

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/14/23

A Bill

HOUSE BILL 1555

5 By: Representative S. Meeks
6 By: Senator J. English
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE REQUIREMENTS FOR MEETINGS TO
10 ADDRESS A CYBERSECURITY INCIDENT INVOLVING, OR A
11 CYBERATTACK ON, A PUBLIC ENTITY; TO CLARIFY THAT
12 CERTAIN INTERNAL POLICIES OR INTERNAL GUIDELINES
13 CONCERNING A CYBERSECURITY INCIDENT INVOLVING, OR A
14 CYBERATTACK ON, A PUBLIC ENTITY ARE NOT CONSIDERED
15 RULES; TO ALLOW THE JOINT COMMITTEE ON ADVANCED
16 COMMUNICATIONS AND INFORMATION TECHNOLOGY TO MEET IN
17 CLOSED MEETINGS ON MATTERS CONCERNING A CYBERSECURITY
18 INCIDENT INVOLVING, OR A CYBERATTACK ON, A PUBLIC
19 ENTITY; AND FOR OTHER PURPOSES.
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Subtitle

23 TO REGULATE MEETINGS, INTERNAL POLICIES
24 AND GUIDELINES, AND REPORTS TO ADDRESS A
25 CYBERSECURITY INCIDENT INVOLVING, OR A
26 CYBERATTACK ON, A PUBLIC ENTITY.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code § 10-3-309(b)(1)(B), concerning the
32 definition of "rule" used for review and approval of state agency rules, is
33 amended to add an additional subdivision to read as follows:

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



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

4 10-3-1708. Joint Committee on Advanced Communications and Information
5 Technology – Cybersecurity incidents and cyberattacks – Meetings in executive
6 session – Definitions.

7 (a) As used in this section:

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

9 (2) "Municipality" means:

10 (A) A city of the first class;

11 (B) A city of the second class; or

12 (C) An incorporated town;

13 (3) "Public entity" means:

14 (A) A county;

15 (B) A municipality;

16 (C) A school district; or

17 (D) The state; and

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

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

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

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

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

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

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

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

6 (A) Confidential; and

7 (B) Exempt from the Freedom of Information Act of 1967, §
8 25-19-101 et seq.

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

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

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

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21 /s/S. Meeks
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24 **APPROVED: 4/10/23**
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