

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

HOUSE BILL 2370

5 By: Representative Lendall  
6  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE A PROFESSIONAL DATABASE  
10 ADMINISTRATOR LICENSING BOARD; TO ESTABLISH  
11 LICENSING REQUIREMENTS FOR PROFESSIONAL DATABASE  
12 ADMINISTRATORS WHO SUPERVISE ELECTRONIC  
13 INFORMATION USED BY OR COLLECTED ON BEHALF OF  
14 STATE GOVERNMENT, LOCAL GOVERNMENT, OR THEIR  
15 POLITICAL SUBDIVISIONS OR AGENCIES OR OTHER  
16 PUBLICLY OWNED ORGANIZATIONS; TO ESTABLISH THE  
17 RURAL TECHNOLOGY FUND TO ASSIST RURAL AREAS IN  
18 DEVELOPING DIGITAL COMMUNICATION TECHNOLOGY; AND  
19 FOR OTHER PURPOSES.  
20

## Subtitle

21 TO CREATE A PROFESSIONAL DATABASE  
22 ADMINISTRATOR LICENSING BOARD TO  
23 REGULATE PROFESSIONAL DATABASE  
24 ADMINISTRATORS AND TO ESTABLISH THE  
25 RURAL TECHNOLOGY FUND.  
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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31 SECTION 1. This act may be referred to as the "Professional Database  
32 Administrator Licensing Act".  
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34 SECTION 2. Definitions.

35 As used in this act:

36 (1) "Board" means the Arkansas Professional Database Administrator



1 Licensing Board;

2 (2) "Certification" means the technical training in one product or  
3 suite of products, and does not affect nor infer professional licensing under  
4 this act;

5 (3) "Confidential data" is any electronic record, file, or information  
6 so designated under state law, administrative court order, or by federal law;

7 (4) "Consulting professional database administrator" means a  
8 professional database administrator:

9 (A) Whose principal occupation is the independent practice of  
10 database management, set-up, and maintenance of a database within a system or  
11 the use of licensed software;

12 (B) Whose livelihood is obtained by offering these services to a  
13 publicly run entity;

14 (C) Who serves a publicly run organization or agency as an  
15 independent fiduciary;

16 (D) Who has no public, commercial, and product affiliation that  
17 might tend to infer a conflict of interest; and

18 (E) Who is cognizant of his or her public and legal  
19 responsibilities and is capable of discharging those responsibilities;

20 (5) "Direct control" means oversight of any person working with a  
21 database's direct actions, source code, database layout, configuration of,  
22 integration of, sale of, or any publicly owned electronic data deemed  
23 sensitive or confidential;

24 (6) "Direct supervision" means that degree of supervision by a person  
25 overseeing the work of another, whereby the supervisor has both control over  
26 and detailed professional knowledge of the work prepared under his or her  
27 supervision;

28 (7) "Fund" means the Rural Technology Fund;

29 (8) "Good moral character" means character that will enable a person  
30 to discharge the fiduciary duties of a professional database administrator to  
31 his or her client organization, with respect to, and for the protection of,  
32 any electronic information usage as it applies to the health, safety, and  
33 welfare of the citizens of Arkansas;

34 (9) "Licensing" means obtaining a license with a unique licensing  
35 number that is issued by the board;

36 (10) "Mandated report" means a professional database administrator

1 report regarding any board, company, person, or organization who uses  
 2 publicly collected data or the state’s data, in any illegal activity  
 3 associated with the programming, storage, or distribution of files owned by,  
 4 used by, or billed to, any governmental unit within Arkansas;

5 (11)(A) “Practice of professional database administration” means any  
 6 service, network design, data layout, subroutines, data mapping, database  
 7 rules, database directories, data documentation, or oversight of the  
 8 performance of electronic data and electronic files, which would require  
 9 education, training, and experience in the application of special knowledge  
 10 in the mathematical, physical, and networking services.

11 (B) The practice of professional database administration  
 12 includes consultation, investigation, evaluation, planning, and design of  
 13 database systems relating to the use of any database owned, operated,  
 14 licensed, leased, or developed for a governmental entity, other publicly run  
 15 utility, or public entity within Arkansas;

16 (12) “Professional database administrator” means a person who has:

17 (A) A four-year degree from an accredited educational  
 18 institution;

19 (B) The required examinations in the fundamentals of database  
 20 set-up and management, with an emphasis on math;

21 (C) An ethics exam, as provided for in this act;

22 (D) Been licensed as a professional database administrator by  
 23 the board; and

24 (E) Direct control of, direct supervision over, and legal  
 25 responsibility for the technical submissions on and within publicly owned  
 26 electronic records within the database;

27 (13) “Publicly held electronic record or digital file” means an  
 28 electronic record or digital file that would be public information under the  
 29 Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq.;

30 (14) “Sensitive data” means any information that could be altered or  
 31 sold that would harm a person, financially harm an organization, or affect  
 32 national security; and

33 (15) “Technical database submissions” means codes, tables,  
 34 spreadsheets, drawings, specifications, data dictionaries, studies, written  
 35 validations, and other technical documentation prepared in the course of  
 36 database administration practice.

SECTION 3. Scope.

(a) Beginning July 1, 2005, a contract shall be administered by a licensed professional database manager if it is a contract:

(1) Between the State of Arkansas or its political subdivisions, public utilities, public schools, or state-supported retirement systems and a private vendor;

(2) For database management, storage, billing, geographic informational attribute management, digital extraction, or financial management entered into on behalf of taxpayers, ratepayers, or for elected officials serving in their elected capacity;

(3)(A) That requires the use or storage of publicly held electronic records or digital files.

(B) Beginning July 1, 2005, publicly held electronic records and digital files shall be under the direct supervision of a licensed professional database administrator who holds a current license issued and held in good standing by the Arkansas Professional Database Administrator Licensing Board.

(C) Each person, vendor, company, corporation, or agency who wishes to enter into a contract with the State of Arkansas requiring the use or storage of publicly held electronic records must certify by affidavit the licensed number, contact information of the board employed by the company, and its Arkansas licensed professional database administrator number on all bids and contracts; and

(4) Involves two (2) or more companies, as contractors, jointly bidding on or entering into a contract or subcontract for twenty-five thousand dollars (\$25,000) or more, to provide database services for the state or a unit of local government.

(c) Any database performance, problem report, issue documentation, change order, final configuration, and database integration shall show the license number of the professional database administrator accountable for the design or correction related to the documentation.

(d)(1) This act and any rule or regulation issued under this act applies only to the electronic records and databases owned, controlled by, collected on behalf of, or running under a contractual agreement with, or through, the State of Arkansas or its political subdivisions, public

1 utilities, public schools, or state-supported retirement systems.

2 (2) Neither this act nor any rule or regulation issued under  
 3 this act applies to a private company, business, firm, or organization using  
 4 its own data, or to data that is collected or used by these private entities  
 5 with another private business partner.

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 7 SECTION 4. Practice of professional database administration.

8 (a) A person practices or offers to practice professional database  
 9 administration under this act if he or she:

10 (1) By verbal claim, sign advertisement, letterhead, card, or in  
 11 any other way, represents himself or herself to be a professional database  
 12 administrator;

13 (2) Through the use of some other title implies that he or she  
 14 is a professional database administrator or that he or she is licensed under  
 15 this act; or

16 (3) Holds himself or herself out as able to perform or performs  
 17 any database service, storage, or work or any other service, designated by  
 18 the practitioner, which is recognized by the Arkansas Professional Database  
 19 Administrator Licensing Board as a database administration for a public  
 20 utility or governmental unit which requires a specialized database service.

21 (b) A person does not practice or offer to practice professional  
 22 database administration under this act if he or she merely:

23 (1) Operates or maintains network machinery, computer hardware,  
 24 phone equipment, or enters data into a program; or

25 (2) Engages in word processing, web publishing, statistical  
 26 reporting, or the graphic layout of data.

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 28 SECTION 5. Licensure - Qualification.

29 (a) Beginning July 1, 2005, a person seeking to practice as a  
 30 professional database administrator in Arkansas may make written application  
 31 for a professional database administrator license to the Professional  
 32 Database Administrator Licensing Board showing that he or she is:

33 (1) At least twenty-one (21) years of age;

34 (2) A person of moral integrity and acceptable ethical  
 35 standards; and

36 (3) Has a four-year degree from an accredited university.

1           (b)(1) The application for licensure to practice in the State of  
 2 Arkansas shall be:

3                   (A) In writing;

4                   (B) Signed by the applicant;

5                   (C) Submitted to the board at least thirty (30) days  
 6 before the exam; and

7                   (D) Accompanied by a nonrefundable application fee, as  
 8 established by the board.

9           (2) In addition, the application shall include:

10                   (A) A current photograph of the applicant;

11                   (B) The applicant's social security number;

12                   (C) The applicant's certified transcript from an  
 13 accredited university;

14                   (D)(i) A copy of the applicant's diploma from an  
 15 accredited university.

16                           (ii)(a) If the applicant has not graduated at the  
 17 time he or she submits the application, the applicant shall submit an  
 18 affidavit from the dean of the applicant's accredited school certifying the  
 19 applicant's ability to graduate.

20                           (b) However, a copy of the applicant's diploma  
 21 shall be submitted upon availability and not later than before the exam date;

22                   (E) A copy of a criminal background check based on the  
 23 applicant's classifiable set of fingerprints; and

24                   (F) A verified statement disclosing any record of  
 25 convictions of the applicant of a felony, Class A misdemeanor, a crime  
 26 involving an act of violence, or any crime involving moral turpitude.

27           (3) In addition, the board may require any additional  
 28 information that would show the applicant is honest, trustworthy, and of good  
 29 character.

30           (4)(A) The board shall require an applicant to demonstrate his  
 31 or her qualifications by an examination to be determined by the board or to  
 32 show proof of other qualifications as may be determined by the board.

33                   (B) The board may require a verified statement of  
 34 his or her experience qualifications.

35                   (C) The board may require that all applicants for  
 36 licensure by examination complete a preceptorship program.

1           (c)(1) If the board finds that the applicant possesses the proper  
2 qualifications, it shall admit him or her to the next examination.

3           (2) If an applicant is found unqualified to take the examination  
4 or to receive a license without examination, the board shall immediately  
5 notify the applicant in writing of its findings and the grounds for its  
6 findings.

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8           SECTION 6. Licensure - Continuing education.

9           (a) Licenses issued under this act shall be issued to individuals  
10 based on his or her education, knowledge, and qualifications.

11           (b) Licenses issued under this act are not transferable.

12           (c) No license shall be granted to a person other than a natural  
13 person.

14           (d) The board shall set continuing education credit requirements.

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16           SECTION 7. Limited license.

17           (a) The Professional Database Administrator Licensing Board may grant  
18 a limited license at a reduced rate to a person who, at the time this act  
19 becomes effective, lives in Arkansas, is employed by a local government, and  
20 works directly with a local governmental database that is used solely by a  
21 municipal or county government.

22           (b) The board shall not grant a limited license to a person unless the  
23 person meets the requirements in section (5)(a) and documents his or her  
24 knowledge, skill, and competency to run the local program on the limited  
25 license, in a manner to be determined by the board.

26           (c) A limited license issued under this act shall not be used for any  
27 purpose other than that for which it was granted.

28           (d) A limited license shall not be granted for oversight or work with  
29 any statewide database.

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31           SECTION 8. Termination of license.

32           (a) The Professional Database Administrator Licensing Board shall  
33 prescribe by rule the procedure under which a license issued under this act  
34 may be terminated.

35           (b) The fee for the termination of a license under this act shall be  
36 determined by the board in an amount not to exceed five dollars (\$5.00).

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SECTION 9. Examination.

(a) Examinations and procedures under this act shall be developed and conducted by the University of Arkansas System through contracts with the Arkansas Professional Database Licensing Board.

(b) Any applicant under this act who is a veteran of the Army, Navy, Marines, or is a Nurse of the United States shall receive a credit on his or her examination score of ten percent (10%) above all applicants who are not veterans or nurses, if he or she delivers to the board the original or a properly executed certified copy of an honorable discharge from the Army, Navy, Marines, or Nurses of the United States.

(c) The board shall determine examination fees under this act, subject to the following limitations:

(1) The application fee shall not exceed three hundred dollars (\$300), and shall include any fee required for the applicant's criminal history background check;

(2) The knowledge, skill, and competency testing for the final license shall be given twice each year, for a cost not to exceed five thousand (\$5,000) per test; and

(3) An ethics exam shall be given twice a year, at a cost not to exceed five hundred dollars (\$500).

(d) If a person fails to pass an examination, he or she shall not be eligible to take a subsequent examination unless he or she pays a reexamination fee which shall be set by the board in an amount not in excess of the original fee.

SECTION 10. Professional Database Administrator Licensing Board - Creation - Members.

(a)(1) There is created a Professional Database Administrator Licensing Board, consisting of nine (9) members to be appointed by the Governor, with the advice and approval of the cochair of the Joint Committee on Advanced Communications and Information Technology.

(2) If an appointment occurs during a regular session of the General Assembly, the Governor shall appoint the members with the advice and approval of the chairperson of the House Committee on Advanced Communications and Information Technology and the chairperson of the Senate Committee on



1 Technology and Legislative Affairs.

2 (b)(1) Members of the board shall be individuals who have the  
3 technical knowledge or experience necessary to administer professional  
4 database administrator examination and licensing standards.

5 (2) Each member shall be a licensed professional of good  
6 standing in his or her profession with at least four (4) years active  
7 experience in his or her profession at the time of the appointment.

8 (3) Each member of the board shall be a citizen of the United  
9 States, shall be at least thirty-five (35) years of age, and shall have been  
10 a resident of Arkansas for at least three (3) years immediately preceding his  
11 or her appointment.

12 (4) After five (5) of the original members' initial terms of  
13 service have expired, the Governor may fill five (5) of the member seats with  
14 licensed professional database administrators.

15 (c)(1)(A) The members will serve staggered four-year terms, with the  
16 terms to be determined by lot at the first meeting of the board.

17 (B) No member may serve more than two (2) terms.

18 (C)(i) The chairperson shall serve for no more one (1)  
19 term.

20 (ii) After the first term of the first chairperson  
21 has expired, or if the first chairperson vacates his or her seat, the  
22 Governor shall thereafter appoint a new chairperson, who may be any licensed  
23 professional meeting the qualifications under section 5(a).

24 (d)(1) The board shall meet for the first time at a time and place to  
25 be determined by the first chairperson.

26 (2) The board shall thereafter meet once each month at a  
27 standard time and place to be determined by majority vote of the members  
28 attending the first meeting.

29 (e) Five (5) members shall constitute a quorum for any transaction of  
30 the board, except for the approval of a grant from the Rural Technology Fund.

31 (f)(1) Members of the board shall serve without compensation but may  
32 receive expense reimbursement under § 25-16-902.

33 (2) Members of the board who are not state employees may receive  
34 stipends under § 25-16-903.

35 (g)(1) If a board member misses four (4) consecutive meetings, the  
36 chairperson shall declare that member's seat to be vacant.

1           (2)(A) Vacancies on the board, however created, shall be filled  
2 by the Governor, with the approval of the cochair of the Joint Committee on  
3 Advanced Communications and Information Technology.

4           (B) If a vacancy occurs during a regular session of the  
5 General Assembly, the Governor shall fill the vacancy with the advice and  
6 approval of the chairperson of the House Committee on Advanced Communications  
7 and Information Technology and the chairperson of the Senate Committee on  
8 Technology and Legislative Affairs.

9           (C) Any member appointed to fill a vacancy shall serve for  
10 the duration of the unexpired term.

11           (3) The Governor or a two-thirds (2/3) majority of the entire  
12 board may remove any member of the board for misconduct, incompetency, or  
13 neglect of duty.

14           (h)(1) The chairperson of the board shall forward the minutes of each  
15 board meeting to the cochair of the Joint Committee on Advanced  
16 Communications and Information Technology.

17           (2) During a regular session of the General Assembly, the  
18 chairperson of the board shall forward the minutes of each board meeting to  
19 the chairperson of the House Committee on Advanced Communications and  
20 Information Technology and the chairperson of the Senate Committee on  
21 Technology and Legislative Affairs.

22           (i) The Department of Information Services shall provide staffing and  
23 facilities for the board.

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25       SECTION 11. Power - Duties.

26       (a) The Professional Database Administrator Licensing Board shall:

27           (1) Review all contracts entered into and all reports issued  
28 under this act;

29           (2)(A) Approve all grants to be awarded from the Rural  
30 Technology Fund by only a majority vote of the entire board.

31           (B) At the beginning of each monthly board meeting, the  
32 chairperson of the board shall present a full and detailed balance sheet  
33 regarding the status of the fund; and

34           (3) Adopt rules and regulations to:

35           (A) Oversee the examination, qualification, and licensing  
36 of professional database managers under this act;

1                   (B) Provide investigative and disciplinary measures for  
 2 violations of this act;

3                   (C) Regulate the distribution of grants under the Rural  
 4 Technology Fund; and

5                   (D) Otherwise implement this act.

6           (b)(1) The board shall conduct at least one (1) investigation or state  
 7 agency database audit each year.

8                   (2) The board may exceed the ten percent (10%) limit on its  
 9 administrative expenses if the moneys are needed for auditing and  
 10 investigative purposes.

11                   (3)(A) The board shall report any auditing or investigative  
 12 finding to the cochair of the Joint Committee on Advanced Communications and  
 13 Information Technology.

14                   (B) The board shall report any auditing or investigative  
 15 finding made during a regular session of the General Assembly to the  
 16 chairperson of the House Committee on Advanced Communications and Information  
 17 Technology and the chairperson of the Senate Committee on Technology and  
 18 Legislative Affairs.

19           (c)(1) The board shall report all substantiated misdeeds or  
 20 documentable suspicions regarding digital records, database routines, or the  
 21 electronic theft of identity information to the Attorney General.

22                   (2) At the request of the Attorney General, the board shall  
 23 provide the technical expertise and funding for the Attorney General's staff  
 24 to investigate any suspected database or software wrongdoing.

25                   (3) The Attorney General, or his or her designee, shall act as  
 26 legal advisor to the Arkansas Professional Database Administrator Licensing  
 27 Board and shall render legal assistance as necessary to carry out the powers  
 28 and duties of the board and to enforce the provisions of this act.

29                   (4)(A) The board may employ private counsel for the necessary  
 30 assistance in carrying out the board's duties.

31                   (B) The compensation and expenses for private counsel  
 32 retained by the board to assist in carrying out its duties shall be paid from  
 33 the operating funds of the board.

34           (d) The board may discipline a licensed professional database  
 35 administrator who fails to discharge his or her duties under this act or who  
 36 manipulates, sells, or uses electronic data in a harmful manner.

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 2 SECTION 12. (a) There is established on the books of the Treasurer of  
 3 State, Auditor of State, and Chief Fiscal Officer of the State, a special  
 4 revenue fund to be known as the “Rural Technology Fund”.

5 (b) The Rural Technology Fund shall consist of those special revenues  
 6 produced by fees obtained from persons tested and licensed under this act.

7 (c) The fund shall be used exclusively by and for the administrative  
 8 expenses of the Professional Database Administrator Licensing Board and the  
 9 projects approved by the board.

10 (d) Moneys in the fund shall be used as follows:

11 (1) No more than ten percent (10%) of the fund shall be used to  
 12 meet the administrative expenses of the board in the registration and  
 13 licensing of persons under the Professional Database Administrator Licensing  
 14 Act;

15 (2) No more than eighty percent (80%) of the fund shall be used  
 16 to provide grants to rural communities for the purpose of assisting rural  
 17 communities with the development of digital communications technology;

18 (3) No more than eight percent (8%) of the fund shall be used  
 19 for special projects deemed necessary by the board; and

20 (4) Beginning July 1, 2005, and on July 1 each year thereafter,  
 21 the Treasurer of State shall transfer two percent (2%) of the moneys from the  
 22 fund into the Health Department Technology Fund, to be used by the Arkansas  
 23 Department of Health for purchasing and maintaining computers, engineering,  
 24 geographical informational mapping, and updating computerized testing  
 25 equipment for rural areas of Arkansas.

26 (e) The Division of Legislative Audit shall conduct an audit one (1)  
 27 time each fiscal year to assure that the fees collected under this act are  
 28 deposited into the Rural Technology Fund.

29 (f) For purposes of this act, a community is “rural” if it has a  
 30 population of twenty thousand (20,000) or fewer persons.

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