

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1139 Session of 2023

INTRODUCED BY KENYATTA, MADDEN, GALLOWAY, RABB, SANCHEZ, SAMUELSON, D. WILLIAMS, SOLOMON, PARKER, SHUSTERMAN, TAKAC AND PISCIOTTANO, MAY 8, 2023

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 22, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in organization of departmental administrative
22 boards and commissions and of advisory boards and
23 commissions, providing for Cybersecurity Coordination Board.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
27 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 480. Cybersecurity Coordination Board.--(a) The  
3 following apply regarding establishment and purposes:

4 (1) The Cybersecurity Coordination Board is established  
5 within the Office of Administration.

6 (2) The Cybersecurity Coordination Board shall:

7 (i) Collect, study and share information about cybersecurity  
8 issues and initiatives and provide advice to the Governor with  
9 respect to developing uniform cybersecurity techniques,  
10 standards, policies, procedures and best practices.

11 (ii) Coordinate efforts with Federal, State and local  
12 government agencies, academic institutions and the private  
13 sector to promote effective cybersecurity measures for the  
14 benefit of the residents, businesses, government entities and  
15 other entities within this Commonwealth.

16 (b) The Cybersecurity Coordination Board shall consist of  
17 the following members:

18 (1) The Secretary of Administration or a designee.

19 (2) The Secretary of Banking and Securities or a designee.

20 (3) The Secretary of the Commonwealth or a designee.

21 (4) The Secretary of Community and Economic Development or a  
22 designee.

23 (5) The Secretary of Corrections or a designee.

24 (6) The Secretary of Education or a designee.

25 (7) The Secretary of Health or a designee.

26 (8) The Secretary of Human Services or a designee.

27 (9) The Secretary of Labor and Industry or a designee.

28 (10) The Secretary of Revenue or a designee.

29 (11) The Secretary of Transportation or a designee.

30 (12) The Adjutant General of the Department of Military and

1 Veterans Affairs or a designee.

2 (13) The Attorney General or a designee.

3 (14) The Auditor General or a designee.

4 (15) The Commissioner of Pennsylvania State Police or a  
5 designee.

6 (16) The State Treasurer or a designee.

7 (17) The Director of the Pennsylvania Emergency Management  
8 Agency or a designee.

9 (18) The Commonwealth's Chief Information Security Officer  
10 under the Office of Administration.

11 (19) The Director of the Governor's Office of Homeland  
12 Security or a designee.

13 (20) The Chancellor of the State System of Higher Education  
14 or a designee.

15 (21) The Executive Director of the Pennsylvania Public  
16 Utility Commission or a designee.

17 (22) The Court Administrator of the Administrative Office of  
18 Pennsylvania Courts or a designee.

19 (23) One member of the Senate to be appointed by the  
20 President pro tempore OR A DESIGNEE. <--

21 (24) One member of the House of Representatives to be  
22 appointed by the Speaker of the House of Representatives OR A <--  
23 DESIGNEE.

24 (25) One member of the Senate to be appointed by the  
25 Minority Leader of the Senate OR A DESIGNEE. <--

26 (26) One member of the House of Representatives to be  
27 appointed by the Minority Leader of the House of Representatives  
28 OR A DESIGNEE. <--

29 (27) The Executive Director of the County Commissioners  
30 Association of Pennsylvania or a designee.

1 (28) The Executive Director for the Pennsylvania Municipal  
2 League or a designee.

3 (29) The Executive Director for the Pennsylvania State  
4 Association of Township Supervisors or a designee.

5 (30) The Executive Director for the Pennsylvania State  
6 Association of Boroughs or a designee.

7 (31) The Executive Director for the Pennsylvania State  
8 Association of Township Commissioners or a designee.

9 (32) The President of the Pennsylvania Association of  
10 Intermediate Units or a designee.

11 (c) The Cybersecurity Coordination Board shall also include  
12 three cybersecurity subject matter experts from private sector  
13 industries that shall be appointed by and serve at the pleasure  
14 of the Governor.

15 (d) The Governor shall invite the following representatives  
16 of Federal agencies to serve as advisory members to the  
17 Cybersecurity Coordination Board:

18 (1) The United States Secretary of Defense or the  
19 secretary's designee.

20 (2) The United States Secretary of Homeland Security or the  
21 secretary's designee.

22 (3) The Director of the National Institute of Standards and  
23 Technology or a designee.

24 (4) The Director of the Defense Information Systems Agency  
25 or the director's designee.

26 (5) The Director of the Intelligence Advanced Research  
27 Projects Activity or the director's designee.

28 (6) The Director of the Federal Bureau of Investigation or  
29 the director's designee.

30 (e) The voting members of the Cybersecurity Coordination

1 Board shall elect a chairperson, vice chairperson and secretary  
2 of the Cybersecurity Coordination Board.

3 (f) The Cybersecurity Coordination Board shall, with the  
4 approval of the Governor, appoint an executive director to carry  
5 out the duties of the Cybersecurity Coordination Board. The  
6 following apply to the executive director:

7 (1) The executive director shall serve at the pleasure of  
8 the Cybersecurity Coordination Board. The selection and removal  
9 of the executive director shall be made by a simple majority of  
10 the voting members of the Cybersecurity Coordination Board that  
11 constitute a quorum.

12 (2) The executive director shall be qualified for the duties  
13 of the position, as determined by the Cybersecurity Coordination  
14 Board.

15 (3) The executive director shall conduct the work of the  
16 Cybersecurity Coordination Board under the direction and  
17 supervision of the Cybersecurity Coordination Board.

18 (4) The executive director shall provide a report to the  
19 Governor of the final determination of any action or inaction  
20 that the Cybersecurity Coordination Board recommends, including  
21 any advice or information in support of or in addition to any  
22 final determination of the Cybersecurity Coordination Board.

23 (5) A current member of the Cybersecurity Coordination Board  
24 may not serve as the executive director.

25 (6) The executive director's appointment shall not continue  
26 beyond the expiration of this section.

27 (7) The executive director shall be subject to the same  
28 policies and procedures as employees of the Office of  
29 Administration.

30 (8) The Cybersecurity Coordination Board shall fix the

1 compensation of the executive director, subject to the approval  
2 of the Executive Board.

3 (g) The Office of Administration shall acquire staff, office  
4 space, office equipment and supplies and obtain the services of  
5 cybersecurity subject matter experts to assist the Cybersecurity  
6 Coordination Board and the executive director of the  
7 Cybersecurity Coordination Board in fulfilling the duties under  
8 this section.

9 (h) The Cybersecurity Coordination Board and the executive  
10 director of the Cybersecurity Coordination Board may be  
11 supported by the Office of Administration's designated staff in  
12 furtherance of the Cybersecurity Coordination Board fulfilling  
13 the duties under this section.

14 (i) The Cybersecurity Coordination Board shall meet no fewer  
15 than four times a year to review and assess cybersecurity,  
16 including risks, protective measures, laws, regulations,  
17 governances, technologies, standards and best practices that  
18 affect the Federal, State, county and local governments,  
19 international government, businesses and other entities.  
20 Additional meetings shall be at the discretion of the  
21 Commonwealth's Chief Information Security Officer under the  
22 Office of Administration, until an executive director of the  
23 Cybersecurity Coordination Board is appointed, after which any  
24 additional meetings shall be held at the discretion of the  
25 executive director of the Cybersecurity Coordination Board.

26 (j) The Cybersecurity Coordination Board may establish  
27 committees, as needed, to formulate recommended positions or  
28 actions.

29 (k) The Cybersecurity Coordination Board, through the  
30 executive director of the Cybersecurity Coordination Board,

1 shall provide the Governor an annual report summarizing the  
2 Cybersecurity Coordination Board's findings and assessments. The  
3 following apply:

4 (1) The report shall include an overview of the  
5 cybersecurity landscape, changes since the prior report, issues  
6 and risks affecting the protection of information,  
7 recommendations to resolve and mitigate the issues and risks and  
8 any other relevant information deemed appropriate by the  
9 Cybersecurity Coordination Board with respect to cybersecurity.

10 (2) The report shall be confidential and exempt from  
11 disclosure as provided under subsection (1).

12 (1) Deliberations, documentation, records, correspondence  
13 and all work of the Cybersecurity Coordination Board and its  
14 committees, including any actions or reports of the  
15 Cybersecurity Coordination Board, shall be confidential and  
16 shall be exempt from the requirements of the following:

17 (1) The act of February 14, 2008 (P.L.6, No.3), known as the  
18 "Right-to-Know Law."

19 (2) 65 Pa.C.S. Ch. 7 (relating to open meetings).

20 (m) Members of the Cybersecurity Coordination Board and its  
21 committee members shall serve without compensation except for  
22 payment of necessary and actual expenses incurred in attending  
23 meetings and in performing duties and responsibilities as  
24 members.

25 (n) The Cybersecurity Coordination Board and its committee  
26 members, including advisory members, shall not use their  
27 position to sell products or services to the Commonwealth or  
28 benefit financially or enable their immediate family members or  
29 employers to benefit financially, whether directly or  
30 indirectly, from Commonwealth initiatives that result from

1 recommendations or advice provided by the Cybersecurity  
2 Coordination Board under this section.

3 (o) This section shall expire four years after the effective  
4 date of this subsection.

5 Section 2. This act shall take effect in 60 days.