

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1272

5 By: Representative A. Davis
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES
10 ACT OF 2019; TO ESTABLISH CABINET-LEVEL DEPARTMENTS;
11 TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF
12 TRANSFORMATION AND SHARED SERVICES; TO TRANSFER STATE
13 ENTITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16
17
18 TO CREATE THE TRANSFORMATION AND
19 EFFICIENCIES ACT OF 2019; TO ESTABLISH
20 THE CABINET-LEVEL DEPARTMENT OF
21 TRANSFORMATION AND SHARED SERVICES; TO
22 TRANSFER STATE ENTITIES; AND TO DECLARE
23 AN EMERGENCY.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

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

30 Subchapter 15 – Department of Transformation and Shared Services

31
32 25-43-1501. Department of Transformation and Shared Services.

33 There is created the Department of Transformation and Shared Services
34 as a cabinet-level department.
35

36 25-43-1502. State entities transferred to the Department of



1 Transformation and Shared Services.

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

5 (1) The Arkansas Geographic Information Systems Board,
6 created under § 15-21-503;

7 (2) The Arkansas Geographic Information Systems Office,
8 created under § 15-21-502;

9 (3) The Building Authority Division, created under § 22-2-
10 104;

11 (4) The Data and Transparency Panel, created under § 25-4-
12 127;

13 (5) The Division of Information Systems, created under §
14 25-4-104;

15 (6) The Employee Benefits Division, created under § 25-43-
16 105;

17 (7) The Office of Personnel Management, created under §
18 25-43-104;

19 (8) The Office of State Procurement, created under § 19-
20 11-215;

21 (9) The State and Public School Life and Health Insurance
22 Board, created under 21-5-402; and

23 (10) The State Technology Council, created under § 25-33-
24 101.

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

27
28 25-43-1503. Secretary of the Department of Transformation and Shared
29 Services.

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

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

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

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

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

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

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

14
15 25-43-1504. Office of Personnel Management – State Personnel
16 Administrator.

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

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

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

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

27
28 25-43-1505. Employee Benefits Division.

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

31
32 SECTION 2. Arkansas Code § 1-4-133(b), concerning the display of the
33 national motto, is amended to read as follows:

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

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

2
 3 SECTION 3. Arkansas Code § 6-11-128(b)(1), concerning the Arkansas
 4 Public School Computer Network, is amended to read as follows:

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

10
 11 SECTION 4. Arkansas Code § 6-20-1407(e), concerning the approval of
 12 school facility building plans, is amended to read as follows:

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

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

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

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

26
 27 SECTION 5. Arkansas Code § 6-21-109(a), concerning the rules governing
 28 public works projects, is amended to read as follows:

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

35
 36 SECTION 6. Arkansas Code § 6-21-112(e), concerning the Division of

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

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

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

13

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

17 (h) The Department of Education shall coordinate and share certain
18 administrative, custodial, legal, internal finance, and other necessary
19 personnel and responsibilities to effectuate the daily operations of the
20 Division of Public School Academic Facilities and Transportation and the
21 ~~Department~~ Division of Information Systems.

22

23 SECTION 8. Arkansas Code § 6-47-502(b)(3), concerning distance
24 learning grants, is amended to read as follows:

25 (3) The distance learning technical protocol or protocols shall
26 be in alignment with technical standards set by the Director of the
27 ~~Department~~ Division of Information Systems.

28

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

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

1 shall prevent any board of trustees of such public institutions of higher
 2 education from entering into an agreement with the division to provide
 3 review, consultation, approval, assistance, or advice for such projects.
 4 However, public institutions of higher education exempt from project review,
 5 consultation, approval, assistance, or advice of the division shall remain
 6 subject to other laws governing public works, including without limitation §
 7 19-4-1401 et seq. and § 22-9-101 et seq.

8
 9 SECTION 10. Arkansas Code § 6-62-606(b), concerning an exemption from
 10 compliance with review by the Building Authority Division of the Department
 11 of Finance and Administration, is amended to read as follows:

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

20
 21 SECTION 11. Arkansas Code § 6-62-611(a)(2), concerning agreements for
 22 the transfer and lease of property, instruments of conveyance, and title
 23 insurance, is amended to read as follows:

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

28
 29 SECTION 12. Arkansas Code § 6-63-602(a), concerning the administration
 30 of the higher education catastrophic leave bank program, is amended to read
 31 as follows:

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

1 (2) Each state institution of higher education may participate
2 in the catastrophic leave bank authorized by this section and administered by
3 the Office of Personnel Management ~~of the Division of Management Services of~~
4 ~~the Department of Finance and Administration~~, or the institution may
5 establish a catastrophic leave bank for its employees.
6

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

10 (f) The ~~Director of the Department of Finance and Administration~~
11 Secretary of the Department of Transformation and Shared Services or his or
12 her designee shall promulgate necessary rules and regulations as deemed
13 necessary to carry out the provisions of this section.
14

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

18 (b) The ~~Department~~ Division of Information Systems shall cooperate
19 with and assist the Secretary of State in determining the computer equipment
20 and software needed in the office of the Secretary of State for the voter
21 registration signature imaging system.
22

23 SECTION 15. Arkansas Code § 10-3-601 is amended to read as follows:
24 10-3-601. Intent.

25 It is the intent of this subchapter to establish procedures whereby the
26 types of contracts to be let for legislative printing or duplicating
27 requirements may be determined after study and review of the printing or
28 duplicating needs of the General Assembly. Adequate specifications and
29 safeguards may be established for such contracts in order that the State
30 Procurement Director of the Office of State Procurement ~~of the Department of~~
31 ~~Finance and Administration~~ might be advised thereof in the letting of
32 contracts for legislative printing or duplicating requirements.
33

34 SECTION 16. Arkansas Code § 10-3-1704(c), concerning the members and
35 duties of the Joint Committee on Advanced Communications and Information
36 Technology, is amended to read as follows:

1 (c) The Joint Committee on Advanced Communications and Information
2 Technology shall exercise appropriate legislative oversight of the operations
3 of the ~~Department~~ Division of Information Systems.
4

5 SECTION 17. Arkansas Code § 10-3-1705 is amended to read as follows:
6 10-3-1705. Duties of joint standing committee.

7 Bills pertaining to the ~~Department~~ Division of Information Systems,
8 advanced communications and information technology, telemedicine, distance
9 learning, or public information access shall be referred to the Joint
10 Committee on Advanced Communications and Information Technology or the
11 Committee on Advanced Communications and Information Technology, as
12 appropriate.
13

14 SECTION 18. Arkansas Code § 10-3-1707(c), concerning interim committee
15 meetings, expenses, and staff of the Joint Committee on Advanced
16 Communications and Information Technology, is amended to read as follows:

17 (c) All other appropriate state agencies, including, but not limited
18 to, the ~~Department~~ Division of Information Systems, the Arkansas Economic
19 Development Commission, and public colleges and universities in the State of
20 Arkansas, shall be available to assist the Joint Committee on Advanced
21 Communications and Information Technology on advanced communications and
22 information technology matters as may be requested by the Joint Committee on
23 Advanced Communications and Information Technology.
24

25 SECTION 19. Arkansas Code § 10-4-424(c), concerning the audit of
26 information systems operations, is amended to read as follows:

27 (c) The ~~Department~~ Division of Information Systems, its successor
28 agency, or other entities of the state or political subdivisions of the state
29 that provide Internet, network, or other computer services or information to
30 an entity of the state or a political subdivision of the state shall provide
31 access to all data, support, or other necessary information services to
32 Arkansas Legislative Audit in connection with their functions at no cost to
33 Arkansas Legislative Audit.
34

35 SECTION 20. Arkansas Code § 12-75-109(c)(2), concerning the
36 establishment and personnel of the Arkansas Department of Emergency

1 Management, is amended to read as follows:

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

5
6 SECTION 21. Arkansas Code § 12-75-109(d)(4)(A), concerning the
7 establishment and personnel of the Arkansas Department of Emergency
8 Management, is amended to read as follows:

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

19
20 SECTION 22. Arkansas Code § 13-3-101(b) and (c), concerning the
21 creation and purpose of the Arkansas State Archives, are amended to read as
22 follows:

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

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

30
31 SECTION 23. Arkansas Code § 13-4-203(b)(5), concerning the Records
32 Retention Committee, is amended to read as follows:

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

34
35 SECTION 24. Arkansas Code § 15-21-205(a), concerning the duties and
36 appointment of the State Surveyor, is amended to read as follows:

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

5
6 SECTION 25. Arkansas Code § 15-21-205(b)(2), concerning the
7 appointment of the State Surveyor, is amended to read as follows:

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

14
15 SECTION 26. The introductory language of Arkansas Code § 15-21-206,
16 concerning the powers and duties of the State Surveyor, is amended to read as
17 follows:

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

22
23 SECTION 27. Arkansas Code § 15-21-206(13), concerning the powers and
24 duties of the State Surveyor, is amended to read as follows:

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

29
30 SECTION 28. Arkansas Code § 15-21-207, concerning surveyors, is
31 amended to read as follows:

32 15-21-207. Surveyors generally.

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

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

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

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

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

19
20 SECTION 29. Arkansas Code § 15-21-208 is amended to read as follows:
21 15-21-208. Right to enter private property.

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

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

33
34 SECTION 30. Arkansas Code § 15-21-502(10), concerning the definition
35 of "State Chief Technology Officer" under the laws governing the Arkansas
36 Geographic Information Systems Board, is amended to read as follows:

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

3
4 SECTION 31. Arkansas Code § 15-21-503(c)(2)(C), concerning the
5 creation and powers of the Arkansas Geographic Information Systems Board, is
6 amended to read as follows:

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

10
11 SECTION 32. Arkansas Code § 15-21-503(d)(1) and (2), concerning the
12 creation and powers of the Arkansas Geographic Information Systems Board, are
13 amended to read as follows:

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

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

24
25 SECTION 33. Arkansas Code § 15-55-213 is amended to read as follows:

26 15-55-213. Access to information.

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

31
32 SECTION 34. The introductory language of Arkansas Code § 17-105-
33 121(a), concerning the uniform classification plan and physician assistant
34 employment, is amended to read as follows:

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

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

5
6 SECTION 35. Arkansas Code § 18-44-503(b), concerning public buildings
7 and improvements, is amended to read as follows:

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

16
17 SECTION 36. Arkansas Code § 19-1-205 is amended to read as follows:
18 19-1-205. Office.

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

24
25 SECTION 37. Arkansas Code § 19-4-522(c)(1), concerning the maintenance
26 and general operations under the state accounting and budgetary procedures,
27 is amended to read as follows:

28 (1) In the event the amount of any of the budget classifications
29 of maintenance and general operation in an agency's appropriation act are
30 found by the administrative head of the agency to be inadequate, then the
31 agency head may request, upon forms provided for such purpose by the Chief
32 Fiscal Officer of the State, a modification of the amounts of the budget
33 classification. In that event, he or she shall set out on the forms the
34 particular classifications for which he or she is requesting an increase or
35 decrease, the amounts thereof, and his or her reasons therefor. In no event
36 shall the total amount of the budget exceed either the amount of the

1 appropriation or the amount of the funds available, nor shall any transfer be
2 made from the capital outlay or data processing subclassification unless
3 specific authority for such transfers is provided by law, except for
4 transfers from capital outlay to data processing when determined by the
5 ~~Department~~ Division of Information Systems that data processing services for
6 a state agency can be performed on a more cost-efficient basis by the
7 ~~Department~~ Division of Information Systems than through the purchase of data
8 processing equipment by that state agency;

9
10 SECTION 38. Arkansas Code § 19-4-522(d)(5), concerning the maintenance
11 and general operations under the state accounting and budgetary procedures,
12 is amended to read as follows:

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

18
19 SECTION 39. Arkansas Code § 19-4-702(e)(2)(A), concerning the time
20 limits for presenting vouchers, is amended to read as follows:

21 (2)(A) All state agencies may carry over from the first fiscal
22 year of any biennium to the second fiscal year of the biennium any unexpended
23 maintenance and operation appropriations and funds, as defined under § 19-4-
24 522, to the extent necessary to pay for renovation and minor and major
25 repairs under the jurisdiction of the Building Authority Division ~~of the~~
26 ~~Department of Finance and Administration~~ which were under contract at least
27 ninety (90) days prior to the end of the first fiscal year but which will not
28 be completed until after the end of the first fiscal year and are
29 substantiated by written contracts.

30
31 SECTION 40. Arkansas Code § 19-4-1402(a), concerning contracts to be
32 filed, is amended to read as follows:

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

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

5
 6 SECTION 41. Arkansas Code § 19-4-1405(c)(2)(A), concerning bidding
 7 procedures, is amended to read as follows:

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

15
 16 SECTION 42. Arkansas Code § 19-4-1405(e)(1)(A), concerning bidding
 17 procedures, is amended to read as follows:

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

25
 26 SECTION 43. Arkansas Code § 19-4-1411(a)(1)(B), concerning the
 27 processing of payments, is amended to read as follows:

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

32
 33 SECTION 44. Arkansas Code § 19-4-1413(a)(2)(B), concerning projects
 34 constructed with private funds, is amended to read as follows:

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

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

3
4 SECTION 45. Arkansas Code § 19-4-1415(b)(1), concerning projects
5 exceeding five million dollars (\$5,000,000), is amended to read as follows:

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

11
12 SECTION 46. Arkansas Code § 19-4-1416(e)(1), concerning job order
13 contracting, is amended to read as follows:

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

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

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

25
26 SECTION 48. Arkansas Code § 19-5-1052(b), concerning the Justice
27 Building Fund, is amended to read as follows:

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

32
33 SECTION 49. Arkansas Code § 19-5-1055 is amended to read as follows:

34 19-5-1055. ~~Department~~ Division of Information Systems Revolving Fund.

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

1 known as the "~~Department~~ Division of Information Systems Revolving Fund".

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

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

8
9 SECTION 50. Arkansas Code § 19-5-1056(b)(1), concerning the
10 Information Technology Reserve Fund, is amended to read as follows:

11 (b)(1) The Information Technology Reserve Fund shall consist of those
12 funds transferred from the ~~Department~~ Division of Information Systems
13 Revolving Fund in an amount up to the authorized reserve for equipment
14 acquisition as certified by the Chief Fiscal Officer of the State within
15 thirty (30) days following the closing of each fiscal year, any loans which
16 may be received from the Budget Stabilization Trust Fund, and any other
17 moneys which may be provided by law.

18
19 SECTION 51. Arkansas Code § 19-5-1087(a), concerning the Justice
20 Building Construction Fund, is amended to read as follows:

21 (a) There is created in accordance with §§ 19-4-801 – 19-4-803, 19-4-
22 805, 19-4-806, and the Revenue Classification Law, § 19-6-101 et seq., a cash
23 fund entitled the "Justice Building Construction Fund", which shall be
24 maintained in such depository bank or banks as may, from time to time, be
25 designated by the Building Authority Division ~~of the Department of Finance~~
26 ~~and Administration.~~

27
28 SECTION 52. Arkansas Code § 19-5-1206(b)(2), concerning the Building
29 Authority Division Real Estate Fund, is amended to read as follows:

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

1
2 SECTION 53. Arkansas Code § 19-11-203(14)(Y), concerning the
3 definition of "exempt commodities and services" under the state procurement
4 laws, is amended to read as follows:

5 (Y) Capital improvements valued at less than twenty
6 thousand dollars (\$20,000), subject to minimum standards and criteria of the
7 Building Authority Division ~~of the Department of Finance and Administration;~~
8

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

12 (B) "Services" shall not include employment agreements,
13 collective bargaining agreements, exempt commodities and services, or
14 architectural or engineering contracts requiring approval of the Building
15 Authority Division ~~of the Department of Finance and Administration~~ or higher
16 education;
17

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

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

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

26 (2) The rules and regulations authorized in this subchapter
27 shall be approved by the ~~Director of the Department of Finance and~~
28 ~~Administration~~ secretary prior to the filing of the rules and regulations in
29 accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et
30 seq.
31

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

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

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

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

9
10 SECTION 58. Arkansas Code § 19-11-218 is amended to read as follows:

11 19-11-218. Assistants and designees.

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

16 (1) Employ and supervise such assistants and other persons as
17 may be necessary;

18 (2) Fix their compensation as provided by law; and

19 (3) Delegate authority to such designees or to any state agency
20 as the director may deem appropriate, within the limitations of state law and
21 the state procurement regulations.

22
23 SECTION 59. Arkansas Code § 19-11-220(b)(2), concerning agency
24 procurement officials, is amended to read as follows:

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

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

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

1
2 SECTION 60. Arkansas Code § 19-11-226(b)(3), concerning
3 recommendations to the State Procurement Director, is amended to read as
4 follows:

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

8
9 SECTION 61. Arkansas Code § 19-11-227 is amended to read as follows:
10 19-11-227. Statistical data.

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

17
18 SECTION 62. Arkansas Code § 19-11-235(b)(2), concerning the
19 responsibility of bidders and offerors, is amended to read as follows:

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

25
26 SECTION 63. Arkansas Code § 19-11-602(a), concerning a purchase for
27 schools and school districts, is amended to read as follows:

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

34
35 SECTION 64. Arkansas Code § 19-11-801(a)(1), concerning the use of
36 procurement procedures for legal, architectural, engineering, construction

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

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

8
 9 SECTION 65. Arkansas Code § 19-11-902(b)(6)(B), concerning the
 10 definition of "services" under the procurement rules for work center products
 11 and services, is amended to read as follows:

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

16
 17 SECTION 66. Arkansas Code § 19-11-1001(3)(D)(i), concerning the
 18 definition of "design professional contract" under professional and
 19 consultant services contracts, is amended to read as follows:

20 (D)(i) A state agency shall follow applicable Building
 21 Authority Division ~~of the Department of Finance and Administration~~
 22 guidelines, procedures, and rules for the selection and award of contracts.
 23

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

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

32
 33 SECTION 68. Arkansas Code § 20-8-404 is amended to read as follows:
 34 20-8-404. Rules.

35 The ~~Department~~ Division of Information Systems, Department of Finance
 36 and Administration, Department of Health, Department of Human Services, State

1 Insurance Department, and all other appropriate departments, agencies,
2 subcontractors, and officers shall promulgate rules to implement this
3 subchapter.

4
5 SECTION 69. Arkansas Code § 20-46-301(c), concerning the powers and
6 duties of the Division of Aging, Adult, and Behavioral Health Services of the
7 Department of Human Services, is amended to read as follows:

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

15
16 SECTION 70. Arkansas Code § 21-5-402(a)(1)(D) and (E), concerning the
17 creation and members of the State and Public School Life and Health Insurance
18 Board, are amended to read as follows:

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

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

23
24 SECTION 71. Arkansas Code § 21-5-402(a)(1)(I), concerning the creation
25 and members of the State and Public School Life and Health Insurance Board,
26 is amended to read as follows:

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

29
30 SECTION 72. Arkansas Code § 21-5-403 is amended to read as follows:
31 21-5-403. Policy-making body only – Reports.

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

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

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

3
4 SECTION 73. Arkansas Code § 21-5-404(12)(B)(i)(a)(1), concerning the
5 powers, functions, and duties of the State and Public School Life and Health
6 Insurance Board, is amended to read as follows:

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

9
10 SECTION 74. Arkansas Code § 21-5-405(a)(1), concerning the additional
11 duties of the State and Public School Life and Health Insurance Board, is
12 amended to read as follows:

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

17
18 SECTION 75. Arkansas Code § 21-5-405(b)(4)(B)(ii), concerning the
19 additional duties of the State and Public School Life and Health Insurance
20 Board, is amended to read as follows:

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

28
29 SECTION 76. Arkansas Code § 21-5-406 is amended to read as follows:

30 21-5-406. ~~Executive director~~ Director – Staff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (i) Life insurance coverage;
11 (ii) Accident coverage;
12 (iii) Dental coverage;
13 (iv) Disability benefit programs;
14 (v) Optional retirement programs;
15 (vi) Deferred compensation;
16 (vii) Cafeteria plans; and
17 (viii) Such other benefit plans, benefit programs,
18 and individual and group benefit coverage that are offered from time to time
19 to state employees, state employee retirees, public school employees, and
20 public school employee retirees.

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

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

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

31
32 SECTION 77. Arkansas Code § 21-5-411(a)(2)(A)(ii), concerning
33 eligibility of certain retired employs to participate in the State and Public
34 School Life and Health Insurance Program, is amended to read as follows:

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

1 employee retiree's becoming an active retiree and shall be made in writing to
2 the Employee Benefits Division ~~of the Department of Finance and~~
3 ~~Administration~~ on forms required by the division.
4

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

9 (B)(i) An elected official qualifying for continuation of
10 participation in the program under this subsection shall be considered an
11 eligible inactive retiree and shall have thirty-one (31) days from the
12 effective date of termination to elect to continue program participation by
13 notifying the Employee Benefits Division ~~of the Department of Finance and~~
14 ~~Administration~~ in writing on forms required by the division.
15

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

18 (a) The Department of ~~Finance and Administration~~ Transformation and
19 Shared Services shall seek the advice of the Legislative Council and the
20 House Committee on Insurance and Commerce and the Senate Committee on
21 Insurance and Commerce before additional state contributions can be made to
22 the State and Public School Life and Health Insurance Program on behalf of
23 state employees.
24

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

28 (a)(1) If any participating state agency or school district does not
29 remit insurance premiums and required monthly reports to the Employee
30 Benefits Division ~~of the Department of Finance and Administration~~ by the last
31 calendar day of each billing month, the division shall impose a penalty of
32 two dollars (\$2.00) per insured member or one hundred dollars (\$100),
33 whichever is greater.
34

35 SECTION 81. The introductory language of Arkansas Code § 21-5-
36 415(b)(1), concerning nonpayment of premiums and failure to file reports by

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

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

11
12 SECTION 82. Arkansas Code § 21-5-416(2), concerning annual performance
13 audits, is amended to read as follows:

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

16
17 SECTION 83. Arkansas Code § 21-5-417 is amended to read as follows:
18 21-5-417. State contribution for employee receiving workers'
19 compensation.

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

25 (1) In a leave-without-pay status because of a work-related
26 injury; and

27 (2) Receiving benefits from workers' compensation.

28
29 SECTION 84. Arkansas Code § 21-11-109(a), concerning funding and
30 appropriations, is amended to read as follows:

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

36

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

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

10
 11 SECTION 86. Arkansas Code § 22-2-104 is amended to read as follows:
 12 22-2-104. Creation of Building Authority Division.

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

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

20
 21 SECTION 87. Arkansas Code § 22-2-105 is amended to read as follows:
 22 22-2-105. Director of the Department of Finance and Administration –
 23 Duties.

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

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

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

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

9
 10 SECTION 88. The introductory language of Arkansas Code § 22-2-107(a),
 11 concerning the creation of Building Authority Division sections, is amended
 12 to read as follows:

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

20
 21 SECTION 89. The introductory language of Arkansas Code § 22-2-108 is
 22 amended to read as follows:

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

30
 31 SECTION 90. Arkansas Code § 22-2-109(a)(2), concerning the acquisition
 32 of additional sites, is amended to read as follows:

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

1
2 SECTION 91. Arkansas Code § 22-2-110 is amended to read as follows:

3 22-2-110. Schedule of supervision generally.

4 The powers, authorities, and responsibilities of the ~~Director of the~~
5 ~~Department of Finance and Administration~~ Secretary of the Department of
6 Transformation and Shared Services relating to the acquisition of properties
7 and to the supervision of all capital improvements, as defined in § 22-2-102,
8 shall be in accordance with the schedules of supervision as provided in §§
9 22-2-111 – 22-2-113.

10
11 SECTION 92. The introductory language of Arkansas Code § 22-2-111,
12 concerning the schedule of supervision for type 1 undesignated funds, is
13 amended to read as follows:

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

18
19 SECTION 93. Arkansas Code § 22-2-112(a) and (b), concerning the
20 schedule of supervision for type 2 designated funds, are amended to read as
21 follows:

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

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

34
35 SECTION 94. The introductory language of Arkansas Code § 22-2-113(a),
36 concerning the schedule of supervision for type three contracts, is amended

1 to read as follows:

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

11

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

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

19

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

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

30

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

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

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

6
7 SECTION 98. Arkansas Code § 22-2-114(a)(3) and (4), concerning leasing
8 responsibilities of the Building Authority Division, are amended to read as
9 follows:

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

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

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

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

29
30 SECTION 100. Arkansas Code § 22-2-114(a)(6), concerning leasing
31 responsibilities of the Building Authority Division, is amended to read as
32 follows:

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

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

6
7 SECTION 101. Arkansas Code § 22-2-115(a), concerning lease-purchase
8 agreements, is amended to read as follows:

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

17
18 SECTION 102. Arkansas Code § 22-2-115(b)(1), concerning lease-purchase
19 agreements, is amended to read as follows:

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

23
24 SECTION 103. Arkansas Code § 22-2-116(a), concerning maintenance
25 responsibilities of the Building Authority Division, is amended to read as
26 follows:

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

31
32 SECTION 104. The introductory language of Arkansas Code § 22-2-117(a),
33 concerning maintenance responsibilities of the Building Authority Division
34 for the Capitol Zoning District, is amended to read as follows:

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

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

5
 6 SECTION 105. Arkansas Code § 22-2-118 is amended to read as follows:

7 22-2-118. Plans, specifications, and estimates of costs.

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

13
 14 SECTION 106. Arkansas Code § 22-2-120 is amended to read as follows:

15 22-2-120. Exemption from statutes concerning Capitol Zoning District.

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

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

27
 28 SECTION 107. The introductory language of Arkansas Code § 22-2-121(a),
 29 concerning the real estate compilation, is amended to read as follows:

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

32
 33 SECTION 108. Arkansas Code § 22-3-313 is amended to read as follows:

34 22-3-313. Capitol Zoning District Commission – Powers.

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

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

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

8
9 SECTION 109. Arkansas Code § 22-3-401(a), concerning the purpose of
10 traffic control and parking regulations on the State Capitol grounds, is
11 amended to read as follows:

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

17
18 SECTION 110. Arkansas Code § 22-3-405(b)(2) and (3), concerning the
19 creation and members of the Capitol Parking Control Committee, are amended to
20 read as follows:

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

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

29
30 SECTION 111. Arkansas Code § 22-3-405(c), concerning the creation and
31 members of the Capitol Parking Control Committee, are amended to read as
32 follows:

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

1
2 SECTION 112. The introductory language of Arkansas Code § 22-3-406,
3 concerning the powers and duties of the Capitol Parking Control Committee, is
4 amended to read as follows:

5 Upon the passage of this subchapter, the Capitol Parking Control
6 Committee shall proceed to study the traffic conditions on the drives of the
7 State Capitol grounds and shall make a study of the existing and anticipated
8 needs for parking space on the State Capitol grounds and other parking lots
9 and drives leased by or in the custody of the Secretary of State or the
10 Building Authority Division ~~of the Department of Finance and Administration~~.
11 Upon completion of the study, the committee shall establish rules and
12 regulations and shall amend or change them from time to time as deemed
13 necessary in the following manner:
14

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

18 It shall be the function, power, and duty of the Building Authority
19 Division ~~of the Department of Finance and Administration~~ to:
20

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

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

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

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

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

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

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

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

12
13 SECTION 115. Arkansas Code § 22-3-907 is amended to read as follows:
14 22-3-907. Financing authority of Building Authority Division ~~of the~~
15 ~~Department of Finance and Administration~~.

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

23
24 SECTION 116. Arkansas Code § 22-3-916 is amended to read as follows:
25 22-3-916. Audit of accounts – Reports.

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

31
32 SECTION 117. Arkansas Code § 22-3-917(a)(1), concerning the employment
33 of an architect and fees, is amended to read as follows:

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

1 and to supervise and inspect the construction.

2
3 SECTION 118. Arkansas Code § 22-3-918(a)(1), concerning the notice for
4 bids for construction and execution of contracts, is amended to read as
5 follows:

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

10
11 SECTION 119. Arkansas Code § 22-3-918(d), concerning the notice for
12 bids for construction and execution of contracts, is amended to read as
13 follows:

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

17
18 SECTION 120. Arkansas Code § 22-3-1101(a)(1), concerning the
19 acquisition of facilities by the state for holding the Arkansas State Fair
20 and Livestock Show, is amended to read as follows:

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

27
28 SECTION 121. Arkansas Code § 22-3-1102(a), concerning the power of
29 eminent domain, is amended to read as follows:

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

36

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

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

13
14 SECTION 123. The introductory language of Arkansas Code § 22-3-
15 1205(a), concerning the powers of the Building Authority Division, is amended
16 to read as follows:

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

21
22 SECTION 124. Arkansas Code § 22-3-1206(a), concerning the filing of a
23 financial statement prior to a plan of proposed construction work and review,
24 is amended to read as follows:

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

35
36 SECTION 125. Arkansas Code § 22-3-1207(a)(1), concerning the issuance

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

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

11
12 SECTION 126. Arkansas Code § 22-3-1208(a)(1), concerning the terms and
13 execution of certificates of indebtedness, is amended to read as follows:

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

18
19 SECTION 127. Arkansas Code § 22-3-1208(d), concerning the terms and
20 execution of certificates of indebtedness, is amended to read as follows:

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

24
25 SECTION 128. Arkansas Code § 22-3-1209(a), concerning the pledge of
26 revenues and restrictions on a certificate of indebtedness, is amended to
27 read as follows:

28 (a) The certificates shall be the obligations of the Building
29 Authority Division ~~of the Department of Finance and Administration~~, and the
30 nontax revenues available to the division under the provisions of § 22-3-
31 1210, as distinguished from any tax moneys which may be made available for
32 the operation of the division, are pledged to secure the payment of the
33 certificates.

34
35 SECTION 129. Arkansas Code § 22-3-1210(c)(1)(B), concerning the Public
36 Facilities Debt Service Fund and certificates of indebtedness, is amended to

1 read as follows:

2 (B) Commencing on the first day of the month next
3 succeeding the issuance of certificates of indebtedness under this
4 subchapter, but not before July 1, 1983, and so long as any certificates are
5 outstanding under this subchapter, the pledged revenues, except as provided
6 herein, shall be deposited into the State Treasury as and when received by
7 the Department of Correction, by the Building Authority Division ~~of the~~
8 ~~Department of Finance and Administration~~, by state-supported institutions of
9 higher education, or by any other state agency, as the case may be, to the
10 credit of a fund to be designated the "Public Facilities Debt Service Fund".
11

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

15 (c) The certificates of indebtedness which have been paid and
16 cancelled by the Treasurer of State shall be delivered to the Building
17 Authority Division ~~of the Department of Finance and Administration~~.
18

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

22 (a) In the event it shall be determined that the procedure set forth
23 in § 22-3-1212 for the retirement of the certificates is unconstitutional or
24 invalid for any reason, the Building Authority Division ~~of the Department of~~
25 ~~Finance and Administration~~ is authorized and directed to establish an account
26 in its name in a bank to be approved by the State Board of Finance and to
27 deposit therein so much of the first moneys received by it each year under
28 the provisions of § 22-3-1210 as shall be required to meet the next ensuing
29 principal and interest maturities of its outstanding certificates, together
30 with such additional amounts as may be necessary to pay any certificates
31 which it shall determine to retire in advance of maturity.
32

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

36 Any authorizing resolution shall, together with this subchapter,

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

9
 10 SECTION 133. Arkansas Code § 22-3-1217 is amended to read as follows:

11 22-3-1217. Disposition of revenues from agricultural and livestock
 12 activities of correctional facility.

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

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

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

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

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

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

24
25 SECTION 134. Arkansas Code § 22-3-1218 is amended to read as follows:

26 22-3-1218. Disposition of revenues from prison labor.

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

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

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

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

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

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

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

35
36 SECTION 135. Arkansas Code § 22-3-1219(a), concerning the notice for

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

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

8
9 SECTION 136. Arkansas Code § 22-3-1311 is amended to read as follows:
10 22-3-1311. Termination of contracts with sighted vendors.

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

21
22 SECTION 137. Arkansas Code § 22-3-1403(4), concerning the definition
23 of "construct" under the State Agencies Facilities Acquisition Act of 1991 ,
24 is amended to read as follows:

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

33
34 SECTION 138. The introductory language of Arkansas Code § 22-3-1404,
35 concerning the powers of the Building Authority Division under the State
36 Agencies Facilities Acquisition Act of 1991, is amended to read as follows:

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

4
5 SECTION 139. Arkansas Code § 22-3-1404(8), concerning the powers of
6 the Building Authority Division under the State Agencies Facilities
7 Acquisition Act of 1991, is amended to read as follows:

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

13
14 SECTION 140. The introductory language of Arkansas Code § 22-3-1405,
15 concerning the duties of the Building Authority Division under the State
16 Agencies Facilities Acquisition Act of 1991, is amended to read as follows:

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

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

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

31
32 SECTION 142. Arkansas Code § 22-3-1407(a) and (b), concerning revenue
33 bonds, are amended to read as follows:

34 (a) Pursuant to the intention of the General Assembly expressed in §
35 15-5-303, the Arkansas Development Finance Authority, in cooperation with the
36 Building Authority Division ~~of the Department of Finance and Administration~~,

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

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

17
18 SECTION 143. Arkansas Code § 22-3-1410 is amended to read as follows:

19 22-3-1410. Contract between Arkansas Development Finance Authority and
20 holders and owners of bonds.

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

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

1
2 SECTION 144. The introductory language of Arkansas Code § 22-3-
3 1415(a), concerning the supervision and management of buildings and
4 facilities, is amended to read as follows:

5 (a) The Building Authority Division ~~of the Department of Finance and~~
6 ~~Administration~~ may supervise and manage buildings and other facilities
7 constructed pursuant to the authority granted in this subchapter and to
8 manage, maintain, and repair those buildings and facilities to provide rental
9 space to be made available for the housing of state agencies, departments,
10 boards, commissions, and institutions, or other tenants at such rental rates
11 as deemed necessary:
12

13 SECTION 145. Arkansas Code § 22-3-1501 is amended to read as follows:
14 22-3-1501. Intent.

15 The Building Authority Division ~~of the Department of Finance and~~
16 ~~Administration~~ shall provide adequate facilities for those agencies located
17 in the Capitol Mall area. The services provided by these agencies are varied.
18 Parking spaces for these tenants have not kept up with current growth,
19 thereby diminishing effective services provided by these agencies. The public
20 access to the Capitol Mall area has been diminished by the lack of adequate
21 parking. The construction of a parking deck facility, surface parking, and
22 street improvements will help to alleviate such diminished services and lack
23 of access.
24

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

28 (a)(1) Any other provision of law to the contrary notwithstanding, the
29 Building Authority Division ~~of the Department of Finance and Administration~~
30 is hereby authorized to construct, manage, and maintain parking deck
31 facilities, surface parking, and street improvements, called in this
32 subchapter the "parking facilities", in the area described in § 22-3-302(a).
33

34 SECTION 147. Arkansas Code § 22-3-1503 is amended to read as follows:
35 22-3-1503. Parking regulation.

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

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

6
7 SECTION 148. Arkansas Code § 22-3-1504 is amended to read as follows:
8 22-3-1504. Utility easement.

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

16
17 SECTION 149. Arkansas Code § 22-3-1505(a)(1), concerning funding for
18 the Building Authority Division, is amended to read as follows:

19 (a)(1) The Building Authority Division ~~of the Department of Finance~~
20 ~~and Administration~~ is authorized and empowered to obtain the necessary funds
21 for accomplishing its powers, purposes, and authority from any source or
22 sources necessary and consistent with this subchapter, including without
23 limitation contracting with the Arkansas Development Finance Authority to
24 provide for the issuance of bonds by the Arkansas Development Finance
25 Authority in accordance with the State Agencies Facilities Acquisition Act of
26 1991, § 22-3-1401 et seq.

27
28 SECTION 150. Arkansas Code § 22-3-1506 is amended to read as follows:
29 22-3-1506. Exceptions.

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

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

5
 6 SECTION 151. Arkansas Code § 22-3-1901 is amended to read as follows:

7 22-3-1901. Sustainable Building Design Program for State Agencies.

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

11
 12 SECTION 152. Arkansas Code § 22-3-1903(a), concerning loans under the
 13 Sustainable Building Design Program for State Agencies, is amended to read as
 14 follows:

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

19
 20 SECTION 153. Arkansas Code § 22-3-1904(a)(1), concerning the loan
 21 approval process, is amended to read as follows:

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

24
 25 SECTION 154. Arkansas Code § 22-6-601(b)(1), concerning the sale
 26 procedure of state lands, is amended to read as follows:

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

30
 31 SECTION 155. Arkansas Code § 22-6-601(c)(2)(A), concerning the sale
 32 procedure of state lands, is amended to read as follows:

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

1 Transformation and Shared Services.

2
3 SECTION 156. Arkansas Code § 22-6-601(d), concerning the sale
4 procedure of state lands, is amended to read as follows:

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

7 (A) The appraisal;

8 (B) The agency proposal to sell or purchase; and

9 (C) The division's recommendations.

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

14
15 SECTION 157. Arkansas Code § 22-6-601(h)(2)(A)(i)(a), concerning the
16 sale procedure of state lands, is amended to read as follows:

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

23
24 SECTION 158. Arkansas Code § 22-6-601(k)(2), concerning the sale
25 procedure of state lands, is amended to read as follows:

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

28
29 SECTION 159. Arkansas Code § 22-9-101(c)(2)(B), concerning the
30 requirement of observation by registered professionals, is amended to read as
31 follows:

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

1
2 SECTION 160. Arkansas Code § 22-9-201(c)(3), concerning the
3 applicability of §§ 22-9-202 – 22-9-204, is amended to read as follows:

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

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

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

17
18 SECTION 162. Arkansas Code § 22-9-203(a)(1), concerning the award
19 procedure for public improvements, is amended to read as follows:

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

31
32 SECTION 163. Arkansas Code § 22-9-204(c)(2), concerning the penalty
33 for subcontracts exceeding fifty thousand dollars (\$50,000), is amended to
34 read as follows:

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

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

7
8 SECTION 164. Arkansas Code § 22-9-208(a)(3), concerning renovation of
9 historic sites, is amended to read as follows:

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

19
20 SECTION 165. Arkansas Code § 22-9-209(d)(2), concerning the
21 advertising of contracts, renovation of historic sites is amended to read as
22 follows:

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

27
28 SECTION 166. Arkansas Code § 22-9-213 is amended to read as follows:

29 22-9-213. Exemption of state projects from local regulation.
30 Public works construction projects conducted by the Building Authority
31 Division ~~of the Department of Finance and Administration~~ or other state
32 agencies are exempt from permit fees or inspection requirements of county or
33 municipal ordinances.

34
35 SECTION 167. Arkansas Code § 22-9-403(b)(2), concerning the limitation
36 of an action and the statutory liability as an integral part of a bond, is

1 amended to read as follows:

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

12

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

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

22

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

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

34

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

1 (2) The ~~Department~~ Division of Information Systems shall assist
2 those state agencies requesting assistance in placing publications on the
3 state agency's website.
4

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

8 (2) ~~Departmental~~ Divisional resources are used unless an
9 exception is authorized;
10

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

14 (6) The ~~Department~~ Division of Information Systems complies with
15 applicable state and federal statutory and regulatory provisions.
16

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

20 (b) The General Assembly further declares its intent to create a state
21 agency division to:
22

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

26 (c) It is also the intent of the General Assembly that the ~~department~~
27 division achieve certain objectives that will better support information
28 technology utilization by other state agencies. These objectives are to:
29

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

33 (2) The ~~department~~ division shall consider in the development of
34 the ~~department~~ division plan and the Joint Committee on Advanced
35 Communications and Information Technology shall emphasize in its
36 recommendations and policies the availability in the private sector of

1 information technology resources upon a competitive bid basis with a view to
2 assuring the state of the highest reasonable quality of resources at the
3 lowest reasonable cost.

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

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

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

16 (3) Customers of the ~~department~~ division are not authorized to
17 use information technology facilities and services provided by the ~~department~~
18 division to provide telecommunications and broadband services to the general
19 public in competition with private sector telecommunications and cable
20 communications providers.

21
22 SECTION 177. Arkansas Code § 25-4-103(2), concerning the definition of
23 "Chief Technology Officer" under the Arkansas Information Systems Act of
24 1997, is amended to read as follows:

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

27
28 SECTION 178. Arkansas Code § 25-4-104 is amended to read as follows:
29 25-4-104. ~~Department~~ Division of Information Systems.

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

33 (b)(1) The ~~department~~ division shall be headed by a director to be
34 appointed by the Governor, subject to confirmation by the Senate in the
35 manner provided by law, and shall serve at the pleasure of the Governor.

36 (2) The ~~director~~ Director of the Division of Information Systems

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

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

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

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

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

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

22
23 SECTION 179. Arkansas Code § 25-4-105(a)(1), concerning the powers and
24 duties of the Department of Information Systems, is amended to read as
25 follows:

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

30
31 SECTION 180. The introductory language of Arkansas Code § 25-4-
32 105(a)(2), concerning the powers and duties of the Department of Information
33 Systems, is amended to read as follows:

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

36

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

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

7
8 SECTION 182. Arkansas Code § 25-4-105(a)(2)(G) and (H), concerning the
9 powers and duties of the Department of Information Systems, are amended to
10 read as follows:

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

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

17
18 SECTION 183. Arkansas Code § 25-4-105(a)(2)(Q), concerning the powers
19 and duties of the Department of Information Systems, is amended to read as
20 follows:

21 (Q) With respect to their technology functions and
22 applications, all state departments, boards, commissions, and public
23 institutions of higher education, consulting and cooperating with the
24 ~~Department~~ Division of Information Systems in the formation and
25 implementation of security policies for the state core information technology
26 infrastructure;

27
28 SECTION 184. Arkansas Code § 25-4-106(a)(1), concerning the reporting
29 requirements of the Director of the Department of Information Systems, is
30 amended to read as follows:

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

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

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

3
4 SECTION 185. Arkansas Code § 25-4-106(b)(2)(B), concerning the
5 reporting requirements of the Director of the Department of Information
6 Systems, is amended to read as follows:

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

10
11 SECTION 186. Arkansas Code § 25-4-108(a), concerning working groups of
12 the Department of Information Systems, is amended to read as follows:

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

16
17 SECTION 187. Arkansas Code § 25-4-109(a) and (b), concerning the
18 authorization of the Department of Informations Systems to establish,
19 maintain, and operator information technology centers, are amended to read as
20 follows:

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

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

28
29 SECTION 188. Arkansas Code § 25-4-109(e) and (f), concerning the
30 authorization of the Department of Informations Systems to establish,
31 maintain, and operator information technology centers, is amended to read as
32 follows:

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

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

1 economical and feasible boundaries.

2
3 SECTION 189. Arkansas Code § 25-4-110(a), concerning information
4 technology and a biennial information technology plan, is amended to read as
5 follows:

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

9
10 SECTION 190. Arkansas Code § 25-4-110(c), concerning information
11 technology and a biennial information technology plan, is amended to read as
12 follows:

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

16
17 SECTION 191. Arkansas Code § 25-4-110(d)(1) and (2), concerning
18 information technology and a biennial information technology plan, are
19 amended to read as follows:

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

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

24
25 SECTION 192. The introductory language of Arkansas Code § 25-4-111(b),
26 concerning prerequisites to acquire information technology, is amended to read
27 as follows:

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

32
33 SECTION 193. Arkansas Code § 25-4-111(c), concerning prerequisites to
34 acquire information technology, is amended to read as follows:

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

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

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

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

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

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

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

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

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

24
25 SECTION 194. Arkansas Code § 25-4-112(b), concerning an application to
26 an educational institution, is amended to read as follows:

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

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

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

36

1 SECTION 195. Arkansas Code § 25-4-114(b), concerning contracts and
2 agreements for information technology, is amended to read as follows:

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

7
8 SECTION 196. Arkansas Code § 25-4-115 is amended to read as follows:

9 25-4-115. Professional services contracts between ~~department~~ division
10 and outside vendors.

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

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

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

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

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

33
34 SECTION 197. Arkansas Code § 25-4-116(a), concerning payments for
35 information technology, is amended to read as follows:

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

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

5
6 SECTION 198. Arkansas Code § 25-4-116(b)(3), concerning payments for
7 information technology, is amended to read as follows:

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

12
13 SECTION 199. Arkansas Code § 25-4-117 is amended to read as follows:
14 25-4-117. Delinquent accounts.

15 (a) For accounts that are thirty (30) days overdue and have no charges
16 contested by the user, the ~~Department~~ Division of Information Systems may
17 request the Chief Fiscal Officer of the State to transfer all or part of the
18 overdue amount from the user's account to the ~~department's~~ division's
19 revolving account. The Chief Fiscal Officer of the State shall transfer the
20 amount within ten (10) working days.

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

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

34
35 SECTION 200. Arkansas Code § 25-4-119(a) and (b), concerning budget
36 procedures for the Department of Information Systems, are amended to read as

1 follows:

2 (a)(1) Prior to the commencement of budget hearings conducted by the
3 Legislative Council, the Director of the ~~Department~~ Division of Information
4 Systems shall prepare an operating budget indicating the amount of money
5 which will be required to operate the ~~Department~~ Division of Information
6 Systems each year of the succeeding biennium.

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

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

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

17 (3)(A) During the course of the biennium, the director shall
18 make certain that the expenditures of the ~~department~~ division do not exceed
19 the income to be received by the ~~department~~ division for the current fiscal
20 year.

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

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

27 (ii) Funds sufficient to effect compliance shall be
28 provided to the ~~department~~ division.

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

35 (B) Rates shall be reviewed by the ~~department~~ division on
36 no less than an annual basis in order to ensure compliance with state and

1 federal statutory and regulatory provisions.

2
3 SECTION 201. Arkansas Code § 25-4-120(c), concerning revisions to
4 state agencies budgets, purchasing, and personnel process, is amended to read
5 as follows:

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

10
11 SECTION 202. Arkansas Code § 25-4-121 is amended to read as follows:
12 25-4-121. ~~Department~~ Division of Information Systems Revolving Fund.

13 (a) There is created and established on the books of the Treasurer of
14 State, the Auditor of State, and the Department of Finance and Administration
15 ~~and the Department~~ Division of Information Systems Revolving Fund.

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

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

24 (d) All revenues received from agencies or other governmental entities
25 for information technology services provided by contracts between the
26 ~~Department of Information Systems~~ division and outside vendors may be
27 deposited in the State Treasury as refund to expenditures.

28 (e) Subject to the written approval of the Chief Fiscal Officer of the
29 State upon written application of the ~~Department of Information Systems~~
30 division and review by the Legislative Council, the Director of the
31 ~~Department~~ Division of Information Systems shall have the authority to
32 transfer funds between the Information Technology Reserve Fund established by
33 §§ 19-5-1056 and 25-4-123 and the ~~Department~~ Division of Information Systems
34 Revolving Fund established under this section for cash management purposes.

35
36 SECTION 203. Arkansas Code § 25-4-122(a), concerning a reserve of

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

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

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

10 (B) These loans and the reserve for equipment acquisition
11 shall be used exclusively for major equipment acquisitions or improvements of
12 information technology required in order to fulfill the requirements for one
13 (1) or more user agencies.

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

19
20 SECTION 204. Arkansas Code § 25-4-122(b)(1)(A), concerning a reserve
21 of funds for equipment acquisition and loans by the Department of Information
22 Systems, is amended to read as follows:

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

28
29 SECTION 205. Arkansas Code § 25-4-122(b)(3), concerning a reserve of
30 funds for equipment acquisition and loans by the Department of Information
31 Systems, is amended to read as follows:

32 (3) After obtaining the Governor's approval in writing, the
33 board shall also review and may approve the loans and establish terms of
34 repayment and a rate of interest to be paid by the ~~Department~~ Division of
35 Information Systems Revolving Fund to the Budget Stabilization Trust Fund.
36 The rate shall be approximately equivalent to the rate of interest the board

1 is receiving on other investments at the time of approving the loan request.

2
3 SECTION 206. Arkansas Code § 25-4-123(b), concerning the Information
4 Technology Reserve Fund, is amended to read as follows:

5 (b) This fund shall consist of those funds transferred from the
6 ~~Department~~ Division of Information Systems Revolving Fund in an amount up to
7 the authorized reserve for equipment acquisition as certified by the Chief
8 Fiscal Officer of the State within thirty (30) days following the closing of
9 each fiscal year, any loans which may be received from the Budget
10 Stabilization Trust Fund, and any other moneys which may be provided by law,
11 there to be used exclusively for major equipment acquisitions or improvements
12 as set out in § 25-4-122.

13
14 SECTION 207. Arkansas Code § 25-4-124 is amended to read as follows:

15 25-4-124. Yearly computation of expenses – Disposition of surplus
16 funds.

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

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

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

1 (c) In the event that the customer has an unpaid account balance due
2 the ~~department~~ division, the customer's credit shall be withheld until the
3 account balance is satisfied.
4

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

7 (a) The Director of the ~~Department~~ Division of Information Systems is
8 designated the State Broadband Manager.
9

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

12 (A) State agencies, boards, commissions, and
13 constitutional officers, including without limitation the Governor,
14 ~~Department~~ Division of Education, ~~Department~~ Division of Higher Education,
15 and Arkansas Department of Transportation;
16

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

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

23 (2) The Chief Data Officer of the ~~Department~~ Division of
24 Information Systems and the Chief Privacy Officer of the ~~Department~~ Division
25 of Information Systems shall not be the same person.
26

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

30 (b) The Chief Data Officer of the ~~Department~~ Division of Information
31 Systems shall:
32

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

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

1 Information Systems shall:

2

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

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

7

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

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

- 13 (A) The Arkansas Crime Information Center;
- 14 (B) The ~~Department~~ Division of Arkansas State Police;
- 15 (C) The ~~Department~~ Division of Career Education;
- 16 (D) The ~~Department~~ Division of Community Correction;
- 17 (E) The ~~Department~~ Division of Correction;
- 18 (F) The ~~Department~~ Division of Primary and Secondary
 19 Education;
- 20 (G) The Department of Finance and Administration;
- 21 (H) The Department of Health;
- 22 (I) The ~~Department~~ Division of Higher Education;
- 23 (J) The Department of Human Services;
- 24 (K) The ~~Department~~ Division of Information Systems; and
- 25 (L) The Department of Labor and Licensing;

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

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

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

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

34

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

1 follows:

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

5

6 SECTION 216. Arkansas Code § 25-4-128(a), concerning the
7 confidentiality of records of the Data and Transparency Panel, is amended to
8 read as follows:

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

13

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

15 ~~25-8-103.—Office of Personnel Management—State Personnel~~
16 ~~Administrator.~~

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

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

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

29

30 SECTION 218. Arkansas Code § 25-8-107(c), concerning the Office of
31 Child Support Enforcement, is amended to read as follows:

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

36

1 SECTION 219. Arkansas Code § 25-10-138 is amended to read as follows:
2 25-10-138. Education requirements for certain Division of Youth
3 Services employees.

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

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

19
20 SECTION 220. The introductory language of Arkansas Code § 25-16-
21 1006(a), concerning the administration and enforcement of rules of the Office
22 of Personnel Management, is amended to read as follows:

23 (a) The Office of Personnel Management ~~of the Division of Management~~
24 ~~Services of the Department of Finance and Administration~~ shall establish
25 rules and forms for all state agencies that will enable each public official
26 and each supervisory employee within a state agency to determine whether:
27

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

31 (a)~~(1)~~ The Director of the ~~Department~~ Division of Information Systems
32 shall establish standards and polices governing the use, management,
33 retention, privacy, and security of electronic records of state agencies.
34

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

1 amended to read as follows:

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

6

7 SECTION 223. Arkansas Code § 25-18-703 is amended to read as follows:
8 25-18-703. State agency standards and policies.

9 A state agency may use the standards and policies developed by the
10 Director of the ~~Department~~ Division of Information Systems under § 25-18-702,
11 or it may develop its own standards and policies consistent with the
12 requirements established in § 25-18-702(b).

13

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

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

20

21 SECTION 225. The introductory language of Arkansas Code § 25-26-
22 204(b), concerning procurement requirements, is amended to read as follows:

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

25

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

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

30

31 SECTION 227. Arkansas Code § 25-27-103(a)(4), concerning the board of
32 the Information Network of Arkansas, is amended to read as follows:

33 (4) Two (2) members, or their designees, who are chief executive
34 officers of agencies of the executive branch other than the Department of
35 Finance and Administration and the ~~Department~~ Division of Information
36 Systems, shall be appointed by the Governor;

1
2 SECTION 228. Arkansas Code § 25-27-103(a)(8), concerning the board of
3 the Information Network of Arkansas, is amended to read as follows:

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

6
7 SECTION 229. Arkansas Code § 25-27-104(a)(1), concerning duties of the
8 Information Network of Arkansas, is amended to read as follows:

9 (1) To develop and implement an electronic gateway system to
10 provide electronic access to members of the public to public information and
11 to develop, implement, and promote the use of electronic commerce and digital
12 signature applications within the state in cooperation with the ~~Department~~
13 Division of Information Systems;

14
15 SECTION 230. Arkansas Code § 25-27-104(a)(7), concerning duties of the
16 Information Network of Arkansas, is amended to read as follows:

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

21
22 SECTION 231. Arkansas Code § 25-27-104(b)(4), concerning duties of the
23 Information Network of Arkansas, is amended to read as follows:

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

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

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

34
35 SECTION 233. Arkansas Code § 25-27-105(c), concerning a contract with
36 a network manager, is amended to read as follows:

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

4
5 SECTION 234. Arkansas Code § 25-30-205 is amended to read as follows:
6 25-30-205. Office facilities.

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

12
13 SECTION 235. Arkansas Code § 25-32-117(b), concerning the creation and
14 retention of electronic records and conversion of written records by
15 governmental agencies, is amended to read as follows:

16 (b) Each state agency shall comply with applicable standards and
17 policies adopted or established by the Department of ~~Finance and~~
18 ~~Administration~~ Transformation and Shared Services with advice and review from
19 the ~~Department~~ Division of Information Systems to determine whether and the
20 extent to which it will retain and convert written records to electronic
21 records.

22
23 SECTION 236. Arkansas Code § 25-32-118(a)(2), concerning acceptance
24 and distribution of electronic records by governmental agencies, is amended
25 to read as follows:

26 (2) For state agencies, the determinations shall be consistent
27 with applicable standards and policies adopted or established by the
28 Department of ~~Finance and Administration~~ Transformation and Shared Services
29 with advice and review from the ~~Department~~ Division of Information Systems.

30
31 SECTION 237. Arkansas Code § 25-33-101(a)(1) and (2), concerning the
32 creation of the State Technology Council, are amended to read as follows:

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

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

1 her designee;

2
3 SECTION 238. Arkansas Code § 25-34-104(a)(1), concerning agency
4 policy, is amended to read as follows:

5 (a)(1) Each agency shall prepare and implement an agency-wide policy
6 for the management and sale of agency surplus computer equipment and
7 electronics in accord with the Director of the ~~Department~~ Division of
8 Information Systems policies for review and replacement of computer and
9 electronic equipment.

10
11 SECTION 239. Arkansas Code § 25-34-104(b), concerning agency policy,
12 is amended to read as follows:

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

16
17 SECTION 240. Arkansas Code § 27-14-1708(b)(1), concerning the
18 temporary tag database, is amended to read as follows:

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

23
24 SECTION 241. Arkansas Code § 27-14-1708(c), concerning the temporary
25 tag database, is amended to read as follows:

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

29
30 SECTION 242. The introductory language of Arkansas Code § 27-14-
31 1708(d)(1), concerning the temporary tag database, is amended to read as
32 follows:

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

35
36 SECTION 243. Arkansas Code § 27-14-1708(e), concerning the temporary

1 tag database, is amended to read as follows:

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

7
8 SECTION 244. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that this act revises the duties of
10 certain state entities; that this act establishes new departments of the
11 state; that these revisions impact the expenses and operations of state
12 government; and that the provisions of this act should become effective to
13 allow for implementation of the new provisions in advance of the upcoming
14 fiscal year. Therefore, an emergency is declared to exist, and this act
15 being necessary for the preservation of the public peace, health, and safety
16 shall become effective on July 1, 2019.