

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1504

4
5 By: Representatives Thomas and Booker

For An Act To Be Entitled

9 "AN ACT TO PROVIDE FOR THE INDEXING OF ELECTRONIC DATA-
10 PROCESSING PUBLIC RECORDS AND DATABASES AND TO PROVIDE FOR
11 THE DEVELOPMENT OF PLANS FOR THE SEPARATION OF PUBLIC
12 RECORDS AND RECORDS NOT OPEN TO THE PUBLIC IN ORDER TO
13 PROVIDE MAXIMUM PUBLIC ACCESS TO ELECTRONIC DATABASES; AND
14 FOR OTHER PURPOSES."

Subtitle

16
17 "TO PROVIDE FOR THE INDEXING OF
18 ELECTRONIC PUBLIC RECORDS AND DATABASES
19 AND TO PROVIDE FOR DEVELOPING PLANS TO
20 SECURE INFORMATION NOT OPEN TO PUBLIC
21 ACCESS."

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. As used in this act, unless the context otherwise requires:

26 (1) "Computer database" means a structured collection of data or
27 documents residing in a database management program or spreadsheet software.

28 (2) "Computer hardware" means any tangible machine or device utilized
29 for the electronic storage, manipulation, or retrieval of data.

30 (3) "Computer program" means a series of instructions or statements
31 that permit the storage, manipulation, and retrieval of data within an
32 electronic data-processing system, together with any associated documentation.
33 It shall not include the original data, or any analysis, compilation, or
34 manipulated form of the original data produced by the use of the program or
35 software.

36 (4) "Computer software" means any set or combination of computer

1 programs. It shall not include the original data, or any analysis,
 2 compilation, or manipulated form of the original data produced by the use of
 3 the program or software.

4 (5) "Electronic data-processing system" means any computer hardware,
 5 computer software, or computer programs or any combination thereof, regardless
 6 of kind or origin.

7 (6) "Public agency" means any state agency, department, board or
 8 commission of the State of Arkansas which receives an appropriation of state
 9 funds; any municipality or county government in Arkansas, or any municipal or
 10 county agency or department; or any public school district or any other
 11 political subdivision of the State of Arkansas.

12
 13 SECTION 2. On or after June 30, 1998, no public agency shall purchase,
 14 lease, create, or otherwise acquire any electronic data-processing system for
 15 the storage, manipulation, or retrieval of public records unless it first
 16 determines that the system will not impair or impede the agency's ability to
 17 permit the public inspection and examination, and to provide electronic copies
 18 of those records. Nothing in this section shall be construed to require the
 19 retention by the public agency of obsolete hardware or software.

20
 21 SECTION 3. (a) In accordance with the following schedule, every public
 22 agency shall create an index of computer databases compiled or developed by
 23 the public agency:

24 (1) State agencies, departments, and boards and commissions, by
 25 July 1, 1998;

26 (2) Municipalities with populations of ten thousand (10,000) or
 27 more and counties with populations of twenty-five thousand (25,000) or more,
 28 as determined by the 1990 federal decennial census, by July 1, 1998;

29 (3) Municipalities with populations of less than ten thousand
 30 (10,000) and counties with populations of less than twenty-five thousand
 31 (25,000), as determined by the 1990 federal decennial census, by July 1, 1999;

32 (4) Public school districts and other political subdivisions of
 33 the State of Arkansas and their agencies that are not otherwise covered in
 34 this schedule, by July 1, 1999.

35 (b) The index shall be a public record and shall include, at a minimum,
 36 the following information with respect to each database listed therein: a list

1 of the data fields; a description of the format or record layout; information
 2 as to the frequency with which the database is updated; a list of any data
 3 fields to which public access is restricted; a description of each form in
 4 which the database can be copied or reproduced using the agency's computer
 5 facilities; and a schedule of fees for the production of copies in each
 6 available form.

7 (c) Electronic databases compiled or created prior to the date by which
 8 the index must be created in accordance with this section may be indexed at
 9 the public agency's option.

10

11 SECTION 4. Further, the Arkansas Highway and Transportation Department,
 12 Arkansas Department of Health, the Department of Human Services, the
 13 Department of Finance and Administration, the Arkansas Department of
 14 Education, the Department of Pollution Control and Ecology, the Game and Fish
 15 Commission, and the Department of Parks and Tourism, shall report to the
 16 Arkansas Legislative Council by October 15, 1997, a plan to assure that
 17 information and records which are not open to public access under the Arkansas
 18 Freedom of Information Act, Arkansas Code §§ 25-19-101, et seq., shall be kept
 19 separate so that the public can obtain access to public records by electronic
 20 means.

21

22 SECTION 5. Nothing in this act shall require a public agency to create
 23 a computer database that the public agency has not otherwise created or is not
 24 otherwise required to be created. Nothing in this act shall require a public
 25 agency to disclose its software security, including passwords.

26

27 SECTION 6. All provisions of this act of general and permanent nature
 28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 29 Revision Commission shall incorporate the same in the Code.

30

31 SECTION 7. If any provisions of this act or the application thereof to
 32 any person or circumstance is held invalid, the invalidity shall not affect
 33 other provisions or applications of the act which can be given effect without
 34 the invalid provisions or application, and to this end the provisions of this
 35 act are declared to be severable.

36

1 SECTION 8. All laws and parts of laws in conflict with this act are
2 hereby repealed.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35