the Department of Finance and Administration~~. Personnel employed by the ~~director~~ secretary shall be compensated according to the Uniform Classification and Compensation Act, § 21-5-201 et seq., for similar duties and responsibilities.

(b) The ~~director~~ secretary shall be responsible for administering the rules, regulations, and policies adopted by the Department of ~~Finance and Administration~~ Transformation and Shared Services pursuant to the provisions of this chapter.

(c) The ~~director~~ secretary shall be the disbursing agent for the division and shall pay any and all accounts. The disbursing agent shall

furnish and keep in effect a bond to the state with a corporate surety thereon which, together with any other bonds furnished by him or her, shall total in final sum not less than fifty thousand dollars (\$50,000) and is conditioned that he or she will faithfully perform his or her duties and properly handle all funds received and disbursed by him or her and account for those funds. The bond so furnished shall be filed in the office of the Auditor of State. The premium on the bond shall be a proper charge against funds of the division.

SECTION 88. The introductory language of Arkansas Code § 22-2-107(a), concerning the creation of Building Authority Division sections, is amended to read as follows:

(a) There are created within the Building Authority Division ~~of the Department of Finance and Administration~~ the following sections which shall have the duties and responsibilities designated by the ~~Director~~ Secretary of the Department of ~~Finance and Administration~~ Transformation and Shared Services and which may include, in relation to other provisions of this chapter, the duties and responsibilities respectively designated in this section:

SECTION 89. The introductory language of Arkansas Code § 22-2-108 is amended to read as follows:

As may be provided, allowed, or limited by the provisions of this chapter, the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services may establish policies, guidelines, standards, and procedures which shall guide and govern the Building Authority Division ~~of the Department of Finance and Administration~~ with regard to the following responsibilities, duties, powers, and activities:

SECTION 90. Arkansas Code § 22-2-109(a)(2), concerning the acquisition of additional sites, is amended to read as follows:

(2) In the alternative, a site may be obtained by the Building Authority Division ~~of the Department of Finance and Administration~~ by gift, purchase, or, within Pulaski County, Arkansas, by condemnation under the power of eminent domain.

SECTION 91. Arkansas Code § 22-2-110 is amended to read as follows:
22-2-110. Schedule of supervision generally.

The powers, authorities, and responsibilities of the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services relating to the acquisition of properties and to the supervision of all capital improvements, as defined in § 22-2-102, shall be in accordance with the schedules of supervision as provided in §§ 22-2-111 – 22-2-113.

SECTION 92. The introductory language of Arkansas Code § 22-2-111, concerning the schedule of supervision for type 1 undesignated funds, is amended to read as follows:

From the funds appropriated by the General Assembly to the Building Authority Division ~~of the Department of Finance and Administration~~ not designated to be spent for a particular public building or capital improvement for a particular state agency, the division shall:

SECTION 93. Arkansas Code § 22-2-112(a) and (b), concerning the schedule of supervision for type 2 designated funds, are amended to read as follows:

(a) From the funds appropriated by the General Assembly to the Building Authority Division ~~of the Department of Finance and Administration~~ for the construction or purchase of a particular building or capital improvement which is specifically designated to be purchased, constructed, or improved for a particular state agency, the division shall carry out the powers, authorities, and responsibilities in respect to that construction or purchase as designated in § 22-2-111.

(b) The division shall review and approve architectural and engineering design plans and construction plans to ensure compliance with minimum design and construction standards and criteria promulgated by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services pursuant to this chapter.

SECTION 94. The introductory language of Arkansas Code § 22-2-113(a), concerning the schedule of supervision for type three contracts, is amended

to read as follows:

(a) In all other cases, within or without Pulaski County, Arkansas, when the construction of public buildings or capital improvements is undertaken or is presently being undertaken or is authorized but not presently under contract by or for a state agency, then the Building Authority Division ~~of the Department of Finance and Administration~~ shall serve in a technical advisory capacity to advise an agency in relation to that agency's capital improvement and to perform review and approval duties, specifically including, but not limited to, the provision and performance of the following services and duties:

SECTION 95. Arkansas Code § 22-2-113(a)(3), concerning the schedule of supervision for type three contracts, is amended to read as follows:

(3) Review and approve architectural and engineering plans and designs to ensure compliance with minimum design and construction standards and criteria promulgated by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services pursuant to this chapter;

SECTION 96. The introductory language of Arkansas Code § 22-2-114(a), concerning leasing responsibilities of the Building Authority Division, is amended to read as follows:

(a) It is the intent of the General Assembly that state agencies be housed, whenever possible, in public buildings as soon as space and facilities in public buildings are available and that the acquisition and granting of leasehold interests in land be regulated and supervised by the Building Authority Division ~~of the Department of Finance and Administration~~. The division and all other state agencies are authorized and directed to implement that intent as follows:

SECTION 97. Arkansas Code § 22-2-114(a)(2), concerning leasing responsibilities of the Building Authority Division, is amended to read as follows:

(2) All state agencies and component parts thereof, when requested by the division, shall execute and enter into leases with the division for the leasing or renting of space and facilities in any public

buildings. The leases may be upon such conditions, for such terms, for such rentals, and may contain such other provisions that the Department of ~~Finance and Administration~~ Transformation and Shared Services and the state agency involved determine to be appropriate and in the best interests of all concerned;

SECTION 98. Arkansas Code § 22-2-114(a)(3) and (4), concerning leasing responsibilities of the Building Authority Division, are amended to read as follows:

(3) Any state agency or component part thereof needing new or additional space shall notify the division, and the division shall prepare a lease for the space based upon the standards and criteria as adopted by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services. If space is available in a public building, the lease will be negotiated for placement in the public building;

(4) If the Real Estate Services Section of the Building Authority Division ~~of the Department of Finance and Administration~~ determines that adequate space is not available in public buildings, the Real Estate Services Section shall act as provided in subdivision (a)(1) of this section to obtain adequate space from a privately owned facility;

SECTION 99. Arkansas Code § 22-2-114(a)(5)(A)(i), concerning leasing responsibilities of the Building Authority Division, is amended to read as follows:

(5)(A)(i) The ~~director~~ secretary shall adopt standards and criteria for the leasing and utilization of space and the allocation of space to state agencies.

SECTION 100. Arkansas Code § 22-2-114(a)(6), concerning leasing responsibilities of the Building Authority Division, is amended to read as follows:

(6) Leases as to office space, buildings, structures, parking lots, and grounds from private individuals, firms, and corporations by state agencies and component parts thereof shall be on a standard lease form approved by the ~~director~~ secretary. The standard lease form shall contain all

terms and conditions deemed necessary based on the type and purpose of the leased property. The ~~director~~ secretary also shall adopt a standard lease form to be used by state agencies when subleasing from the division. Both standard lease forms shall be approved as to the legality of form and content by the Attorney General before becoming a requirement; and

SECTION 101. Arkansas Code § 22-2-115(a), concerning lease-purchase agreements, is amended to read as follows:

(a) For the express purpose of providing adequate office facilities, the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services, acting as the primary lessor, may enter into lease-purchase agreements to obtain facilities for state agencies. Each lease-purchase agreement shall contain a provision whereby the agreement shall be cancelled at the close of each fiscal biennium, if necessary, if funds for the payment of the rent under the lease-purchase agreement will not be available.

SECTION 102. Arkansas Code § 22-2-115(b)(1), concerning lease-purchase agreements, is amended to read as follows:

(b)(1) The ~~director~~ secretary shall make the final determination regarding the location or construction of facilities with the advice and consent of the appropriate state agency.

SECTION 103. Arkansas Code § 22-2-116(a), concerning maintenance responsibilities of the Building Authority Division, is amended to read as follows:

(a) The Building Authority Division ~~of the Department of Finance and Administration~~ shall provide for the management, maintenance, and operation of public buildings as may be required by the provisions and implementation of this chapter, or as may otherwise be required by law.

SECTION 104. The introductory language of Arkansas Code § 22-2-117(a), concerning maintenance responsibilities of the Building Authority Division for the Capitol Zoning District, is amended to read as follows:

(a) As to all presently existing public buildings and capital improvements within the Capitol Zoning District, as zoned by § 22-3-302(a),

any person or entity responsible for the custody, management, maintenance, repair, operation, or landscaping of such public buildings and capital improvements and their grounds shall be accountable to the Building Authority Division ~~of the Department of Finance and Administration~~ as follows:

SECTION 105. Arkansas Code § 22-2-118 is amended to read as follows:

22-2-118. Plans, specifications, and estimates of costs.

The Building Authority Division ~~of the Department of Finance and Administration~~ is authorized to employ, except as limited by § 22-2-108(9), such persons as may be necessary to prepare plans, specifications, and estimates of costs for capital improvements which, under the provisions of this chapter, are the responsibility of the division.

SECTION 106. Arkansas Code § 22-2-120 is amended to read as follows:

22-2-120. Exemption from statutes concerning Capitol Zoning District.

(a) The construction, acquisition, management, maintenance, or operation of capital improvements and public buildings by the Building Authority Division ~~of the Department of Finance and Administration~~ under this chapter is declared to be exempt from the operation and implementation of the provisions of §§ 22-3-301 – 22-3-311.

(b) ~~The Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services shall endeavor to cooperate with the Capitol Zoning District Commission so as to establish coordinated physical development in the State Capitol area and to promote the uniform and appropriate regulation and development of the State Capitol area.

SECTION 107. The introductory language of Arkansas Code § 22-2-121(a), concerning the real estate compilation, is amended to read as follows:

(a) The Building Authority Division ~~of the Department of Finance and Administration~~ shall:

SECTION 108. Arkansas Code § 22-3-313 is amended to read as follows:

22-3-313. Capitol Zoning District Commission – Powers.

~~(a) Effective July 1, 1997, the Director of the Department of Finance and Administration, as Chief Fiscal Officer of the State, shall transfer all~~

All authority and responsibility of the ~~Arkansas Building Authority~~ Building Authority Division and the Director of the ~~Arkansas Building Authority Building Authority Division~~ with respect to the Capitol Zoning District Commission is transferred to the Capitol Zoning District Commission and to the Director of the Capitol Zoning District Commission.

~~(b) The commission and its staff shall be a separate and distinct agency of government.~~

SECTION 109. Arkansas Code § 22-3-401(a), concerning the purpose of traffic control and parking regulations on the State Capitol grounds, is amended to read as follows:

(a) The purpose of this subchapter is to establish a system of traffic control and parking regulations governing the drives and parking areas on the State Capitol grounds and other drives and parking areas in the custody of or leased by the Secretary of State or the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 110. Arkansas Code § 22-3-405(b)(2) and (3), concerning the creation and members of the Capitol Parking Control Committee, are amended to read as follows:

(2) ~~The Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services or his or her designee; and

(3) A state employee designated by the Secretary of State who is employed on the State Capitol grounds in a position of administrator or higher by an agency or office other than that of the Secretary of State or of the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 111. Arkansas Code § 22-3-405(c), concerning the creation and members of the Capitol Parking Control Committee, are amended to read as follows:

(c) The Secretary of State shall be the chair of the committee, and ~~the Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services or his or her designee shall serve as secretary of the committee.

SECTION 112. The introductory language of Arkansas Code § 22-3-406, concerning the powers and duties of the Capitol Parking Control Committee, is amended to read as follows:

Upon the passage of this subchapter, the Capitol Parking Control Committee shall proceed to study the traffic conditions on the drives of the State Capitol grounds and shall make a study of the existing and anticipated needs for parking space on the State Capitol grounds and other parking lots and drives leased by or in the custody of the Secretary of State or the Building Authority Division ~~of the Department of Finance and Administration~~. Upon completion of the study, the committee shall establish rules and regulations and shall amend or change them from time to time as deemed necessary in the following manner:

SECTION 113. The introductory language of Arkansas Code § 22-3-905, concerning the duties and powers of the Building Authority Division, is amended to read as follows:

It shall be the function, power, and duty of the Building Authority Division ~~of the Department of Finance and Administration~~ to:

SECTION 114. Arkansas Code § 22-3-906 is amended to read as follows:

22-3-906. ~~Director of the Department of Finance and Administration~~
Secretary of the Department of Transformation and Shared Services.

(a) The ~~Director of the Department of Finance and Administration~~
Secretary of the Department of Transformation and Shared Services shall be the custodian of all property held in the name of the Building Authority Division ~~of the Department of Finance and Administration~~, shall be its disbursing agent and executive officer, and shall administer the provisions of this subchapter and the rules, regulations, and orders established thereunder.

(b) The ~~director~~ Secretary of the Department of Transformation and Shared Services shall employ such assistants and other personnel as are, in his or her opinion, necessary to properly administer the provisions of this subchapter.

(c)(1) The ~~director~~ Secretary of the Department of Transformation and Shared Services shall furnish bond to the state, with a corporate surety

thereon, in the penal sum of twenty-five thousand dollars (\$25,000), conditioned that he or she will faithfully perform his or her duties and properly account for all funds received and disbursed by him or her.

(2) An additional disbursing agent's bond shall not be required of the ~~director~~ Secretary of the Department of Transformation and Shared Services, and the bond so furnished shall be filed in the office of the Secretary of State, and an executed counterpart thereof shall be filed with the Auditor of State.

(3) The premium on the bond shall be a proper charge against the funds under the control of the ~~director~~ Secretary of the Department of Transformation and Shared Services.

SECTION 115. Arkansas Code § 22-3-907 is amended to read as follows:

22-3-907. Financing authority of Building Authority Division ~~of the Department of Finance and Administration~~.

The Building Authority Division ~~of the Department of Finance and Administration~~ is authorized and empowered to enter into the necessary contracts for the borrowing of all funds that it determines will be required in connection with the financing of the Arkansas Justice Building or the construction of extensions, additions, or improvements thereto. The cost of construction may include architectural, engineering, legal, and other similar expenses.

SECTION 116. Arkansas Code § 22-3-916 is amended to read as follows:

22-3-916. Audit of accounts – Reports.

The agency of the state authorized by law to audit the records and accounts of the various state agencies is authorized and directed to audit the records and accounts of the Building Authority Division ~~of the Department of Finance and Administration~~ and to furnish a copy of the report thereof to the division and to the trustee for the bondholders.

SECTION 117. Arkansas Code § 22-3-917(a)(1), concerning the employment of an architect and fees, is amended to read as follows:

(a)(1) The Building Authority Division ~~of the Department of Finance and Administration~~ may employ an architect to prepare plans, specifications, and estimates of cost for the construction of the Arkansas Justice Building

and to supervise and inspect the construction.

SECTION 118. Arkansas Code § 22-3-918(a)(1), concerning the notice for bids for construction and execution of contracts, is amended to read as follows:

(a)(1) After the Building Authority Division ~~of the Department of Finance and Administration~~ has approved the plans and specifications prepared by the architect, it shall proceed to advertise for bids for the construction of the Arkansas Justice Building.

SECTION 119. Arkansas Code § 22-3-918(d), concerning the notice for bids for construction and execution of contracts, is amended to read as follows:

(d) ~~The Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services shall execute all contracts awarded by the division.

SECTION 120. Arkansas Code § 22-3-1101(a)(1), concerning the acquisition of facilities by the state for holding the Arkansas State Fair and Livestock Show, is amended to read as follows:

(a)(1) The Building Authority Division ~~of the Department of Finance and Administration~~ may enter into an agreement with ~~the~~ The Arkansas Livestock Show Association and make such contracts as are necessary for the purpose of purchasing the permanent site of the association and for the purchase or construction of buildings and facilities for the holding of the Arkansas State Fair and Livestock Show.

SECTION 121. Arkansas Code § 22-3-1102(a), concerning the power of eminent domain, is amended to read as follows:

(a) From and after the passage and approval of this section, the Building Authority Division ~~of the Department of Finance and Administration~~ may acquire by eminent domain any real property, including the improvements and fixtures on the property that it may deem necessary to provide a permanent site and show facilities for a state fair and livestock show and for aid to the livestock industry.

SECTION 122. Arkansas Code § 22-3-1203(4)(A), concerning the definition of "construct" or "construction" under the Public Facilities Finance Act of 1983, is amended to read as follows:

(4)(A) "Construct" or "construction" means to acquire, construct, reconstruct, remodel, expand, install, or equip all lands, buildings, structures, improvements, or other property, either real, personal, or mixed, which is useful in connection with the building, and to make other necessary expenditures in connection therewith by such methods and in such manner as the Building Authority Division ~~of the Department of Finance and Administration~~ shall determine to be necessary or desirable to accomplish the powers, purposes, and authorities set forth in this subchapter.

SECTION 123. The introductory language of Arkansas Code § 22-3-1205(a), concerning the powers of the Building Authority Division, is amended to read as follows:

(a) In addition to the powers, purposes, and authorities set forth elsewhere in this subchapter or in other laws, the Building Authority Division ~~of the Department of Finance and Administration~~ is authorized and empowered to:

SECTION 124. Arkansas Code § 22-3-1206(a), concerning the filing of a financial statement prior to a plan of proposed construction work and review, is amended to read as follows:

(a) Before certificates of indebtedness as authorized by this subchapter may be issued by the Building Authority Division ~~of the Department of Finance and Administration~~ and purchased by the State Board of Finance, the division shall develop a plan for all proposed construction work to be performed, the location at which the work is to be performed, and the proposed use of the improvements to be carried out under the construction, together with the estimated cost thereof, and shall file a copy thereof with the Legislative Council, the Governor, and the Chief Fiscal Officer of the State at least sixty (60) days prior to the issuance of the certificates of indebtedness.

SECTION 125. Arkansas Code § 22-3-1207(a)(1), concerning the issuance

and purchase of a certificate of indebtedness authorized, is amended to read as follows:

(a)(1) For the purpose of providing funds for the construction of buildings as authorized in this subchapter, the Director of the Building Authority Division of the Department of Finance and Administration, with the approval of the Governor and the Secretary of the Department of Transformation and Shared Services, is authorized and empowered to issue, and the State Board of Finance is authorized and empowered to purchase, division certificates of indebtedness of a total principal amount not to exceed twenty-five million dollars (\$25,000,000).

SECTION 126. Arkansas Code § 22-3-1208(a)(1), concerning the terms and execution of certificates of indebtedness, is amended to read as follows:

(a)(1) The certificates of indebtedness shall be in such form and denomination, and shall have such dates and maturities, and may be issued in such series, as the Building Authority Division ~~of the Department of Finance and Administration~~ shall determine.

SECTION 127. Arkansas Code § 22-3-1208(d), concerning the terms and execution of certificates of indebtedness, is amended to read as follows:

(d) The certificates of indebtedness shall be executed on behalf of the division by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services.

SECTION 128. Arkansas Code § 22-3-1209(a), concerning the pledge of revenues and restrictions on a certificate of indebtedness, is amended to read as follows:

(a) The certificates shall be the obligations of the Building Authority Division ~~of the Department of Finance and Administration~~, and the nontax revenues available to the division under the provisions of § 22-3-1210, as distinguished from any tax moneys which may be made available for the operation of the division, are pledged to secure the payment of the certificates.

SECTION 129. Arkansas Code § 22-3-1210(c)(1)(B), concerning the Public Facilities Debt Service Fund and certificates of indebtedness, is amended to

read as follows:

(B) Commencing on the first day of the month next succeeding the issuance of certificates of indebtedness under this subchapter, but not before July 1, 1983, and so long as any certificates are outstanding under this subchapter, the pledged revenues, except as provided herein, shall be deposited into the State Treasury as and when received by the Department of Correction, by the Building Authority Division ~~of the Department of Finance and Administration~~, by state-supported institutions of higher education, or by any other state agency, as the case may be, to the credit of a fund to be designated the "Public Facilities Debt Service Fund".

SECTION 130. Arkansas Code § 22-3-1212(c), concerning retirement and funds used for the purchase of certificates of indebtedness, is amended to read as follows:

(c) The certificates of indebtedness which have been paid and cancelled by the Treasurer of State shall be delivered to the Building Authority Division ~~of the Department of Finance and Administration~~.

SECTION 131. Arkansas Code § 22-3-1213(a), concerning the alternative method of payment for a certificate of indebtedness, is amended to read as follows:

(a) In the event it shall be determined that the procedure set forth in § 22-3-1212 for the retirement of the certificates is unconstitutional or invalid for any reason, the Building Authority Division ~~of the Department of Finance and Administration~~ is authorized and directed to establish an account in its name in a bank to be approved by the State Board of Finance and to deposit therein so much of the first moneys received by it each year under the provisions of § 22-3-1210 as shall be required to meet the next ensuing principal and interest maturities of its outstanding certificates, together with such additional amounts as may be necessary to pay any certificates which it shall determine to retire in advance of maturity.

SECTION 132. The introductory language of Arkansas Code § 22-3-1216, concerning covenants and authorizing resolutions as an enforceable contracts, is amended to read as follows:

Any authorizing resolution shall, together with this subchapter,

constitute a contract between the Building Authority Division ~~of the Department of Finance and Administration~~, and the State Board of Finance, and the Treasurer of State, which contract and all covenants, agreements, and obligations therein shall be promptly performed in strict compliance with its terms and provisions, and the covenants, agreements, and obligations of the division may be enforced by mandamus or other appropriate proceeding at law or in equity. In this regard, the division is expressly authorized to include in any authorizing resolution all or part of the following covenants:

SECTION 133. Arkansas Code § 22-3-1217 is amended to read as follows:

22-3-1217. Disposition of revenues from agricultural and livestock activities of correctional facility.

(a)(1) Prior to the issuance of certificates of indebtedness as authorized by this subchapter, all moneys collected by the ~~Department~~ Division of Correction from the sale or disposition of farm products, livestock, or other products produced in connection with agricultural and livestock activities at institutions under the control of the Board of Corrections, from the rental of farm properties under the control of the board, and from payments from agencies of the state or federal government in connection with the farm operations of the ~~department~~ Division of Correction shall be deposited into the State Treasury as special revenues for credit to the ~~Department~~ Division of Correction Farm Fund, as authorized by law, to be used for the maintenance, operation, and improvement of the agriculture and farm programs of the ~~department~~ Division of Correction.

(2) Moneys which the ~~department~~ Division of Correction shall determine not to be necessary in defraying expenses of operating the agriculture programs of the ~~department~~ Division of Correction and which are profit or surplus from the operation of the agriculture programs shall, upon certification by the board to the Chief Fiscal Officer of the State, be transferred by the Chief Fiscal Officer of the State from the ~~Department~~ Division of Correction Farm Fund to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account within the State General Government Fund, to be used to supplement general revenues provided for the maintenance, operation, and improvement of the ~~department~~ Division of Correction, as provided by law.

(b)(1) Commencing the first day of the month next succeeding the

issuance of any certificates of indebtedness as authorized by this subchapter, the moneys described in this section shall be pledged revenues, as stated in § 22-3-1210, and shall be deposited into the Public Facilities Debt Service Fund as established in § 22-3-1210.

(2) Any surplus prison farm moneys in the Public Facilities Debt Service Fund, as defined in the authorizing resolution, shall be transferred to the ~~Department~~ Division of Correction Farm Fund, upon certification by the Building Authority ~~Division of the Department of Finance and Administration~~ to the Chief Fiscal Officer of the State, to the Treasurer of State, and to the Auditor of State, to be used for the maintenance, operation, and improvement of the agriculture and farm programs of the ~~Department~~ Division of Correction, as provided by law.

(3) Such moneys deposited into the ~~Department~~ Division of Correction Farm Fund which the ~~department~~ Division of Correction shall determine not to be necessary in defraying expenses of operating the agriculture and farm programs of the ~~department~~ Division of Correction shall be, upon certification thereof by the board to the Chief Fiscal Officer of the State, transferred by the Chief Fiscal Officer of the State from the ~~Department~~ Division of Correction Farm Fund to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account within the State General Government Fund to be used to supplement general revenues provided for the maintenance, operation, and improvement of the ~~department~~ Division of Correction, as provided by law.

SECTION 134. Arkansas Code § 22-3-1218 is amended to read as follows:
22-3-1218. Disposition of revenues from prison labor.

(a)(1) Prior to the issuance of certificates of indebtedness as authorized by this subchapter, all moneys collected by the Board of Corrections from the sale or disposition of articles and products manufactured or produced by prison labor shall be forthwith deposited with the Treasurer of State, to be there kept and maintained as a special revolving account designated as the "~~Department~~ Division of Correction Prison Industries Fund" as authorized by law. The moneys so collected and deposited shall be used solely for the purchase of manufacturing supplies, equipment, machinery, and buildings used to carry out the purposes of the industries program within the ~~Department~~ Division of Correction as well as for the

payment of the necessary personnel in charge thereof and to otherwise defray the necessary expenses incident thereto, all of which shall be under the direction and subject to the approval of the board.

(2) The ~~Department~~ Division of Correction Prison Industries Fund shall never be maintained in excess of the amount necessary to efficiently and properly carry out the intentions of this subchapter.

(3) When, in the opinion of the board, the ~~Department~~ Division of Correction Prison Industries Fund has reached a sum in excess of the requirements of this subchapter, the excess shall be transferred, upon certification to the Chief Fiscal Officer of the State by the board, to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account.

(b)(1) Commencing on the first day of the month next succeeding the issuance of any certificates of indebtedness as authorized by this subchapter, the moneys described in this section shall be pledged revenues, as stated in § 22-3-1210, and shall be deposited into the Public Facilities Debt Service Fund as established in § 22-3-1210.

(2) Any surplus prison industries moneys in the Public Facilities Debt Service Fund, as defined in the authorizing resolution, shall be transferred into the ~~Department~~ Division of Correction Prison Industries Fund upon certification by the Building Authority Division ~~of the Department of Finance and Administration~~ to the Chief Fiscal Officer of the State, to the Treasurer of State, and to the Auditor of State. The moneys are to be used for the maintenance, operation, and improvement of the prison industries programs of the ~~Department~~ Division of Correction, as provided by law.

(3) Such moneys deposited into the ~~Department~~ Division of Correction Prison Industries Fund as the ~~Department~~ Division of Correction shall determine not to be necessary in defraying the expenses of operating the industries programs of the department, upon certification thereof by the board to the Chief Fiscal Officer of the State, shall be transferred by the Chief Fiscal Officer of the State from the ~~Department~~ Division of Correction Prison Industries Fund to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account within the State General Government Fund to be used to supplement general revenues provided for the maintenance, operation, and improvement of the ~~Department~~ Division of Correction, as provided by law.

SECTION 135. Arkansas Code § 22-3-1219(a), concerning the notice for

bids for construction and the employment of architects and other professionals, is amended to read as follows:

(a) ~~The Building Authority Division of the Department of Finance and Administration~~ is authorized to employ architects to prepare plans, specifications, and estimates of costs for the construction of any and all facilities authorized by the provisions of this subchapter and to supervise and inspect the construction.

SECTION 136. Arkansas Code § 22-3-1311 is amended to read as follows:
22-3-1311. Termination of contracts with sighted vendors.

On state property where vending facilities are being operated by those other than the blind, when the present contract or agreement expires or is terminated for any reason or when a change in the present vending facility is imminent, the future planned vending facility for such state property shall be covered by this subchapter, and state agency administrators shall contact the licensing agency to assure preference for the blind. Provided, however, leases executed under § 22-2-114 prior to June 1, 1999, shall not be considered a contract or agreement within this subchapter if the property is owned by the Building Authority Division ~~of the Department of Finance and Administration~~.

SECTION 137. Arkansas Code § 22-3-1403(4), concerning the definition of "construct" under the State Agencies Facilities Acquisition Act of 1991 , is amended to read as follows:

(4) "Construct" means to acquire, construct, reconstruct, remodel, install, and equip any lands, buildings, structures, improvements, or other property, real, personal, or mixed, useful in connection therewith and to make other necessary expenditures in connection therewith by such methods and in such manner as the Building Authority Division ~~of the Department of Finance and Administration~~ shall determine to be necessary or desirable to accomplish the powers, purposes, and authority set forth in this subchapter.

SECTION 138. The introductory language of Arkansas Code § 22-3-1404, concerning the powers of the Building Authority Division under the State Agencies Facilities Acquisition Act of 1991, is amended to read as follows:

In addition to the purposes, powers, and authority set forth elsewhere in this subchapter or in other laws, the Building Authority Division ~~of the Department of Finance and Administration~~ may:

SECTION 139. Arkansas Code § 22-3-1404(8), concerning the powers of the Building Authority Division under the State Agencies Facilities Acquisition Act of 1991, is amended to read as follows:

(8) Take such other actions not inconsistent with law as may be necessary or desirable to carry out the powers, purposes, and authority as set forth in this section in accordance with the policies promulgated by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services.

SECTION 140. The introductory language of Arkansas Code § 22-3-1405, concerning the duties of the Building Authority Division under the State Agencies Facilities Acquisition Act of 1991, is amended to read as follows:

In addition to the purposes, powers, and authority set forth elsewhere in this subchapter or in other laws, in connection with the construction and equipping of buildings and facilities in Little Rock, Arkansas, to house state agencies, the Building Authority Division ~~of the Department of Finance and Administration~~ may:

SECTION 141. Arkansas Code § 22-3-1405(4), concerning the duties of the Building Authority Division under the State Agencies Facilities Acquisition Act of 1991, is amended to read as follows:

(4) Take such other actions not inconsistent with law as may be necessary or desirable to carry out the powers, purposes, and authority set forth herein, in accordance with the policies promulgated by the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services as authorized by law.

SECTION 142. Arkansas Code § 22-3-1407(a) and (b), concerning revenue bonds, are amended to read as follows:

(a) Pursuant to the intention of the General Assembly expressed in § 15-5-303, the Arkansas Development Finance Authority, in cooperation with the Building Authority Division ~~of the Department of Finance and Administration~~,

is hereby authorized and empowered to issue revenue bonds at one (1) time or from time to time, and to use the proceeds thereof for defraying the costs of accomplishing all or part of the powers, purposes, and authorities set forth in this subchapter and all expenses incidental thereto, including, without limitation, expenses for the operation and maintenance of such facilities pending completion of the construction, repair, remodeling, or renovation, paying the expenses of authorizing and issuing the bonds, establishing a debt service reserve to secure the payment of the bonds, if the Arkansas Development Finance Authority deems such desirable, and making provision for the payment of debt service on the bonds, including fees of trustees and paying agents, until revenues for the payment thereof are available.

(b) The bonds outstanding under this subchapter may be in such principal amount as the Arkansas Development Finance Authority and the Building Authority Division ~~of the Department of Finance and Administration~~ shall determine to be necessary for the accomplishment of the purposes of this subchapter.

SECTION 143. Arkansas Code § 22-3-1410 is amended to read as follows:

22-3-1410. Contract between Arkansas Development Finance Authority and holders and owners of bonds.

(a) Any authorizing resolution and trust indenture shall, together with this subchapter, constitute a contract between the Arkansas Development Finance Authority and the holders and registered owners of the bonds, which contract, and all covenants, agreements, and obligations therein, shall be promptly performed in strict compliance with the terms and provisions of such contract, and the covenants, agreements, and obligations of the Building Authority Division ~~of the Department of Finance and Administration~~ may be enforced by mandamus or other appropriate proceedings at law or in equity.

(b) In this regard, in addition to other provisions referred to in this subchapter, the Building Authority Division ~~of the Department of Finance and Administration~~ is hereby expressly authorized to include in any authorizing resolution or trust indenture assurance that, to the fullest extent possible, it will always charge, impose, and collect sufficient rentals and other revenue to meet, as due, all debt service requirements, maintain reserves at proper levels, and otherwise comply with any provisions of authorizing resolutions or trust indentures concerning revenues and bonds.

SECTION 144. The introductory language of Arkansas Code § 22-3-1415(a), concerning the supervision and management of buildings and facilities, is amended to read as follows:

(a) The Building Authority Division ~~of the Department of Finance and Administration~~ may supervise and manage buildings and other facilities constructed pursuant to the authority granted in this subchapter and to manage, maintain, and repair those buildings and facilities to provide rental space to be made available for the housing of state agencies, departments, boards, commissions, and institutions, or other tenants at such rental rates as deemed necessary:

SECTION 145. Arkansas Code § 22-3-1501 is amended to read as follows:
22-3-1501. Intent.

The Building Authority Division ~~of the Department of Finance and Administration~~ shall provide adequate facilities for those agencies located in the Capitol Mall area. The services provided by these agencies are varied. Parking spaces for these tenants have not kept up with current growth, thereby diminishing effective services provided by these agencies. The public access to the Capitol Mall area has been diminished by the lack of adequate parking. The construction of a parking deck facility, surface parking, and street improvements will help to alleviate such diminished services and lack of access.

SECTION 146. Arkansas Code § 22-3-1502(a)(1), concerning the Building Authority Division's authority to build and maintain parking facilities, is amended to read as follows:

(a)(1) Any other provision of law to the contrary notwithstanding, the Building Authority Division ~~of the Department of Finance and Administration~~ is hereby authorized to construct, manage, and maintain parking deck facilities, surface parking, and street improvements, called in this subchapter the "parking facilities", in the area described in § 22-3-302(a).

SECTION 147. Arkansas Code § 22-3-1503 is amended to read as follows:
22-3-1503. Parking regulation.

The Building Authority Division ~~of the Department of Finance and~~

~~Administration~~ shall develop parking regulations which will maintain equitable parking among the state agency tenants in the area described in § 22-3-1501 and for the public and may establish reasonable rental or other charges for parking therein. The State Capitol Police shall provide the necessary traffic patrols and policing of the parking facility.

SECTION 148. Arkansas Code § 22-3-1504 is amended to read as follows:
22-3-1504. Utility easement.

The Building Authority Division ~~of the Department of Finance and Administration~~, on behalf of the State of Arkansas, is hereby granted an easement or license over the State Capitol Building, the various buildings on the State Capitol grounds, and the State Capitol grounds for the purpose of installing or relocating utilities, connecting the facility to an existing structure, and such other purposes as are necessary and consistent with this project as authorized by this subchapter.

SECTION 149. Arkansas Code § 22-3-1505(a)(1), concerning funding for the Building Authority Division, is amended to read as follows:

(a)(1) The Building Authority Division ~~of the Department of Finance and Administration~~ is authorized and empowered to obtain the necessary funds for accomplishing its powers, purposes, and authority from any source or sources necessary and consistent with this subchapter, including without limitation contracting with the Arkansas Development Finance Authority to provide for the issuance of bonds by the Arkansas Development Finance Authority in accordance with the State Agencies Facilities Acquisition Act of 1991, § 22-3-1401 et seq.

SECTION 150. Arkansas Code § 22-3-1506 is amended to read as follows:
22-3-1506. Exceptions.

The provisions of § 22-3-301 et seq., pertaining to the Capitol Zoning District Commission, § 22-3-401 et seq., pertaining to the Capitol Parking Control Committee, § 22-3-501 et seq., pertaining to the Capitol Arts and Grounds Commission, and § 22-3-202, pertaining to the Secretary of State, or any other provision of law inconsistent with the intent of this subchapter shall not be applicable to the Building Authority Division ~~of the Department of Finance and Administration~~ in connection with the parking facilities

contemplated by this subchapter, and no filings, consents, or approvals shall be required from any agency of the state prior to the construction, renovation, or repair of parking facilities or concerning the operations thereof.

SECTION 151. Arkansas Code § 22-3-1901 is amended to read as follows:

22-3-1901. Sustainable Building Design Program for State Agencies.

There is created the Sustainable Building Design Program for State Agencies to be administered by the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 152. Arkansas Code § 22-3-1903(a), concerning loans under the Sustainable Building Design Program for State Agencies, is amended to read as follows:

(a) Under the Sustainable Building Design Program for State Agencies, the Building Authority Division ~~of the Department of Finance and Administration~~ may authorize money to be loaned from the Sustainable Building Design Revolving Loan Fund to a state agency, board, or commission.

SECTION 153. Arkansas Code § 22-3-1904(a)(1), concerning the loan approval process, is amended to read as follows:

(1) Apply on a form approved by the Building Authority Division ~~of the Department of Finance and Administration;~~ and

SECTION 154. Arkansas Code § 22-6-601(b)(1), concerning the sale procedure of state lands, is amended to read as follows:

(b)(1) State agencies may transfer lands in whole or in part to the Building Authority Division ~~of the Department of Finance and Administration~~ for the use of that agency or other state agencies.

SECTION 155. Arkansas Code § 22-6-601(c)(2)(A), concerning the sale procedure of state lands, is amended to read as follows:

(2)(A) The state agency proposing the sale or purchase of land shall obtain the services of a qualified appraiser to appraise the lands so proposed to be sold or purchased, with notice to the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of

Transformation and Shared Services.

SECTION 156. Arkansas Code § 22-6-601(d), concerning the sale procedure of state lands, is amended to read as follows:

(d)(1) The ~~Director of the Department of Finance and Administration~~ secretary shall furnish to the Governor:

- (A) The appraisal;
- (B) The agency proposal to sell or purchase; and
- (C) The division's recommendations.

(2) The Governor, if he or she approves the proposed sale or purchase, shall endorse his or her approval of the proposal and transmit a copy of the proposal to the ~~Director of the Department of Finance and Administration~~ secretary.

SECTION 157. Arkansas Code § 22-6-601(h)(2)(A)(i)(a), concerning the sale procedure of state lands, is amended to read as follows:

(2)(A)(i)(a) Upon approval by the Governor, lands may be sold to the highest responsible bidder for less than the amount of the appraisal if the bid process has been utilized and it has been determined and recommended by the agency director and the ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services that further solicitation of bids is unnecessary.

SECTION 158. Arkansas Code § 22-6-601(k)(2), concerning the sale procedure of state lands, is amended to read as follows:

(2) The ~~Director of the Department of Finance and Administration~~ secretary shall forward a recommendation to the Governor.

SECTION 159. Arkansas Code § 22-9-101(c)(2)(B), concerning the requirement of observation by registered professionals, is amended to read as follows:

(B) The State Parks, Recreation, and Travel Commission shall ensure that an unpaved trail project created under this subdivision (c)(2) meets the standards for observation by registered professionals as established by the Building Authority Division ~~of the Department of Finance and Administration~~.

SECTION 160. Arkansas Code § 22-9-201(c)(3), concerning the applicability of §§ 22-9-202 – 22-9-204, is amended to read as follows:

(3) “Emergency contracting procedures” means the acquisition of services and materials for capital improvements, including without limitation acquisitions funded in whole or in part with insurance proceeds, that are in accordance with the minimum standards and criteria of the Building Authority Division ~~of the Department of Finance and Administration.~~

SECTION 161. Arkansas Code § 22-9-201(c)(5), concerning the applicability of §§ 22-9-202 – 22-9-204, is amended to read as follows:

(5) ~~The Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services or a designee may make or authorize others to make emergency contracting procedures as defined in subdivision (c)(3) of this section and in accordance with the minimum standards and criteria of the division.

SECTION 162. Arkansas Code § 22-9-203(a)(1), concerning the award procedure for public improvements, is amended to read as follows:

(1) The state or any agency of the state shall have first published notice of its intention to receive bids one (1) time each week for not less than two (2) consecutive weeks for projects more than the amount of fifty thousand dollars (\$50,000) and published notice of its intention to receive bids one (1) time each week for not less than one (1) week for projects more than the quote bid limit, as provided under the minimum standards and criteria of the Building Authority Division ~~of the Department of Finance and Administration,~~ but less than or equal to fifty thousand dollars (\$50,000) in a newspaper of general circulation published in the county in which the proposed improvements are to be made or in a trade journal reaching the construction industry; and

SECTION 163. Arkansas Code § 22-9-204(c)(2), concerning the penalty for subcontracts exceeding fifty thousand dollars (\$50,000), is amended to read as follows:

(2) In the event that one (1) or more of the subcontractors named by the prime contractor in his or her successful bid thereafter refuses

to perform his or her contract or offered contract, the prime contractor may substitute another subcontractor licensed by the board after having obtained prior approval from the architect or engineer and the owner. Additional approval must be obtained from the Building Authority Division ~~of the Department of Finance and Administration~~ for capital improvement projects under its jurisdiction.

SECTION 164. Arkansas Code § 22-9-208(a)(3), concerning renovation of historic sites, is amended to read as follows:

(3) The procedures provided in subdivision (a)(2) of this section should be applicable for specific projects only after review and approval by the Chief Fiscal Officer of the State, the Building Authority Division ~~of the Department of Finance and Administration~~, the Secretary of the Department of Transformation and Shared Services, and the Legislative Council. Provided, however, projects undertaken by public institutions of higher education exempt from review and approval of the division shall not require review and approval by the ~~Director of the Department of Finance and Administration~~ secretary.

SECTION 165. Arkansas Code § 22-9-209(d)(2), concerning the advertising of contracts, renovation of historic sites is amended to read as follows:

(2) Provided further, nothing in this section shall prevent an institution of higher education exempt from review and approval of the Building Authority Division ~~of the Department of Finance and Administration~~ from entering into an agreement with the division to provide such advice.

SECTION 166. Arkansas Code § 22-9-213 is amended to read as follows:

22-9-213. Exemption of state projects from local regulation.

Public works construction projects conducted by the Building Authority Division ~~of the Department of Finance and Administration~~ or other state agencies are exempt from permit fees or inspection requirements of county or municipal ordinances.

SECTION 167. Arkansas Code § 22-9-403(b)(2), concerning the limitation of an action and the statutory liability as an integral part of a bond, is

amended to read as follows:

(2) However, with respect to public works contracts where final approval for payment is given by the Building Authority Division ~~of the Department of Finance and Administration~~ or by an institution of higher education exempt from construction review and approval by the division, all persons, firms, associations, and corporations having valid claims against the bond may bring an action on the bond against the corporate surety, provided that no action shall be brought on the bond after twelve (12) months from the date on which the division or the public institution of higher education approves final payment on the state contract, nor shall any action be brought outside the State of Arkansas in accordance with § 18-44-503.

SECTION 168. Arkansas Code § 23-17-409(b)(4), concerning the authorization of competing local exchange carriers, is amended to read as follows:

(4) This section does not prohibit a governmental entity from purchasing voice, data, broadband, video, or wireless telecommunications services, directly or indirectly, from a private provider through a contract administered and services managed by the ~~Department~~ Division of Information Systems under the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

SECTION 169. Arkansas Code § 23-46-202(b), concerning offices for the State Bank Department, is amended to read as follows:

(b) The State Bank Department is authorized and empowered to obtain the necessary funds to accomplish the purposes stated in subsection (a) of this section from any source or sources necessary, including without limitation contracting with the Building Authority Division ~~of the Department of Finance and Administration~~ or the Arkansas Development Finance Authority to provide for the issuance of bonds under the State Agencies Facilities Acquisition Act of 1991, § 22-3-1401 et seq., or the Arkansas Development Finance Authority Act, § 15-5-101 et seq., § 15-5-201 et seq., and § 15-5-301 et seq.

SECTION 170. Arkansas Code § 25-1-203(b)(2), concerning the distribution of other publications, is amended to read as follows:

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

SECTION 171. Arkansas Code § 25-4-102(a)(2), concerning legislative findings and a declaration of intent in regards to the Department of Information Systems, is amended to read as follows:

(2) ~~Departmental~~ Divisional resources are used unless an exception is authorized;

SECTION 172. Arkansas Code § 25-4-102(a)(2), concerning legislative findings and a declaration of intent in regards to the Department of Information Systems, is amended to read as follows:

(6) The ~~Department~~ Division of Information Systems complies with applicable state and federal statutory and regulatory provisions.

SECTION 173. The introductory language of Arkansas Code § 25-4-102(b), concerning legislative findings and a declaration of intent in regards to the Department of Information Systems, is amended to read as follows:

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

SECTION 174. The introductory language of Arkansas Code § 25-4-102(c), concerning legislative findings and a declaration of intent in regards to the Department of Information Systems, is amended to read as follows:

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

SECTION 175. Arkansas Code § 25-4-102(d)(2), concerning legislative findings and a declaration of intent in regards to the Department of Information Systems, is amended to read as follows:

(2) The ~~department~~ division shall consider in the development of the ~~department~~ division 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.

SECTION 176. Arkansas Code § 25-4-102(e), concerning legislative findings and a declaration of intent in regards to the Department of Information Systems, is amended to read as follows:

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

(2) The ~~department~~ division 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 ~~department~~ division are not authorized to use information technology facilities and services provided by the ~~department~~ division to provide telecommunications and broadband services to the general public in competition with private sector telecommunications and cable communications providers.

SECTION 177. Arkansas Code § 25-4-103(2), concerning the definition of "Chief Technology Officer" under the Arkansas Information Systems Act of 1997, is amended to read as follows:

(2) "Chief Technology Officer" means the Director of the ~~Department~~ Division of Information Systems;

SECTION 178. Arkansas Code § 25-4-104 is amended to read as follows:
25-4-104. ~~Department~~ Division of Information Systems.

(a) There is established within the ~~executive department of government~~ Department of Transformation and Shared Services a ~~Department~~ the Division of Information Systems.

(b)(1) The ~~department~~ division 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~~ Director of the Division of Information Systems

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 ~~department~~ division shall conform to the positions authorized and limitations provided therefor in the biennial appropriation of the ~~department~~ division.

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

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

(f) The director shall recommend statutory changes to the ~~Governor~~ secretary.

SECTION 179. Arkansas Code § 25-4-105(a)(1), concerning the powers and duties of the Department of Information Systems, is amended to read as follows:

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

SECTION 180. The introductory language of Arkansas Code § 25-4-105(a)(2), concerning the powers and duties of the Department of Information Systems, is amended to read as follows:

(2) The ~~department's~~ division's powers and duties relate to information technology and include without limitation:

SECTION 181. The introductory language of Arkansas Code § 25-4-105(a)(2)(E)(ii), concerning the powers and duties of the Department of Information Systems, is amended to read as follows:

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

SECTION 182. Arkansas Code § 25-4-105(a)(2)(G) and (H), concerning the powers and duties of the Department of Information Systems, are amended to read as follows:

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

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

SECTION 183. Arkansas Code § 25-4-105(a)(2)(Q), concerning the powers and duties of the Department of Information Systems, is amended to read as follows:

(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 ~~Department~~ Division of Information Systems in the formation and implementation of security policies for the state core information technology infrastructure;

SECTION 184. Arkansas Code § 25-4-106(a)(1), concerning the reporting requirements of the Director of the Department of Information Systems, is amended to read as follows:

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

(2) The director may report any factors that are outside the

scope of the ~~department~~ division but are deemed to inhibit or to promote the ~~department's~~ division's responsibilities.

SECTION 185. Arkansas Code § 25-4-106(b)(2)(B), concerning the reporting requirements of the Director of the Department of Information Systems, is amended to read as follows:

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

SECTION 186. Arkansas Code § 25-4-108(a), concerning working groups of the Department of Information Systems, is amended to read as follows:

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

SECTION 187. Arkansas Code § 25-4-109(a) and (b), concerning the authorization of the Department of Informations Systems to establish, maintain, and operator information technology centers, are amended to read as follows:

(a) The ~~Department~~ Division of Information Systems 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 ~~department~~ division is authorized to enter into contracts or agreements with state agencies for the purpose of providing information technology.

SECTION 188. Arkansas Code § 25-4-109(e) and (f), concerning the authorization of the Department of Informations Systems to establish, maintain, and operator information technology centers, is amended to read as follows:

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

(f) The information technology centers operated by the ~~department~~ division shall be made available to all state agencies which fall within

economical and feasible boundaries.

SECTION 189. Arkansas Code § 25-4-110(a), concerning information technology and a biennial information technology plan, is amended to read as follows:

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

SECTION 190. Arkansas Code § 25-4-110(c), concerning information technology and a biennial information technology plan, is amended to read as follows:

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

SECTION 191. Arkansas Code § 25-4-110(d)(1) and (2), concerning information technology and a biennial information technology plan, are amended to read as follows:

(d)(1) Plans developed or updated shall be submitted to the ~~Department~~ Division of Information Systems.

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

SECTION 192. The introductory language of Arkansas Code § 25-4-111(b), concerning prerequisites to acquire information technology, 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 ~~Department~~ Division of Information Systems that includes:

SECTION 193. Arkansas Code § 25-4-111(c), concerning prerequisites to acquire information technology, is amended to read as follows:

(c)(1) Upon evaluation of the waiver request, the ~~Director of the Department of Information Systems~~ director shall notify the agency in writing

of his or her approval or rejection of the request and his or her reasons.

(2) The ~~Director of the Department of Information Systems~~ director shall make his or her evaluation in a timely manner. If the ~~Director of the Department of Information Systems~~ director requires more than thirty (30) days to complete the evaluation, he or she shall report in writing to the Governor and the Secretary of Transformation and Shared Services his or her reasons for the delay in completion.

(3) If the ~~Director of the Department of Information Systems~~ director rejects a request for a waiver, a state agency shall not make any expenditure of public funds for the acquisition or expansion of information technology equipment or services.

(4) If the ~~Director of the Department of Information Systems~~ director determines that the agency needs additional information technology resources, he or she may:

(A) Authorize the agency to acquire the requested information technology in accordance with the state enterprise architecture;

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

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

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

SECTION 194. Arkansas Code § 25-4-112(b), concerning an application to an educational institution, 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 ~~Department~~ Division of Information Systems.

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

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

SECTION 195. 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 ~~Department~~ Division of Information Systems 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 196. Arkansas Code § 25-4-115 is amended to read as follows:

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

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

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

(b)(1) The ~~department~~ division may utilize moneys appropriated for maintenance, operation, and payment of regular salaries of the ~~department~~ division for the purchase of professional services upon approval thereof by the Chief Fiscal Officer of the State.

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

(B) In addition, the Chief Fiscal Officer of the State shall obtain the advice of the Legislative Council before approving any transfer of regular salary appropriations to the maintenance and operation appropriation of the agency to be used for payment of professional services.

SECTION 197. Arkansas Code § 25-4-116(a), concerning payments for information technology, is amended to read as follows:

(a) Before a state agency may enter into an agreement with the

~~Department~~ Division of Information Systems for purchase of information technology, the agency shall certify that adequate appropriations and funds are available for purchasing information technology from the ~~department~~ division.

SECTION 198. Arkansas Code § 25-4-116(b)(3), concerning payments 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 ~~department~~ division.

SECTION 199. 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 ~~Department~~ Division of Information Systems 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 ~~department's~~ division'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 ~~department~~ division 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 ~~department's~~ division'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 ~~department's~~ division's revolving account to the user's account.

(c) The ~~department~~ division 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 200. Arkansas Code § 25-4-119(a) and (b), concerning budget procedures for the Department of Information Systems, are amended to read as

follows:

(a)(1) Prior to the commencement of budget hearings conducted by the Legislative Council, the Director of the ~~Department~~ Division of Information Systems shall prepare an operating budget indicating the amount of money which will be required to operate the ~~Department~~ Division of Information Systems 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 ~~department~~ division for each fiscal year of the biennium.

(2) The proposed annual operating budget shall be submitted to the ~~Governor~~ Secretary 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 ~~department~~ division do not exceed the income to be received by the ~~department~~ division 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 ~~department~~ division 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 ~~department~~ division.

(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 ~~department~~ division on no less than an annual basis in order to ensure compliance with state and

federal statutory and regulatory provisions.

SECTION 201. Arkansas Code § 25-4-120(c), concerning revisions to state agencies budgets, purchasing, and personnel process, is amended to read as follows:

(c) The ~~Department~~ Division of Information Systems 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 202. Arkansas Code § 25-4-121 is amended to read as follows:
25-4-121. ~~Department~~ Division of Information Systems 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 ~~and the Department~~ Division of Information Systems Revolving Fund.

(b) 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 for credit to the fund.

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

(d) All revenues received from agencies or other governmental entities for information technology services provided by contracts between the ~~Department of Information Systems~~ division and outside vendors may be deposited in 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 ~~Department of Information Systems~~ division and review by the Legislative Council, the Director of the ~~Department~~ Division of Information Systems shall have the authority to transfer funds between the Information Technology Reserve Fund established by §§ 19-5-1056 and 25-4-123 and the ~~Department~~ Division of Information Systems Revolving Fund established under this section for cash management purposes.

SECTION 203. Arkansas Code § 25-4-122(a), concerning a reserve of

funds for equipment acquisition and loans by the Department of Information Systems, is amended to read as follows:

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

(2)(A) In addition, the ~~department~~ division 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 ~~department~~ division and shall be charged proportionately to users.

SECTION 204. Arkansas Code § 25-4-122(b)(1)(A), concerning a reserve of funds for equipment acquisition and loans by the Department of Information Systems, is amended to read as follows:

(b)(1)(A) However, before the board approves any requests for loans by the ~~department~~ division 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.

SECTION 205. Arkansas Code § 25-4-122(b)(3), concerning a reserve of funds for equipment acquisition and loans by the Department of Information Systems, is amended to read as follows:

(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 ~~Department~~ Division of Information Systems 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 206. Arkansas Code § 25-4-123(b), concerning the Information Technology Reserve Fund, is amended to read as follows:

(b) This fund shall consist of those funds transferred from the ~~Department~~ Division of Information Systems 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 207. 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 ~~Department~~ Division of Information Systems 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 ~~Department~~ Division of Information Systems 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 ~~department~~ division, 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 ~~Department~~ Division of Information Systems 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 ~~department~~ division in payment of the customer's credit.

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

SECTION 208. Arkansas Code § 25-4-125(a), concerning the State Broadband Manager, is amended to read as follows:

(a) The Director of the ~~Department~~ Division of Information Systems is designated the State Broadband Manager.

SECTION 209. Arkansas Code § 25-4-125(b)(1)(A), concerning the State Broadband Manager, is amended to read as follows:

(A) State agencies, boards, commissions, and constitutional officers, including without limitation the Governor, ~~Department~~ Division of Education, ~~Department~~ Division of Higher Education, and Arkansas Department of Transportation;

SECTION 210. Arkansas Code § 25-4-126(a), concerning the Chief Data Officer and the Chief Privacy Officer, is amended to read as follows:

(a)(1) The Director of the ~~Department~~ Division of Information Systems shall select an individual to serve as the Chief Data Officer of the ~~Department~~ Division of Information Systems and the Chief Privacy Officer of the ~~Department~~ Division of Information Systems.

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

SECTION 211. The introductory language of Arkansas Code § 25-4-126(b), concerning the Chief Data Officer and Chief Privacy Officer, is amended to read as follows:

(b) The Chief Data Officer of the ~~Department~~ Division of Information Systems shall:

SECTION 212. The introductory language of Arkansas Code § 25-4-126(c), concerning the Chief Data Officer and Chief Privacy Officer, is amended to read as follows:

(c) The Chief Privacy Officer of the ~~Department~~ Division of

Information Systems shall:

SECTION 213. Arkansas Code § 25-4-127(a), concerning the creation and duties of the Data and Transparency Panel, is amended to read as follows:

(a) The Data and Transparency Panel is created within the ~~Department~~ Division of Information Systems.

SECTION 214. Arkansas Code § 25-4-127(b)(3)-(5), concerning the creation and duties of the Data and Transparency Panel, are amended to read as follows:

(3) The secretaries, directors, or their designees, of the following ~~departments~~ entities:

- (A) The Arkansas Crime Information Center;
- (B) The ~~Department~~ Division of Arkansas State Police;
- (C) The ~~Department~~ Division of Career Education;
- (D) The ~~Department~~ Division of Community Correction;
- (E) The ~~Department~~ Division of Correction;
- (F) The ~~Department~~ Division of Primary and Secondary Education;
- (G) The Department of Finance and Administration;
- (H) The Department of Health;
- (I) The ~~Department~~ Division of Higher Education;
- (J) The Department of Human Services;
- (K) The ~~Department~~ Division of Information Systems; and
- (L) The Department of Labor and Licensing;

(4)(A) The Chief Data Officer of the ~~Department~~ Division of Information Systems.

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

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

(5) The Chief Privacy Officer of the ~~Department~~ Division of Information Systems.

SECTION 215. Arkansas Code § 25-4-127(c)(5), concerning the creation and duties of the Data and Transparency Panel, are amended to read as

follows:

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

SECTION 216. Arkansas Code § 25-4-128(a), concerning the confidentiality of 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 ~~Department~~ Division of Information Systems.

SECTION 217. Arkansas Code § 25-8-103 is repealed.

~~25-8-103.—Office of Personnel Management—State Personnel Administrator.~~

~~(a)—There is created the Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration.~~

~~(b)(1)—The Director of the Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration shall be known as the State Personnel Administrator, and he or she shall be employed by the Director of the Department of Finance and Administration with the advice and consent of the Governor.~~

~~(2)—The Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration shall be under the overall direction, control, and supervision of the Director of the Department of Finance and Administration.~~

SECTION 218. 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 ~~Department~~ Division of Information Systems shall grant access to and provide information determined by the Office of Child Support Enforcement to be necessary to successfully accomplish its mission.

SECTION 219. Arkansas Code § 25-10-138 is amended to read as follows:

25-10-138. Education requirements for certain Division of Youth Services employees.

(a) With the assistance of the Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration~~, the Division of Youth Services of the Department of Human Services shall promulgate regulations to increase the education requirements for youth service workers and security officers employed by the ~~Division of Youth Services~~ division. If the services are under contract with the ~~Division of Youth Services~~ division, the employees of the contractor shall meet the education requirements promulgated by the ~~Division of Youth Services~~ division.

(b) No regulation pertaining to education requirements for youth service workers or security officers promulgated hereafter by the ~~Division of Youth Services~~ division shall be effective until reviewed by the Legislative Council, the House Committee on Aging, Children and Youth, Legislative and Military Affairs, and the Senate Interim Committee on Children and Youth or appropriate subcommittees thereof of the General Assembly.

SECTION 220. The introductory language of Arkansas Code § 25-16-1006(a), concerning the administration and enforcement of rules of the Office of Personnel Management, is amended to read as follows:

(a) The Office of Personnel Management ~~of the Division of Management Services of the Department of Finance and Administration~~ shall establish rules and forms for all state agencies that will enable each public official and each supervisory employee within a state agency to determine whether:

SECTION 221. Arkansas Code § 25-18-702(a)(1), concerning the standards and policies of the Director of the Department of Information Systems, is amended to read as follows:

(a)~~(1)~~ The Director of the ~~Department~~ Division of Information Systems shall establish standards and polices governing the use, management, retention, privacy, and security of electronic records of state agencies.

SECTION 222. Arkansas Code § 25-18-702(c), concerning the standards and policies of the Director of the Department of Information Systems, is

amended to read as follows:

(c) The Director of the ~~Department~~ Division of Information Systems shall make a monthly report to the Joint Committee on Advanced Communications and Information Technology regarding the status of the development of the standards and policies described in this section.

SECTION 223. 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 ~~Department~~ Division of Information Systems under § 25-18-702, or it may develop its own standards and policies consistent with the requirements established in § 25-18-702(b).

SECTION 224. Arkansas Code § 25-26-204(a)(1), concerning procurement requirements, is amended to read as follows:

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

SECTION 225. The introductory language of Arkansas Code § 25-26-204(b), concerning procurement requirements, is amended to read as follows:

(b) The nonvisual access standards established by the ~~department~~ division under subsection (a) of this section shall:

SECTION 226. Arkansas Code § 25-27-103(a)(1), concerning the board of the Information Network of Arkansas, is amended to read as follows:

(1) The ~~Executive~~ Director of the Arkansas Economic Development Commission or his or her designee;

SECTION 227. Arkansas Code § 25-27-103(a)(4), concerning the board 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 ~~Department~~ Division of Information Systems, shall be appointed by the Governor;

SECTION 228. Arkansas Code § 25-27-103(a)(8), concerning the board of the Information Network of Arkansas, is amended to read as follows:

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

SECTION 229. Arkansas Code § 25-27-104(a)(1), concerning 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 ~~Department~~ Division of Information Systems;

SECTION 230. Arkansas Code § 25-27-104(a)(7), concerning duties of the Information Network of Arkansas, is amended to read as follows:

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

SECTION 231. Arkansas Code § 25-27-104(b)(4), concerning duties of the Information Network of Arkansas, is amended to read as follows:

(4) The Information Network of Arkansas shall cooperate with the ~~Department of Information Systems~~ division to fulfill the purposes of the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.

SECTION 232. Arkansas Code § 25-27-105(a)(1), concerning a contract with a network manager, is amended to read as follows:

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

SECTION 233. Arkansas Code § 25-27-105(c), concerning a contract with a network manager, is amended to read as follows:

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

SECTION 234. Arkansas Code § 25-30-205 is amended to read as follows:
25-30-205. Office facilities.

The Building Authority Division ~~of the Department of Finance and Administration~~ shall ensure that all offices of Arkansas Rehabilitation Services of the ~~Department~~ Division of Career Education are exemplary models of accessibility and conform to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., accessibility guidelines.

SECTION 235. 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 ~~Finance and Administration~~ Transformation and Shared Services with advice and review from the ~~Department~~ Division of Information Systems to determine whether and the extent to which it will retain and convert written records to electronic records.

SECTION 236. Arkansas Code § 25-32-118(a)(2), concerning acceptance and distribution of electronic records by governmental agencies, 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 ~~Finance and Administration~~ Transformation and Shared Services with advice and review from the ~~Department~~ Division of Information Systems.

SECTION 237. Arkansas Code § 25-33-101(a)(1) and (2), concerning the creation of the State Technology Council, are amended to read as follows:

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

(2) The ~~Director of the Department of Finance and Administration~~ Secretary of the Department of Transformation and Shared Services or his or

her designee;

SECTION 238. Arkansas Code § 25-34-104(a)(1), concerning agency policy, 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 ~~Department~~ Division of Information Systems policies for review and replacement of computer and electronic equipment.

SECTION 239. Arkansas Code § 25-34-104(b), concerning agency policy, is amended to read as follows:

(b) ~~Within sixty (60) days after August 12, 2005, the~~ The policy shall be presented to the Director of the ~~Department~~ Division of Information Systems and the Legislative Council for review.

SECTION 240. Arkansas Code § 27-14-1708(b)(1), concerning the temporary tag database, is amended to read as follows:

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

SECTION 241. Arkansas Code § 27-14-1708(c), concerning the temporary tag database, is amended to read as follows:

(c) The ~~division~~ Revenue Division shall have the authority to enter into or to make agreements, arrangements, or declarations necessary to carry out the provisions of this section.

SECTION 242. The introductory language of Arkansas Code § 27-14-1708(d)(1), concerning the temporary tag database, is amended to read as follows:

(d)(1) Upon request, the ~~division~~ Revenue Division may release information in the vehicle temporary tag database to:

SECTION 243. Arkansas Code § 27-14-1708(e), concerning the temporary

tag database, is amended to read as follows:

(e) The ~~division~~ Revenue Division or the reporting company shall not be liable for any damages to any property or person due to any act or omission in the reporting or keeping of any record or information contained in the vehicle temporary tag database or the issuing or renewing of any motor vehicle registration in accordance with the vehicle temporary tag database.

SECTION 244. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the provisions of this act should become effective to allow for implementation of the new provisions in advance of the upcoming 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, 2019.