

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

A Bill

HOUSE BILL 1369

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

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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Subtitle

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16 TO REQUIRE PUBLIC ENTITIES TO CREATE A
17 POLICY CONCERNING THE AUTHORIZED USE OF
18 TECHNOLOGY RESOURCES AND A CYBER SECURITY
19 POLICY; AND TO AMEND THE DUTIES OF THE
20 STATE CYBER SECURITY OFFICE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 25-1-126. Policy regarding use of technology resources and cyber
29 security.

30 (a) As used in this section:

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

32 (2) "Public entity" means an instrumentality funded in whole or
33 in part by taxpayer funds, including without limitation:

34 (A) The Department of Agriculture;

35 (B) The Department of Commerce;

36 (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; and

4 (R) Arkansas State Game and Fish Commission;

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

8 (A) A public school district;

9 (B) A public school district board of directors;

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

11 (D) An institution of higher education; 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) Develop a cyber security policy for all technology resources
 34 of the public entity based on the standards and guidelines set by the State
 35 Cyber Security Office; and

36 (3) Develop a training program for all employees of the public

1 entity concerning the technology resources policy and cyber security policy.

2 (c)(1) The technology resources policy for each state entity shall be
3 filed with the Joint Committee on Advanced Communications and Information
4 Technology by October 1 of each even numbered year.

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

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

9 (B) File the policies developed under subdivision
10 (c)(2)(A) of this section with the Joint Committee on Advanced Communications
11 and Information Technology by October 1 of each even numbered year.

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

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

17 (A) Within the scope of the employee's regular job duties;
18 or

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

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

22 (3) Engage in illegal activities or activities otherwise
23 prohibited by federal law or state law; or

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

26 (e) A public entity shall create a disciplinary procedure for a
27 violation of the public entity's technology resources policy concerning
28 authorized use of technology resources to include without limitation:

29 (1) A written warning for the first reported violation;

30 (2) An administrative penalty for the second reported violation;

31 (3) Disciplinary action for the third violation and any
32 subsequent violations; and

33 (4) The reporting procedure for suspected violations of the
34 technology resources policy.

35 (f)(1) Each state entity shall submit a cyber security policy for the
36 state entity for approval to the State Cyber Security Office by October 1 of

1 each even numbered year.

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

4 (3) The Department of Education shall:

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

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

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

12 (g) A public entity shall create a disciplinary procedure for a
13 violation of the public entity's cyber security policy in consultation with
14 the State Cyber Security Office that establishes:

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

17 (2) The reporting procedure for suspected violations of the
18 cyber security policy.

19 (h) All cyber security policies developed under this section shall not
20 be deemed open public records under § 25-19-105(b)(11).

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