

2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0470 Information Systems, Department of

ACT#: 247

SECTION#: 7

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

REPORTING REQUIREMENTS. The Chief Fiscal Officer of the State shall annually file with the Arkansas Legislative Council and the Joint Committee on Advanced Communications and Information Technology a report summarizing all receipts and expenditures made from the Unanticipated Services appropriation in this Act.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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CONTINGENCY RESTRICTIONS. In the event of unforeseen conditions, additional appropriations become necessary that are not authorized or contemplated in Section 3 of this Act and such events make it necessary that the Department of Information Systems receives additional appropriations to carry out the objectives of the agency, the Director of the Department of Information Systems is hereby authorized to request the approval of the Governor and the Chief Fiscal Officer of the State, as hereinafter provided, for transfer of the additional appropriation provided the Department by Section 4, but in no event shall the transfers exceed the appropriation provided in Section 4 of this Act. Whenever the Director of the Department of Information Systems deems it necessary to establish additional appropriations as authorized herein, a written report shall be filed with the Governor accompanied by necessary supporting documents setting forth the facts, justifications, and circumstances that necessitate such appropriation. Upon receipt of such reports and supporting documents, the Governor, or his designee, shall study the same, and if he shall determine that such additional appropriations are being sought in strict compliance with this Act, the Governor, after seeking prior review by the Joint Committee on Advanced Communications and Information Technology, may approve or modify such request for additional appropriations as in his judgment he deems necessary, and shall forward a copy thereof to the Chief Fiscal Officer of the State. Upon receipt thereof, the Chief Fiscal Officer of the State after receiving prior approval by the Arkansas Legislative Council or Joint Budget Committee shall direct the State Auditor to process said transfer upon his books in accordance with

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the provisions as set out herein. If the agency requests continuation of appropriation as established herein during the next biennium, the appropriation must be requested as new appropriation in the agency's biennial budget request.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Information Systems may operate more efficiently if some flexibility is provided to the Department of Information Systems authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

REPORTING REQUIREMENTS.

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

(2) The director will forward to the joint committee any statutory changes that the department may recommend sufficiently in advance of the convening of the session of the General Assembly.

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

(b)(1) By October 31, January 31, April 30, and July 31 of each fiscal year, the Director of the Department Information Systems shall compile and submit a report to:

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

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

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

(2) The report shall:

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

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or upgrades to be added to all existing technology plans; and

(B) Provide a full report of all corresponding recommendations made by the Department of Information Systems to the requesting state agencies, boards, and commissions.

(3) The report shall include:

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

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

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

(D) A detailed explanation of all recommendations provided by the Department of Information Systems;

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

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

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

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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EXECUTIVE RECOMMENDATION

COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

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1. In order to effect compliance with the requirements of state and federal statutory and regulatory provisions, the Director shall adjust billing rates or issue billing adjustments to be federally compliant, notwithstanding the provisions of ACA §25-4-105 and §25-4-119 or funds sufficient to effect compliance shall be provided the Department from General Revenues, Special Revenues or such other fund sources as may become available. These actions shall be subject to the approval of the Chief Fiscal Officer of the State and approval by the Arkansas Legislative Council.

2. The Director shall have authority to transfer funds between the Information Technology Reserve Fund established by ACA §25-4-123 and the Department of Information Systems Revolving Fund established by ACA §25-4-121 for cash management purposes.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Information Systems may operate more efficiently if some flexibility is provided to the Department of Information Systems authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this

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section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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EXECUTIVE RECOMMENDATION

GIFTS, GRANTS AND DONATIONS. The Director may accept on behalf of the Department of Information Systems, from any source, funds including but not limited to special or general revenue, gifts, grants, cash, bequeaths, devices, donations, real or personal property and equipment.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

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. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONTINGENCY RESTRICTIONS. In order to safeguard and secure information technology assets and investments and to pragmatically affect cost savings, the Director may enter into a maintenance, warranty or equipment agreement not to exceed a five (5) year period with payment on an annual basis subject to appropriation and funding availability. This language neither prohibits the agency from exercising a cancellation provision nor affects reporting requirements.

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