

1 State of Arkansas As Engrossed: H2/27/23 H3/14/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1369

4

5 By: Representative S. Meeks

6 By: Senator J. English

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For An Act To Be Entitled

9 AN ACT TO REQUIRE PUBLIC ENTITIES TO CREATE A POLICY
10 CONCERNING THE AUTHORIZED USE OF TECHNOLOGY RESOURCES
11 AND A CYBER SECURITY POLICY; TO AMEND THE DUTIES OF
12 THE STATE CYBER SECURITY OFFICE; AND FOR OTHER
13 PURPOSES.

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16

Subtitle

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

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SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended
27 to add an additional section to read as follows:

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25-1-126. Policy regarding use of technology resources and cyber
29 security.

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(a) As used in this section:

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(1) "Employee" means a person employed by a public entity;

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(2) "Public entity" means an instrumentality funded in whole or

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in part by taxpayer funds, including without limitation:

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(A) The Department of Agriculture;

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(B) The Department of Commerce;

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(C) The Department of Corrections;



- 1 (D) The Department of Education;
2 (E) The Department of Energy and Environment;
3 (F) The Department of Finance and Administration;
4 (G) The Department of Health;
5 (H) The Department of Human Services;
6 (I) The Department of Inspector General;
7 (J) The Department of Labor and Licensing;
8 (K) The Department of the Military;
9 (L) The Department of Parks, Heritage, and Tourism;
10 (M) The Department of Public Safety;
11 (N) The Department of Transformation and Shared Services;
12 (O) The Department of Veterans Affairs;
13 (P) The office of a constitutional officer;
14 (Q) A political subdivision of the state;
15 (R) A public school district;
16 (S) A public school district board of directors;
17 (T) An open-enrollment public charter school;
18 (U) An institution of higher education;
19 (V) The State Highway Commission;
20 (W) The Arkansas Department of Transportation; or
21 (X) The Arkansas State Game and Fish Commission;
22 (3) "State entity" means the:
23 (A) Department of Agriculture;
24 (B) Department of Commerce;
25 (C) Department of Corrections;
26 (D) Department of Education;
27 (E) Department of Energy and Environment;
28 (F) Department of Finance and Administration;
29 (G) Department of Health;
30 (H) Department of Human Services;
31 (I) Department of Inspector General;
32 (J) Department of Labor and Licensing;
33 (K) Department of the Military;
34 (L) Department of Parks, Heritage, and Tourism;
35 (M) Department of Public Safety;
36 (N) Department of Transformation and Shared Services;

1 (O) Department of Veterans Affairs;

2 (P) State Highway Commission;

3 (Q) Arkansas Department of Transportation;

4 (R) Arkansas State Game and Fish Commission; and

5 (S) An institution of higher education;

6 (4) "State educational entity" means an entity with an
7 educational purpose that is funded in whole or in part by taxpayer funds that
8 is, including without limitation:

9 (A) A public school district;

10 (B) A public school district board of directors; and

11 (C) An open-enrollment charter school; and

12 (5) "Technology resources" means:

13 (A) The machines, devices, and transmission facilities
14 used in information processing, including computers, word processors,
15 terminals, telephones, cables, software, and related products;

16 (B) The devices used to process information through
17 electronic capture, collection, storage, manipulation, transmission,
18 retrieval, and presentation of information in the form of data, text, voice,
19 or image and includes telecommunications and office automation functions;

20 (C) Any component related to information processing and
21 wired and wireless telecommunications, including data processing and
22 telecommunications hardware, software, services, planning, personnel,
23 facilities, and training;

24 (D) The procedures, equipment, and software that are
25 designed, built, operated, and maintained to collect, record, process, store,
26 retrieve, display, and transmit information, and the associated personnel,
27 including consultants and contractors; and

28 (E) All electronic mail accounts issued by a public
29 entity.

30 (b) A public entity shall:

31 (1) Create a technology resources policy that defines the
32 authorized use of technology resources for the public entity;

33 (2)(A) Develop a cyber security policy for all technology
34 resources of the public entity based on the standards and guidelines set by
35 the State Cyber Security Office;

36 (B) Subdivision (b)(2)(A) shall not apply to political

1 subdivisions of the state; and

2 (3)(A) Develop a training program for all employees of the
3 public entity concerning the technology resources policy and cyber security
4 policy.

5 (B) A political subdivision of the state is not required
6 to develop a training program under this section for a cyber security policy.

7 (c)(1) The technology resources policy for each state entity shall be
8 available to the public upon request.

9 (2) The Department of Education, in coordination with the State
10 Cyber Security Office, shall:

11 (A) Develop technology resources policies that shall be
12 used by each type of state educational institution; and

13 (B) Make the policies developed under subdivision
14 (c)(2)(A) of this section available to the public upon request.

15 (d) Each technology resources policy shall include prohibitions on the
16 use of a public entity's technology resources, including without limitation
17 that a public entity's technology resources shall not be used to:

18 (1) Express a personal political opinion to an elected official
19 unless the opinion is:

20 (A) Within the scope of the employee's regular job duties;
21 or

22 (B) Requested by an elected official or public entity;

23 (2) Engage in lobbying an elected official on a personal opinion
24 if the employee is not a registered lobbyist for the public entity;

25 (3) Engage in illegal activities or activities otherwise
26 prohibited by federal law or state law; or

27 (4) Intentionally override or avoid the security and system
28 integrity procedures of the public entity.

29 (e) A public entity shall create a disciplinary procedure for a
30 violation of the public entity's technology resources policy concerning
31 authorized use of technology resources.

32 (f)(1) Each state entity shall submit a cyber security policy for the
33 state entity for approval to the State Cyber Security Office by October 1 of
34 each even numbered year.

35 (2) The State Cyber Security Office shall establish a procedure
36 to review and approve state entity cyber security policies.

1 (3) The Department of Education shall:

2 (A) Develop a cyber security policy that shall be used by
3 each type of state educational institution;

4 (B) Submit the policies developed under subdivision
5 (f)(3)(A) of this section for approval to the State Cyber Security Office by
6 October 1 of each even numbered year; and

7 (C) Coordinate with each state educational institution to
8 implement the cyber security policy.

9 (g) A public entity, except for a political subdivision of the state,
10 shall create a disciplinary procedure for a violation of the public entity's
11 cyber security policy in consultation with the State Cyber Security Office
12 that establishes:

13 (1) A disciplinary procedure for a violation of a state entity's
14 cyber security policy; and

15 (2) The reporting procedure for suspected violations of the
16 cyber security policy.

17 (h) All cyber security policies developed under this section shall not
18 be deemed open public records under the Freedom of Information Act of 1967, §
19 25-19-101 et seq.

20 (i) The disciplinary procedures under subsection (e) of this section
21 shall not apply to employee communications made in compliance with the:

22 (1) Public Employees' Political Freedom Act of 1999, § 21-1-501
23 et seq.; or

24 (2) Arkansas Whistle-Blower Act, § 21-1-601 et seq.

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26 /s/S. Meeks

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29 **APPROVED: 4/10/23**
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