

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/14/23
A Bill

HOUSE BILL 1555

By: Representative S. Meeks

By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND THE REQUIREMENTS FOR MEETINGS TO ADDRESS A CYBERSECURITY INCIDENT INVOLVING, OR A CYBERATTACK ON, A PUBLIC ENTITY; TO CLARIFY THAT CERTAIN INTERNAL POLICIES OR INTERNAL GUIDELINES CONCERNING A CYBERSECURITY INCIDENT INVOLVING, OR A CYBERATTACK ON, A PUBLIC ENTITY ARE NOT CONSIDERED RULES; TO ALLOW THE JOINT COMMITTEE ON ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY TO MEET IN CLOSED MEETINGS ON MATTERS CONCERNING A CYBERSECURITY INCIDENT INVOLVING, OR A CYBERATTACK ON, A PUBLIC ENTITY; AND FOR OTHER PURPOSES.

Subtitle

TO REGULATE MEETINGS, INTERNAL POLICIES AND GUIDELINES, AND REPORTS TO ADDRESS A CYBERSECURITY INCIDENT INVOLVING, OR A CYBERATTACK ON, A PUBLIC ENTITY.

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

SECTION 1. Arkansas Code § 10-3-309(b)(1)(B), concerning the definition of "rule" used for review and approval of state agency rules, is amended to add an additional subdivision to read as follows:

(v) An internal policy or the internal guidelines of a state agency related to a cybersecurity incident involving, or a cyberattack on, a state agency.



SECTION 2. Arkansas Code Title 10, Chapter 3, Subchapter 17, is amended to add an additional section to read as follows:

10-3-1708. Joint Committee on Advanced Communications and Information Technology – Cybersecurity incidents and cyberattacks – Meetings in executive session – Definitions.

(a) As used in this section:

(1) "County" means any county of this state;

(2) "Municipality" means:

(A) A city of the first class;

(B) A city of the second class; or

(C) An incorporated town;

(3) "Public entity" means:

(A) A county;

(B) A municipality;

(C) A school district; or

(D) The state; and

(4) "School district" means a school district or open enrollment public charter school in this state.

(b)(1) The meetings of the Joint Committee on Advanced Communications and Information Technology to review a cybersecurity incident involving, or a cyberattack on, a public entity are closed and are exempt from public observance under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) Any member of the General Assembly may attend the closed hearing under subdivision (b)(1) of this section of the Joint Committee on Advanced Communications and Information Technology.

(3) An individual may attend a closed hearing under subdivision (b)(1) of this section at the invitation of either of the cochairs of the Joint Committee on Advanced Communications and Information Technology.

(4) The Joint Committee on Advanced Communications and Information Technology shall not disclose any information concerning an internal policy or the internal guidelines established to address a cybersecurity incident involving, or a cyberattack on, a public entity.

(5) If the Joint Committee on Advanced Communications and Information Technology meets in a closed meeting under subdivision (b)(1) of this section, the Joint Committee on Advanced Communications and Information

Technology may discuss only a cybersecurity incident involving, or cyberattack on, a public entity or any cybersecurity policy.

(c)(1) An internal policy or the internal guidelines that are established concerning a cybersecurity incident involving, or a cyberattack on, a public entity is:

(A) Confidential; and

(B) Exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) An internal policy or the internal guidelines of a public entity established to address a cybersecurity incident involving, or a cyberattack on, a public entity are not considered a rule under § 10-3-309 or the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 3. Arkansas Code § 25-15-202(9)(B), concerning the definition of "rule" under the Arkansas Administrative Procedure Act, is amended to add an additional subdivision to read as follows:

(viii) An internal policy or the internal guidelines of a state agency related to a cybersecurity incident involving, or a cyberattack on, a state agency.

/s/S. Meeks

APPROVED: 4/10/23