

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 56 Session of 2019

INTRODUCED BY ORTITAY, GROVE, RYAN, DOWLING, SCHEMEL, FRITZ,  
WALSH, ROTHMAN, B. MILLER, BERNSTINE, KAUFFMAN, WHEELAND,  
ZIMMERMAN, MILLARD, IRVIN, COOK, HELM AND GAYDOS,  
MARCH 14, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 14, 2019

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania  
2 Consolidated Statutes, in boards and offices, providing for  
3 information technology; establishing the Office of  
4 Information Technology and the Information Technology Fund;  
5 providing for administrative and procurement procedures and  
6 for the Joint Cybersecurity Oversight Committee; and imposing  
7 penalties.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Part V of Title 71 of the Pennsylvania  
11 Consolidated Statutes is amended by adding a chapter to read:

12 CHAPTER 43

13 INFORMATION TECHNOLOGY

14 Subchapter

15 A. General Provisions

16 B. Office of Information Technology

17 C. Procurement and Business Operations

18 D. Security

19 E. Enforcement and Penalties

1                                    SUBCHAPTER A

2                                    GENERAL PROVISIONS

3    Sec.

4    4301. Scope of chapter.

5    4302. Findings and declarations.

6    4303. Definitions.

7    § 4301. Scope of chapter.

8        This chapter relates to administrative procedures and  
9    procurement regarding information technology.

10   § 4302. Findings and declarations.

11        The General Assembly finds and declares the following:

12            (1) The Commonwealth has struggled to keep information  
13    technology costs under control.

14            (2) Many of the Commonwealth's information technology  
15    contracts extend well beyond their anticipated date of  
16    completion.

17            (3) The Commonwealth can begin to reduce information  
18    technology costs by the consolidation of information  
19    technology functions and resources within the executive  
20    branch.

21            (4) Consolidation of information technology services  
22    will not only reduce costs but create more efficient  
23    information technology operations.

24            (5) By reforming the Commonwealth's outdated approach to  
25    information technology, the Commonwealth can improve data and  
26    analytic capabilities and improve cybersecurity.

27            (6) The improvement of operations will enhance taxpayer  
28    satisfaction and make it easier for residents to navigate.

29            (7) Consolidation of information technology services  
30    must be designed to improve accountability and transparency

to taxpayers and enhance the Commonwealth's data and analytics capabilities.

§ 4303. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Director." The administrative head of the office.

"Distributed information technology assets." Hardware, software and communications equipment not classified as traditional mainframe-based items, including, but not limited to, personal computers, local area networks, servers, mobile computers, peripheral equipment and other related hardware and software items.

"Electronic bidding." The electronic solicitation and receipt of offers to contract.

"Fund." The Information Technology Fund established under section 4316 (relating to Information Technology Fund).

"Independent agency." A board, commission, authority or other agency of the Commonwealth that is not subject to the policy supervision and control of the Governor. The term does not include:

(1) a court or agency of the unified judicial system; or

(2) the General Assembly or an agency of the General Assembly.

"Independent department." Any of the following:

(1) The Department of the Auditor General.

(2) The Treasury Department.

(3) The Office of Attorney General.

(4) A board or commission of an entity under paragraph

(1), (2) or (3).

1 "Information technology." Hardware, software and  
2 telecommunications equipment, including, but not limited to, the  
3 following:

4 (1) Personal computers.

5 (2) Servers.

6 (3) Mainframes.

7 (4) Wired or wireless wide and local area networks.

8 (5) Broadband.

9 (6) Mobile or portable computers.

10 (7) Peripheral equipment.

11 (8) Telephones.

12 (9) Wireless communications.

13 (10) Handheld devices.

14 (11) Public safety radio services.

15 (12) Facsimile machines.

16 (13) Technology facilities, including, but not limited  
17 to, data centers, dedicated training facilities or switching  
18 facilities.

19 (13.1) Electronic payment processing services.

20 (14) Other relevant hardware and software items or  
21 personnel tasked with the planning, implementation or support  
22 of technology, including hosting or vendor-managed service  
23 solutions.

24 "Information technology security incident." A computer-based  
25 activity, network-based activity or paper-based activity which  
26 results directly or indirectly in misuse, damage, denial of  
27 service, compromise of integrity or loss of confidentiality of a  
28 network, a computer, an application or data.

29 "Office." The Office of Information Technology established  
30 under Subchapter B (relating to Office of Information

1 Technology).

2 "Reverse auction." A real-time purchasing process in which  
3 vendors compete to provide goods or services at the lowest  
4 selling price in an open and interactive electronic environment.

5 "Secretary." The Secretary of Administration.

6 "State agency." Any of the following:

7 (1) The Governor's Office.

8 (2) A department, board, commission, authority or other  
9 agency of the Commonwealth that is subject to the policy  
10 supervision and control of the Governor.

11 (3) The office of Lieutenant Governor.

12 (4) An independent agency.

13 SUBCHAPTER B

14 OFFICE OF INFORMATION TECHNOLOGY

15 Sec.

16 4311. Establishment of office.

17 4312. Duties of office.

18 4313. Transfer of duties.

19 4314. Director.

20 4315. Planning and financing information technology resources.

21 4316. Information Technology Fund.

22 4317. Financial accountability and information technology.

23 4318. Statewide electronic portal and annual report.

24 4319. Budget for information technology.

25 4320. Commonwealth portal.

26 4321. Information technology request.

27 4322. Status of information technology projects and corrective  
28 action plans.

29 § 4311. Establishment of office.

30 The Office of Information Technology is established within

1 the Governor's Office of Administration.

2 § 4312. Duties of office.

3 (a) Duties generally.--The office shall:

4 (1) Consolidate information technology functions,  
5 powers, duties, obligations infrastructure and support  
6 services vested in State agencies.

7 (2) Direct the management and operations of information  
8 technology services for each State agency, including, but not  
9 limited to, the following:

10 (i) The development of priorities and strategic  
11 plans.

12 (ii) The management of information technology  
13 investments, procurement and policy.

14 (iii) Oversight of each State agency to ensure  
15 compliance with the provisions of this chapter.

16 (3) Recommend any changes to staffing or operations  
17 regarding information technology.

18 (b) Specific duties.--As part of the general duties under  
19 subsection (a), the office shall:

20 (1) Assist in developing annual information technology  
21 strategic plans for each State agency that include  
22 priorities, coordination and monitoring of resource use and  
23 expenditures, performance review measures, procurement and  
24 other governance and planning measures.

25 (2) Review and approve the information technology plans  
26 for each State agency.

27 (3) Consult with the Governor's Office of the Budget on  
28 budgetary matters regarding information technology planning  
29 and procurement.

30 (4) Create an advisory structure to advise on matters

1 involving overall technology and data governance.

2 (5) Establish and maintain an information technology  
3 portfolio management process for overall monitoring of  
4 information technology program objectives, alignment with  
5 priorities, budgets and expenditures.

6 (6) Identify common information technology business  
7 functions within each State agency.

8 (7) Make recommendations for consolidation, integration  
9 and investment.

10 (8) Facilitate the use of common technology, as  
11 appropriate.

12 (9) Expand the use of project management methodologies  
13 and principles on information technology projects, including  
14 measures to review project delivery and quality.

15 (10) Ensure compliance by each State agency with  
16 required business process reviews.

17 (11) Maintain a central procurement organization.

18 (12) Procure or supervise the procurement of all  
19 information technology.

20 (13) Oversee information technology contract issues,  
21 monitoring and compliance.

22 (14) Serve as a liaison between State agencies and  
23 contracted information technology vendors.

24 (15) Align the appropriate technology and procurement  
25 methods with the service strategy.

26 (16) Establish an information technology architecture  
27 framework that governs information technology investments.  
28 This architecture framework shall include the following, as  
29 appropriate:

30 (i) The development of standards, policies,

processes and strategic technology roadmaps.

(ii) The performance of technical reviews and capability assessments of services, technologies and State agency systems.

(iii) The evaluation of requests for information technology policy exceptions.

(17) Develop and implement efforts to standardize data elements and determine data ownership assignments.

(18) Develop and maintain a comprehensive information technology inventory.

(19) Monitor compliance with information technology policy and standards through an architectural review process.

(20) Maintain and strengthen the Commonwealth's cybersecurity posture through security governance.

(21) Develop security solutions, services and programs to protect data and infrastructure.

(22) Identify and remediate security risks and maintain citizen trust in securing computerized personal information.

(23) Implement programs, processes and solutions to maintain cybersecurity situational awareness and effectively respond to cybersecurity attacks and information technology security incidents.

(24) Foster a culture of situational and risk awareness.

(25) Conduct evaluations and compliance audits of State agency security infrastructure.

(26) Recommend and conduct the consolidation of State agency information technology services, including, but not limited to, infrastructure, personnel, investments, operations and support services.

(27) Establish and facilitate a process for the



identification, evaluation and optimization of information  
technology shared services.

(28) Establish, maintain and communicate service level  
agreements for shared services.

(29) Establish a process for:

(i) the development and implementation of  
telecommunications policies, services and infrastructure;  
and

(ii) reviewing and authorizing State agency requests  
for enhanced services.

(30) Identify opportunities for convergence and  
leveraging existing assets to reduce or eliminate duplicative  
telecommunication networks.

(31) Establish and maintain an information technology  
service management process library to govern the services  
provided to each State agency.

(32) Establish a formal governance body to evaluate the  
introduction of new information technology services and the  
retiring of existing information technology services.

(33) Establish metrics to monitor the health of the  
services provided and make appropriate corrections as  
necessary.

(34) Establish information technology data management  
and development policy frameworks for each State agency that  
include policies, processes and standards that adhere to  
commonly accepted principles for, among other things, data  
governance, data development and the quality, sourcing, use,  
accessibility, content, ownership and licensing of open data.

(35) Create and maintain a comprehensive open data  
portal for public accessibility.

1       (36) Provide guidance regarding the procurement of  
2 supplies and services related to the subject matter of this  
3 chapter.

4       (37) Facilitate communication with the public by  
5 publishing open data plans and policies and by soliciting or  
6 allowing for public input on the subject matter of this  
7 chapter.

8       (38) Ensure the internal examination of Commonwealth  
9 data sets for business, confidentiality, privacy and security  
10 issues and the reasonable mitigation of those issues, prior  
11 to the data's release for open data purposes.

12       (39) Develop and facilitate the engagement with private  
13 and other public stakeholders, including, but not limited to,  
14 arranging for and expediting data-sharing agreements and  
15 encouraging and facilitating cooperation and substantive and  
16 administrative efficiencies.

17       (40) Develop and facilitate data sharing and data  
18 analytics.

19       (41) Oversee and manage the information technology  
20 contracts of each State agency. The following shall apply:

21           (i) The office shall obtain, review and maintain, on  
22 an ongoing basis, records of the appropriations,  
23 allotments, expenditures and revenues of each State  
24 agency for information technology.

25           (ii) The office shall not manage but shall  
26 coordinate efforts as necessary and appropriate regarding  
27 the information technology contracts of an independent  
28 department, the General Assembly and its agencies or the  
29 agencies of the judicial branch.

30 § 4313. Transfer of duties.

1 Upon the effective date of this chapter, information  
2 technology functions, powers, duties, obligations and services  
3 shall be transferred to and vested in the office. The following  
4 shall apply:

5 (1) The chief information officer of each State agency  
6 shall:

7 (i) Report directly to the director.

8 (ii) Work within the chief information officer's  
9 respective State agency on behalf of the office as an  
10 employee of the office.

11 (2) The salary and costs related to the chief  
12 information officer of each State agency shall be paid by the  
13 chief information officer's respective State agency from  
14 funds appropriated for general government operations.

15 (3) The following shall apply for an employee of a State  
16 agency who handles or otherwise has responsibility for the  
17 State agency's information technology services:

18 (i) Except as provided in subparagraph (ii), the  
19 employee shall be transferred to the office as an  
20 employee of the State agency and operate in the physical  
21 location of the State agency, but the employee shall  
22 report matters to the office and be supervised by the  
23 office.

24 (ii) Subparagraph (i) shall not apply to an employee  
25 who handles proprietary information technology programs.  
26 The employee shall remain an employee of the State agency  
27 and shall coordinate with the office.

28 § 4314. Director.

29 (a) Appointment and salary.--The secretary shall appoint the  
30 director and set the salary of the director.

1     (b) Qualifications.--The director shall be qualified by  
2 education and experience for the office.

3     (c) Duties.--In addition to other duties specified under  
4 this chapter, the director shall:

5         (1) Manage the operations of the office.

6         (2) Develop and administer a comprehensive long-range  
7 plan to ensure the proper management of the Commonwealth's  
8 information technology resources.

9         (3) Set technical standards for information technology  
10 and review and approve information technology projects and  
11 budgets.

12         (4) Establish information technology security standards.

13         (5) Provide for the procurement of information  
14 technology resources.

15         (6) Develop a schedule for the replacement or  
16 modification of information technology systems.

17         (7) Require and review reports by each State agency  
18 concerning information technology assets, systems, personnel  
19 and projects and prescribe the form of the reports.

20         (8) Prescribe the manner in which information technology  
21 assets, systems and personnel shall be provided and  
22 distributed among State agencies.

23         (9) Prescribe the manner of inspecting or testing  
24 information technology assets, systems or personnel to  
25 determine compliance with information technology plans,  
26 specifications and requirements.

27         (10) Hire personnel as necessary to perform the  
28 functions of the office.

29 § 4315. Planning and financing information technology  
30 resources.

1     (a) Development of policies.--The director shall develop  
2 necessary policies for State agency information technology  
3 planning and financing to achieve the purposes of this chapter.

4     (b) Development of plan.--

5         (1) The director shall analyze the information  
6 technology systems and develop a plan to ascertain the needs,  
7 costs and time frame required for State agencies to  
8 efficiently use information technology systems, resources,  
9 security and data management to achieve the purposes of this  
10 chapter. The plan may include current applications and  
11 infrastructure, migration from current environments and other  
12 information necessary for fiscal or technology planning.

13         (2) The director shall develop strategic plans for  
14 information technology as necessary.

15     (c) Consultation and cooperation.--

16         (1) In determining whether a strategic plan is necessary  
17 for a State agency, the director shall consider the State  
18 agency's operational needs, functions and performance  
19 capabilities.

20         (2) The director shall consult with and assist State  
21 agencies in the preparation of plans under this subsection.

22         (3) Each State agency shall actively participate in  
23 preparing, testing and implementing an information technology  
24 plan as determined by the director. A State agency shall  
25 provide all financial information to the director necessary  
26 to determine full costs and expenditures for information  
27 technology assets, including resources provided by the State  
28 agency or through contracts or grants.

29         (4) Each State agency shall prepare and submit plans as  
30 required by the director.

1       (5) A plan by a State agency shall be submitted to the  
2       director no later than October 1 of each even-numbered year.

3       (d) Biennial plan.--

4       (1) The director shall develop a biennial State  
5       Information Technology Plan, which shall be transmitted to  
6       the General Assembly in conjunction with the Governor's  
7       budget submission that year.

8       (2) The biennial plan shall include:

9           (i) An inventory of current information technology  
10          assets and major projects.

11          (ii) An inventory of significant unmet needs for  
12          information technology resources over a five-year time  
13          period, along with a ranking of the unmet needs in  
14          priority order according to their urgency.

15          (iii) A statement of the financial requirements,  
16          together with a recommended funding schedule for major  
17          projects in progress or anticipated for approval during  
18          the upcoming fiscal biennium.

19          (iv) An analysis of opportunities for Statewide  
20          initiatives that would yield significant efficiencies or  
21          improve effectiveness in State programs.

22       (3) As used in this subsection, the term "major project"  
23       includes a project costing more than \$500,000 to implement.

24       § 4316. Information Technology Fund.

25       (a) Establishment.--An account is established in the General  
26       Fund to be known as the Information Technology Fund.

27       (b) Receipt of money.--The fund may receive money for the  
28       operations of the office and to fulfill the duties of the office  
29       under this chapter by the following methods:

30           (1) The transfer of encumbered funds from each State

1 agency which were designated for information technology  
2 purposes prior to the effective date of this section.

3 (2) Transfers as authorized by the General Assembly that  
4 are not already provided for under this section.

5 (3) The transfer of a portion of a State agency's funds  
6 regarding general government operations for information  
7 technology employees.

8 (c) Use of fund money.--

9 (1) Subject to paragraph (2), the director shall approve  
10 the disbursement of money from the fund, which shall be used  
11 for the following purposes and other legitimate purposes:

12 (i) Project management.

13 (ii) Security.

14 (iii) E-mail operations.

15 (iv) State portal operations.

16 (2) Expenditures made from the fund which involve money  
17 appropriated from the General Fund shall be approved by the  
18 director.

19 § 4317. Financial accountability and information technology.

20 (a) Development of processes.--The office, along with the  
21 Secretary of the Budget and the State Treasurer, shall develop  
22 processes for budgeting and accounting of expenditures for  
23 information technology operations, services, projects,  
24 infrastructure and assets across all State agencies.

25 (b) Included information.--The budgeting and accounting  
26 processes under subsection (a) may include information regarding  
27 the following:

28 (1) Hardware.

29 (2) Software.

30 (3) Personnel.

1       (4) Training.

2       (5) Contractual services.

3       (6) Other items relevant to information technology.

4       (c) Reports.--By February 1 of each year, the director shall  
5 also report to the General Assembly the following information:

6           (1) Services currently provided and associated  
7 transaction volumes or other relevant indicators of  
8 utilization by user type.

9           (2) New services added during the previous year.

10          (3) The total appropriation for each service.

11          (4) The total amount remitted to the vendor for each  
12 service.

13          (5) Any other use of State data by the vendor and the  
14 total amount of revenue collected per use and in total.

15          (6) User satisfaction with each service.

16          (7) Any other issues associated with the provision of  
17 each service.

18       (d) Financial information.--The director shall, at a  
19 minimum, include in the report under subsection (c) the  
20 following financial information:

21           (1) Current budgetary balances for the fund and each  
22 information technology project.

23           (2) Line-item details on expenditures.

24           (3) Anticipated expenditures for the next three years.

25           (4) The financial activities of the fund, including fund  
26 expenditures, during the immediately prior fiscal year.

27       (e) Issuance.--In addition to the General Assembly, a report  
28 under subsection (c) shall be submitted to the following:

29           (1) The Secretary of the Budget.

30           (2) The Independent Fiscal Office.



1           (3) The General Assembly.

2   § 4318. Statewide electronic portal and annual report.

3       The office shall develop and operate a Statewide electronic  
4 portal to increase the convenience of the public in conducting  
5 online transactions with and obtaining information from State  
6 government. The portal shall be designed to facilitate and  
7 improve public interactions along with communications between  
8 State agencies.

9   § 4319. Budget for information technology.

10      The office, along with the Secretary of the Budget, shall  
11 develop and implement a plan to manage all information  
12 technology funding, including State and other receipts, as soon  
13 as practicable. As part of the plan and implementation, the  
14 following shall apply:

15           (1) Funding for information technology resources,  
16 projects and contracts shall be appropriated to and managed  
17 by the office.

18           (2) Funding for the office's information technology  
19 shared services and approved contracts shall remain with the  
20 State agencies.

21           (3) Information technology budget codes and fund codes  
22 shall be created as required.

23   § 4320. Commonwealth portal.

24      Each State agency shall functionally link its Internet or  
25 electronic services to a centralized web portal system  
26 established under this chapter.

27   § 4321. Information technology request.

28      A State agency may request significant resources, as defined  
29 by the director, for the purpose of acquiring, operating or  
30 maintaining information technology for the State agency. In

1 addition to other information that may be required by the  
2 director, the State agency shall submit the following to  
3 accompany the request:

4 (1) A statement setting forth the following:

5 (i) The needs of the State agency for information  
6 technology and related resources, including expected  
7 improvements to programmatic or business operations.

8 (ii) The requirements for State resources, together  
9 with an evaluation of those requirements by the chief  
10 information officer assigned to the State agency which  
11 takes into consideration the following:

12 (A) The State's current technology.

13 (B) The opportunities for technology sharing.

14 (C) Any other factors relevant to the analysis  
15 by the director.

16 (2) A review and evaluation of the statement under  
17 paragraph (1) which is prepared by the chief information  
18 officer assigned to the State agency.

19 (3) In cases of an acquisition, an explanation of the  
20 method by which the acquisition is to be financed.

21 (4) A statement by the chief information officer  
22 assigned to the State agency which sets forth viable  
23 alternatives, if any, for meeting the State agency needs in  
24 an economical and efficient manner.

25 § 4322. Status of information technology projects and  
26 corrective action plans.

27 (a) Portal.--Within one year of the effective date of this  
28 act, the director shall develop a web-based portal detailing the  
29 status of each of the Commonwealth's information technology  
30 projects. The portal shall include the following:

1       (1) A brief summary of each information technology  
2 project.

3       (2) The approved budget of each project.

4       (3) The total and percent of the project's approved  
5 budget which has been expended by the agency based on the end  
6 balance from the prior business day, along with a color  
7 designation as follows:

8           (i) If an information technology project is under  
9 the project's approved budget, the project shall be  
10 designated as the color green.

11          (ii) If an information technology project is over  
12 the project's approved budget, the project shall be  
13 designated as the color red.

14       (4) The completion date in the original contract along  
15 with the total percent of work for the project that has been  
16 completed, along with a color designation as follows:

17           (i) If an information technology project has not  
18 exceeded the completion date in the original contract,  
19 the project shall be designated as green.

20          (ii) If an information technology project has  
21 exceeded the completion date in the original contract,  
22 the project shall be designated as red.

23       (5) A summary of the scope of work, along with a color  
24 designation as follows:

25           (i) If an information technology project is meeting  
26 the scope of work in the original contract, the project  
27 shall be designated as the color green.

28          (ii) If an information technology project is not  
29 meeting the scope of work in the original contract, the  
30 project shall be designated as the color red.

1       (6) A summary of the performance requirements of the  
2 contract, along with a color designation as follows:

3           (i) If an information technology project is meeting  
4 the performance requirements in the original contract,  
5 the project shall be designated as the color green.

6           (ii) If an information technology project is not  
7 meeting the performance measures in the original  
8 contract, the project shall be designated as the color  
9 red.

10 (b) Notification.--The following shall apply:

11       (1) Upon determining that an information technology  
12 project will be designated red, the director shall notify the  
13 Governor's Office, the Independent Fiscal Office and the  
14 General Assembly.

15       (2) Upon being notified that the information technology  
16 project is designated as red, the director shall develop a  
17 corrective action plan to ensure that the information  
18 technology project moves back to green status.

19       (3) The corrective action plan shall be finalized within  
20 20 days from the notification. The finalized corrective  
21 action plan shall be sent to the General Assembly, the  
22 Independent Fiscal Office and the Auditor General.

### 23                   SUBCHAPTER C

### 24                   PROCUREMENT AND BUSINESS OPERATIONS

#### 25 Sec.

26 4331. Reporting requirements regarding procurement.

27 4332. Business continuity planning.

28 4333. Information technology operations.

29 4334. Communications services.

30 4335. Project approval standards.

1 4336. Project management standards.  
2 4337. Dispute resolution.  
3 4338. Procurement of information technology.  
4 4339. Contractor verification.  
5 4340. Review and approval of contracts.  
6 4341. Purchase of certain equipment prohibited.  
7 4342. Refurbished computer equipment purchasing program.  
8 4343. Data on reliability and other matters.  
9 § 4331. Reporting requirements regarding procurement.

10 (a) Bids.--A vendor submitting a bid or proposal shall  
11 disclose in a statement, provided contemporaneously with the bid  
12 or proposal, where services will be performed under the contract  
13 sought, including any subcontracts, and whether any services  
14 under that contract, including any subcontracts, are anticipated  
15 to be performed outside the United States.

16 (b) Retention and reports.--The director shall:

17 (1) retain the statements required by this section  
18 regardless of the State agency that awards the contract; and

19 (2) report annually to the secretary on the number of  
20 contracts.

21 (c) Records of purchases.--Each State agency which makes a  
22 purchase of information technology through the office shall  
23 report directly to the director, who shall keep annual records  
24 of information technology purchases.

25 (d) Effect of section.--Nothing in this section is intended  
26 to contravene any existing treaty, law, agreement or regulation  
27 of the United States.

28 § 4332. Business continuity planning.

29 (a) Oversight.--The director shall oversee the manner and  
30 means by which information technology business and disaster

1 recovery plans for State agencies are created, reviewed and  
2 updated.

3 (b) Disaster recovery planning team.--Each State agency  
4 shall establish a disaster recovery planning team to work with  
5 the office to develop the disaster recovery plan and administer  
6 and implement the plan.

7 (c) Components of plan.--In developing a disaster recovery  
8 plan, all of the following shall be completed:

9 (1) Consideration of the organizational, managerial and  
10 technical environments in which the plan must be implemented.

11 (2) An assessment of the types and likely parameters of  
12 disasters most likely to occur and the resultant impacts on  
13 the State agency's ability to perform its mission.

14 (3) The listing of the protective measures to be  
15 implemented in anticipation of a natural or manmade disaster.

16 (4) A determination whether the plan is adequate to  
17 address information technology security incidents.

18 (d) Submittal.--Each State agency shall submit its disaster  
19 recovery plan to the director on an annual basis and as  
20 otherwise requested by the director.

21 § 4333. Information technology operations.

22 (a) Functions.--In addition to other functions authorized or  
23 required by this chapter, the office shall do the following:

24 (1) Establish and operate centers of expertise for  
25 specific information technologies and services to serve two  
26 or more State agencies on a cost-sharing basis, if the  
27 director, after consultation with the Budget Office, decides  
28 it is advisable from the standpoint of efficiency and  
29 economy to establish these centers and services.

30 (2) Require a State agency served to transfer to the

1 department ownership, custody or control of information  
2 processing equipment, supplies and positions required by the  
3 shared centers and services.

4 (3) Adopt plans, policies and procedures for the  
5 acquisition, management and use of information technology  
6 resources in State agencies to facilitate more efficient and  
7 economic use of information technology in the State agencies.

8 (4) Develop and promote training programs to efficiently  
9 implement, use and manage information technology resources  
10 throughout State government.

11 (b) Confidentiality.--No data of a confidential nature shall  
12 be entered into or processed through an information technology  
13 system or network established under this chapter until  
14 appropriate safeguards and other security measures are approved  
15 by the director and installed and fully operational.

16 (c) Cost sharing.--Notwithstanding any other provision of  
17 law, the office shall provide information technology services on  
18 a cost-sharing basis to:

19 (1) An independent department as requested by the head  
20 of the independent department.

21 (2) The General Assembly and its agencies as requested  
22 by the President pro tempore of the Senate and the Speaker of  
23 the House of Representatives.

24 (3) The judicial branch as requested by the Chief  
25 Justice.

26 (d) Estimates and actual expenditures.--Each State agency  
27 shall furnish to the director upon request and on forms  
28 prescribed:

29 (1) estimates of all information technology goods and  
30 services needed and required by the State agency; and

1       (2) actual expenditures for all information technology  
2       goods and services needed and required by the State agency  
3       for the periods after the expenditures have been made.

4   § 4334. Communications services.

5       The director shall exercise authority for telecommunications  
6       and other communications included in information technology  
7       relating to the internal management and operations of a State  
8       agency. In discharging this responsibility, the director shall:

9           (1) Provide for the establishment, management and  
10          operation, through State ownership, by contract or through  
11          commercial leasing, of the following systems and services as  
12          they affect the internal management and operation of State  
13          agencies:

14               (i) Central telephone systems and telephone  
15               networks, including Voice over Internet Protocol and  
16               commercial mobile radio systems.

17               (ii) Satellite services.

18               (iii) Closed-circuit television systems.

19               (iv) Two-way radio systems.

20               (v) Microwave systems.

21               (vi) Related systems based on telecommunication  
22          technologies.

23               (vii) Broadband.

24       (2) Coordinate the development of cost-sharing systems  
25       for respective State agencies for their proportionate parts  
26       of the cost of maintenance and operation of the systems and  
27       services listed in this section.

28       (3) Assist in the development of coordinated  
29       telecommunications services or systems within and among all  
30       State agencies and recommend, where appropriate, cooperative



1 utilization of telecommunication facilities by aggregating  
2 users.

3 (4) Perform traffic analysis and engineering for all  
4 telecommunications services and systems listed in this  
5 section.

6 (5) Establish telecommunications specifications and  
7 designs so as to promote and support compatibility of the  
8 systems within State agencies.

9 (6) Provide every three years an inventory of  
10 telecommunications costs, facilities, systems and personnel  
11 within State agencies.

12 (7) Promote, coordinate and assist in the design and  
13 engineering of emergency telecommunications systems,  
14 including, but not limited to, the 911 emergency telephone  
15 number program, emergency medical services, and other  
16 emergency telecommunications services.

17 (8) Perform frequency coordination and management for  
18 State agencies and municipalities, including all public  
19 safety radio service frequencies, in accordance with the  
20 rules and regulations of the Federal Communications  
21 Commission or any successor Federal agency.

22 (9) Advise all State agencies on telecommunications  
23 management planning and related matters and provide  
24 opportunities for training to users within State agencies in  
25 telecommunications technology and systems.

26 (10) Assist and coordinate the development of policies  
27 and long-range plans, consistent with the protection of  
28 residents' rights to privacy and access to information, for  
29 the acquisition and use of telecommunications systems. All  
30 policies and plans shall be based on current information

about the Commonwealth's telecommunications activities in  
relation to the full range of emerging technologies.

§ 4335. Project approval standards.

(a) Review and approval.--The director shall review all  
proposed information technology projects for each State agency.  
Project approval may be granted upon the director's  
determination that:

(1) the project conforms to project management  
procedures and policies and to procurement rules and  
policies; and

(2) sufficient funds are available for implementation.

(b) Implementation.--Unless expressly exempt within this  
chapter, no State agency shall proceed with an information  
technology project until the director approves the project.

(c) Disapproval.--If a project is not approved, the director  
shall specify in writing the grounds for the disapproval no  
later than 15 business days after making the determination. The  
director shall provide notice of the disapproval, along with the  
grounds for the disapproval, to all of the following:

- (1) The State agency.
- (2) The Secretary of the Budget.
- (3) The Independent Fiscal Office.
- (4) The General Assembly.

(d) Suspension.--

(1) The director may suspend an information technology  
project if the project:

- (i) fails to meet the applicable quality assurance  
standards;
- (ii) has exceeded its projected costs; or
- (iii) has failed to meet its projected completion

1 date.

2 (2) If the director suspends a project for a reason  
3 under paragraph (1), the director shall specify in writing  
4 the grounds for suspending the project no later than five  
5 business days after making the determination. The director  
6 shall provide notice of the suspension, along with the  
7 grounds for suspension, to all of the following:

8 (i) The State agency.

9 (ii) The Independent Fiscal Office.

10 (iii) The Auditor General.

11 (iv) The Secretary of the Budget.

12 (v) The State Treasurer.

13 (vi) The General Assembly.

14 (3) After a project has been suspended, the State  
15 Treasurer may not allow the transfer of money from the State  
16 agency to further implement the project unless the director  
17 approves an amended version of the plan for the project.

18 (4) If a State agency attempts to continue to implement  
19 a project that is no longer approved by the director and  
20 expend additional money for the project, the State Treasurer  
21 shall prevent the transfer of funds and remit the intended  
22 expenditures into the fund. After remitting the unauthorized  
23 expenditure, the State Treasurer shall immediately notify the  
24 following:

25 (i) The director.

26 (ii) The Governor.

27 (iii) The Secretary of the Budget.

28 (iv) The General Assembly.

29 (e) Quality assurance.--Information technology projects  
30 authorized under this chapter shall meet all project standards

1 and requirements established under this chapter.

2 (f) Performance contracting.--All contracts between a State  
3 agency and a private party for information technology projects  
4 shall include provisions for vendor performance review and  
5 accountability, contract suspension or termination and  
6 termination of funding.

7 (g) Contract provisions.--

8 (1) The director may require the following contract  
9 provisions:

10 (i) A performance bond.

11 (ii) Monetary penalties.

12 (iii) Other performance assurance measures for  
13 projects that are not completed within the specified time  
14 period or that involve costs in excess of those specified  
15 in the contract.

16 (2) Notwithstanding the provisions under paragraph (1)  
17 which are included in the contract, the director shall have  
18 the authority to suspend the project that is the basis of the  
19 contract.

20 (h) Cost savings.--The director may utilize cost savings  
21 realized on government vendor partnerships as performance  
22 incentives for an information technology vendor.

23 (i) Use of experts.--

24 (1) Notwithstanding any other provision of this chapter  
25 to the contrary, the director may require a State agency to  
26 engage the services of private counsel or other experts with  
27 information technology and intellectual property expertise on  
28 a particular subject matter if the State agency is developing  
29 and implementing an information technology project with a  
30 total cost of ownership in excess of \$5,000,000.

1       (2) At the director's discretion, the private counsel or  
2 other expert under paragraph (1) may:

3           (i) Review requests for proposals or invitation for  
4 bids.

5           (ii) Review and provide advice and assistance during  
6 the evaluation of proposals or bids and selection of  
7 contractors.

8           (iii) Review and negotiate contracts associated with  
9 the development, implementation, operation and  
10 maintenance of the project.

11       (3) At the director's discretion, the requirement under  
12 paragraph (1) may also apply to information technology  
13 programs that are separated into individual projects, if the  
14 total cost of ownership for the overall program exceeds  
15 \$5,000,000.

16 § 4336. Project management standards.

17       (a) Personnel.--Each State agency shall provide personnel if  
18 necessary to participate in project management, implementation,  
19 testing and other activities for an information technology  
20 project.

21       (b) Policies.--The director shall develop office policies  
22 for implementing an approved project, whether the project is  
23 undertaken in single or multiple phases or components.

24       (c) Project management assistant.--

25           (1) The director may designate a project management  
26 assistant to implement an information technology project of a  
27 State agency.

28           (2) A project management assistant for a State agency  
29 shall:

30           (i) Advise the State agency regarding the initial

1 planning of an information technology project, the  
2 content and design of a request for proposals, contract  
3 development, procurement and architectural and other  
4 technical reviews.

5 (ii) Monitor progress in the development and  
6 implementation of an information technology project.

7 (iii) Provide status reports to the State agency and  
8 the director, including recommendations regarding  
9 continued approval of an information technology project.

10 (3) Personnel of the State agency to which a project  
11 management assistant is designated shall provide periodic  
12 reports to the project management assistant regarding an  
13 information technology project. Each report shall include  
14 information regarding the following:

15 (i) The State agency's business requirements.

16 (ii) Applicable laws and regulations.

17 (iii) Project costs.

18 (iv) Issues related to hardware, software or  
19 training.

20 (v) Projected and actual completion dates for the  
21 project.

22 (vi) Any other information related to the  
23 implementation of the project.

24 § 4337. Dispute resolution.

25 (a) Right to request for review.--If the director has  
26 disapproved or suspended an information technology project or  
27 has disapproved a State agency's request for an amended version  
28 of the plan for the project, the affected State agency may  
29 request the director to revisit the determination about the  
30 project. The request for review shall be submitted in writing to

1 the director within 15 business days following the State  
2 agency's receipt of the disapproval or suspension.

3 (b) Contents of request for review.--A request for review  
4 under subsection (a) shall specify the grounds for the State  
5 agency's disagreement with the director's determination. The  
6 State agency shall include with its request a plan to modify the  
7 project to meet the director's concerns.

8 (c) Notification.--

9 (1) Within 30 days after initial receipt of a State  
10 agency's request for review, the director shall notify the  
11 State agency whether or not the project, as modified, may be  
12 implemented.

13 (2) If the director approves the implementation of a  
14 modified project by a State agency, the director shall notify  
15 the State Treasurer and the Secretary of the Budget  
16 immediately.

17 § 4338. Procurement of information technology.

18 (a) General duty of office.--Notwithstanding any other  
19 provision of law, the office shall procure all information  
20 technology for State agencies utilizing the processes under 62  
21 Pa.C.S. Ch. 5 (relating to source selection and contract  
22 formation). The office shall integrate technological review,  
23 cost analysis and procurement for all information technology  
24 needs of State agencies to make procurement and implementation  
25 of technology more responsive, efficient and cost-effective.

26 (b) Specific duties of office.--Subject to the provisions of  
27 this chapter and consistent with the processes enacted under 62  
28 Pa.C.S. Ch. 5, the office shall have the authority and  
29 responsibility to:

30 (1) Purchase or contract for all information technology

1 for State agencies.

2 (2) Establish processes, specifications and standards  
3 which shall apply to all information technology to be  
4 purchased, licensed or leased by State agencies.

5 (3) Establish processes, specifications and standards  
6 relating to information technology services contract  
7 requirements for State agencies.

8 (4) Utilize the purchasing benchmarks established by the  
9 director.

10 (5) Provide strategic sourcing resources and planning to  
11 compile and consolidate all estimates of information  
12 technology goods and services needed and required by State  
13 agencies.

14 (6) Reduce the size of information technology projects  
15 to ensure that the projects are manageable and meet initial  
16 estimates for project costs and completion dates.

17 (7) Ensure that projects utilize problem-based  
18 procurement. As used in this paragraph, the term "problem-  
19 based procurement" means a request for bids by a State agency  
20 for an information technology project which details the  
21 information technology needs of the State agency and solicits  
22 proposals by bidders regarding how to best meet those needs.

23 (c) Confidentiality.--

24 (1) Subject to paragraph (2), contract information  
25 compiled by the office shall be made a matter of public  
26 record after the award of contract.

27 (2) Trade secrets, test data and similar proprietary  
28 information and security information protected from  
29 disclosure under Federal or State law shall remain  
30 confidential.



1     (d) Electronic procurement.--The office may authorize the  
2 use of an electronic procurement system to conduct a reverse  
3 auction and electronic bidding. The following apply:

4         (1) The vendor's price may be revealed during the  
5 reverse auction.

6         (2) The office may contract with a third-party vendor to  
7 conduct the reverse auction.

8         (3) Offers or bids may be accepted and contracts may be  
9 entered by use of electronic bidding.

10        (4) All requirements relating to formal and competitive  
11 bids, including advertisement, seal and signature, are  
12 satisfied when a procurement is conducted or a contract is  
13 entered in compliance with the reverse auction or electronic  
14 bidding requirements established by the office.

15     (e) Bulk purchasing.--

16        (1) The director shall establish procedures for the  
17 procurement of information technology through bulk purchases.  
18 The procedures may include the following:

19            (i) The aggregation of hardware purchases.

20            (ii) The use of formal bid procedures.

21            (iii) Restrictions on supplemental staffing.

22            (iv) Enterprise software licensing, hosting and  
23 multiyear maintenance agreements.

24        (2) The director may require State agencies to submit  
25 information technology procurement requests to the department  
26 on October 1, January 1 and June 1, or another regularly  
27 occurring schedule, of each fiscal year in order to allow for  
28 bulk purchasing.

29     (f) Most advantageous offer.--All bids or offers to  
30 contract, whether through competitive sealed bidding or other

procurement method under 62 Pa.C.S. Ch. 5, shall be subject to evaluation and selection by acceptance of the most advantageous offer to the Commonwealth.

(g) Considerations.--Evaluation of an information technology purchase shall take into consideration the following factors:

(1) The best value of the purchase.

(2) Compliance with information technology project management policies.

(3) Compliance with information technology security standards and policies.

(4) Substantial conformity with the specifications and other conditions set forth in the solicitation.

(h) Exceptions.--In addition to permitted waivers of competition, the requirements of competitive bidding shall not apply to information technology contracts and procurements:

(1) in the case of a pressing need or an emergency arising from an information technology security incident; or

(2) in the use of master licensing or purchasing agreements governing the office's acquisition of proprietary intellectual property.

(i) Award by director.--The director may award a cost plus percentage of cost contract for information technology projects. As needed, the director shall report the cost plus percentage of cost contract to the following:

(1) The Secretary of the Budget.

(2) The Auditor General.

(3) The General Assembly.

§ 4339. Contractor verification.

(a) General rule.--A contract for professional or technical services in which the cost to the Commonwealth exceeds \$100,000

1 shall require a contractor working with a State agency on a  
2 project to use software that verifies that the hours billed on a  
3 contract with the State agency are valid and fulfill the purpose  
4 of the contract.

5 (b) Contract specifications.--A contract shall specify that  
6 a State agency may not pay for hours worked on a project that  
7 are performed on a computer unless the hours can be verified  
8 through the use of the software or data collected by the  
9 software.

10 (c) Software requirements.--The software incorporated by a  
11 contractor to meet the requirements of this section shall:

12 (1) Permit the State agency or an auditor of the State  
13 agency to have real-time or retroactive access to data  
14 collected by the software.

15 (2) Automatically capture a screenshot of activity as  
16 follows:

17 (i) The software shall capture a screenshot at least  
18 once every three minutes.

19 (ii) A screenshot shall be made available for review  
20 by the State agency or an auditor of the State agency in  
21 real-time and retroactively.

22 (iii) Track total keystroke and mouse event  
23 frequency.

24 (iv) Be procured by the contractor from an  
25 independent entity.

26 (3) Provide the State agency or an auditor of the State  
27 agency an automated real-time cost status of each task  
28 relating to the contract.

29 (4) Provide the State agency professional biographical  
30 information that is not private or confidential on

individuals performing tasks under the contract.

(5) Protect all data that is private or confidential on individuals consistent with Pennsylvania law.

(6) Permit the State agency to provide immediate feedback to the contractor on work in progress under the contract.

(d) Data storage.--The contractor shall store, or contract to store, the data collected by the software required under this section for a period of no less than seven years after the State agency has remitted payment to the contractor for work under the contract.

(e) Requests for data.--Data collected by the software during the contract period shall not be considered government data and the contractor shall retrieve the data upon request of the State agency, in the format requested by the State agency, at any time during the seven-year period.

(f) Charge prohibited.--The contractor may not charge the State agency or an auditor of the State agency for access to or use of the software or for access to or retrievals of data collected by the software.

§ 4340. Review and approval of contracts.

(a) Submittal to director.--When the dollar value of a proposed contract for the procurement of information technology equipment, materials or supplies exceeds the benchmark established under this chapter or by the director, a State agency shall submit the proposed contract to the director for review and approval or other action deemed appropriate by the director.

(b) Considerations.--The director shall determine whether the proposed contract under subsection (a) ensures compliance

1 with the established processes, specifications and standards  
2 applicable to the information technology purchased, licensed or  
3 leased in this Commonwealth, including established procurement  
4 processes.

5 (c) Determination.--The director shall promptly notify the  
6 State agency of the determination regarding the proposed  
7 contract under subsection (a).

8 (d) Notification.--For contract awards greater than  
9 \$100,000, the director shall provide updates on an annual basis  
10 to the General Assembly.

11 § 4341. Purchase of certain equipment prohibited.

12 (a) Determination.--A State agency may not purchase  
13 information technology equipment or televisions, or enter into a  
14 contract with any manufacturer, unless the director determines  
15 that the purchase or contract is in compliance with the  
16 requirements under this chapter and existing State law regarding  
17 the procurement of information technology equipment and  
18 televisions.

19 (b) Findings.--If the director determines that a purchase or  
20 contract is not in compliance with the requirements under this  
21 chapter or existing State law regarding the procurement of  
22 information technology equipment and televisions, the director  
23 shall issue written findings regarding the noncompliance to the  
24 State agency.

25 § 4342. Refurbished computer equipment purchasing program.

26 (a) Option.--The office shall offer a State agency the  
27 option of purchasing refurbished computer equipment from  
28 registered computer equipment refurbishers whenever most  
29 appropriate to meet the respective needs of the State agency.

30 (b) Savings.--A State agency shall document any savings

1 resulting from the purchase of refurbished computer equipment,  
2 including, but not limited to, the initial acquisition cost and  
3 operations and maintenance costs. The savings shall be reported  
4 annually to:

5 (1) The director.

6 (2) The General Assembly.

7 (c) Requirements.--Participating computer equipment  
8 refurbishers shall meet all existing procurement requirements  
9 established by the office.

10 § 4343. Data on reliability and other matters.

11 (a) Maintenance of data.--The office shall maintain data on  
12 equipment reliability, potential cost savings and matters  
13 associated with the refurbished computer equipment purchasing  
14 program.

15 (b) Report.--The office shall transmit a report regarding  
16 the matters under subsection (a) by February 1, 2018, and  
17 quarterly thereafter to:

18 (1) The General Assembly.

19 (2) The Independent Fiscal Office.

20 (3) The Secretary of the Budget.

21 SUBCHAPTER D

22 SECURITY

23 Sec.

24 4351. Statewide security standards.

25 4352. Security standards and risk assessments.

26 4353. Assessment of compliance with security standards.

27 4354. Joint Cybersecurity Oversight Committee.

28 § 4351. Statewide security standards.

29 (a) Establishment.--

30 (1) The director shall establish a Statewide set of

1 standards for information technology security to maximize the  
2 functionality, security and interoperability of the  
3 Commonwealth's distributed information technology assets,  
4 including:

5 (i) Data classification.

6 (ii) Management.

7 (iii) Communications.

8 (iv) Encryption technologies.

9 (2) The standards under this subsection shall conform to  
10 the industry's best practices and standards regarding  
11 information technology security.

12 (b) Review and revision.--The director shall review and  
13 revise the security standards annually as necessary. As part of  
14 this function, the director shall review periodically existing  
15 security standards and practices in place among the various  
16 State agencies to determine whether those standards and  
17 practices meet Statewide security and encryption requirements.

18 (c) Assumption of responsibilities.--The director may assume  
19 the direct responsibility of providing for the information  
20 technology security of a State agency that fails to adhere to  
21 security standards adopted under this chapter.

22 § 4352. Security standards and risk assessments.

23 (a) Standards.--Notwithstanding any other provision of law  
24 and except as otherwise provided by this chapter, all  
25 information technology security goods, software or services  
26 purchased using taxpayer money, or for use by a State agency or  
27 in a public facility, shall be subject to approval by the  
28 director in accordance with security standards under this  
29 chapter.

30 (b) Assessments.--The director shall conduct risk

assessments to identify compliance and operational and strategic risks to the information technology network. The following shall apply:

(1) The assessments may include methods such as penetration testing or similar assessment methodologies.

(2) The director may contract with another party to perform the assessments.

(3) Detailed reports of the risk and security issues identified in the assessments shall be kept confidential.

(c) Security audit.--The director shall contract with a Federal Government entity or a third party that is nationally recognized to perform a security audit of a State agency's information technology system. The following shall apply:

(1) The director shall determine a schedule for State agency security audits.

(2) The audit of a State agency shall be paid from encumbered funds of the State agency.

(d) Notification and approval.--Before a State agency may enter into a contract with another party for an assessment of network vulnerability, the State agency shall notify the director and obtain approval of the request. The following shall apply:

(1) The party conducting the assessment shall provide the State agency with a detailed report of the security issues identified, which shall not be publicly disclosed.

(2) The State agency shall provide the director with copies of the detailed report under paragraph (1), which shall not be publicly disclosed.

(3) The State agency shall issue a public report on the general results of the assessment.



1 (e) Effect of section.--Nothing in this section shall be  
2 construed to preclude the Auditor General or the General  
3 Assembly from assessing the security practices of State  
4 information technology systems as part of its statutory duties  
5 and responsibilities.

6 § 4353. Assessment of compliance with security standards.

7 (a) Frequency.--The director shall biannually assess the  
8 ability of each State agency and each State agency's contracted  
9 vendors to comply with the current security standards  
10 established under this chapter.

11 (b) Contents.--The assessment under this section shall  
12 include, at a minimum, the following:

13 (1) The rate of compliance with the current security  
14 standards.

15 (2) An assessment of security organization, security  
16 practices, security information standards, network security  
17 architecture and current expenditures of State funds for  
18 information technology security.

19 (3) An estimate of the cost to implement the security  
20 measures needed for State agencies to fully comply with the  
21 established standards.

22 (c) Submittal of information.--Each State agency shall  
23 submit information required by the director for the assessments  
24 under this section.

25 § 4354. Joint Cybersecurity Oversight Committee.

26 (a) Establishment and membership.--The Joint Cybersecurity  
27 Oversight Committee is established and shall consist of the  
28 following members:

29 (1) The director.

30 (2) The following individuals appointed by the President

1 pro tempore of the Senate:

2 (i) Three members of the Senate.

3 (ii) A representative from the information  
4 technology office of the majority caucus of the Senate.

5 (3) The following individuals appointed by the Minority  
6 Leader of the Senate:

7 (i) Two members of the Senate.

8 (ii) A representative from the information  
9 technology office of the minority caucus of the Senate.

10 (4) The following individuals appointed by the Speaker  
11 of the House of Representatives:

12 (i) Three members of the House of Representatives.

13 (ii) A representative from the information  
14 technology office of the majority caucus of the House of  
15 Representatives.

16 (5) The following individuals appointed by the Minority  
17 Leader of the House of Representatives:

18 (i) Two members of the House of Representatives.

19 (ii) A representative from the information  
20 technology office of the minority caucus of the House of  
21 Representatives.

22 (6) The Attorney General or a designee of the Attorney  
23 General.

24 (7) The chief information officer of:

25 (i) The Department of the Auditor General.

26 (ii) The Treasury Department.

27 (iii) The Office of Attorney General.

28 (iv) The Administrative Office of Pennsylvania  
29 Courts.

30 (v) The Pennsylvania Public Utility Commission.

1       (8) Four private citizens appointed by the Governor with  
2       professional cyber security experience.

3       (9) The Commissioner of the Pennsylvania State Police or  
4       a designee of the commissioner.

5       (b) Chairperson and vice chairperson.--The chairperson of  
6       the committee shall be appointed by the Governor and the vice  
7       chairperson of the committee shall be appointed by the  
8       chairperson.

9       (c) Staffing.--The committee shall be staffed by the office,  
10      which shall support and assist the committee.

11      (d) Service of members.--Each member of the committee shall  
12      serve at the pleasure of the individual who appointed the  
13      member.

14      (e) Vacancies.--A vacancy in the membership of the committee  
15      shall be filled by the appointing authority in the same manner  
16      as the original appointment.

17      (f) Meetings.--

18           (1) The committee shall meet at least on a quarterly  
19           basis and no later than the first Thursday of each quarter.

20           (2) The chairperson of the committee, with the consent  
21           of the vice chairperson of the committee, may schedule  
22           additional meetings of the committee.

23           (3) The chairperson of the committee shall provide the  
24           members of the committee with notice of the time and location  
25           of each meeting of the committee no later than one week prior  
26           to the meeting. Notice shall also be provided to the  
27           Governor, the President pro tempore of the Senate and the  
28           Speaker of the House of Representatives.

29           (4) Notice of the meetings of the committee shall be  
30           provided by regular mail and e-mail.

1       (5) A member of the committee may participate in a  
2       meeting of the committee in person, by teleconference, by  
3       video conference or by other means as agreed to by the  
4       chairperson and vice chairperson of the committee.

5       (6) A meeting of the committee shall not be subject to  
6       65 Pa.C.S. Ch. 7 (relating to open meetings).

7       (g) Duties.--The committee shall review and coordinate  
8       cybersecurity policies and discuss emerging cybersecurity  
9       threats, recommended policy changes and assess current  
10       cybersecurity within this Commonwealth. The report shall be  
11       transmitted to:

12       (1) The Governor.

13       (2) The President pro tempore of the Senate.

14       (3) The Speaker of the House of Representatives.

15       (4) The Majority Leader and the Minority Leader of the  
16       Senate.

17       (5) The Majority Leader and the Minority Leader of the  
18       House of Representatives.

19       (6) The Court Administrator of Pennsylvania.

20       (h) Definitions.--As used in this section, the following  
21       words and phrases shall have the meanings given to them in this  
22       subsection unless the context clearly indicates otherwise:

23       "Committee." The Joint Cybersecurity Oversight Committee  
24       established under this section.

25                       SUBCHAPTER E

26                       ENFORCEMENT AND PENALTIES

27       Sec.

28       4361. Administrative and judicial review.

29       4362. Unauthorized use for private benefit prohibited.

30       4363. Financial interests.

1 4364. Certification of submittal without collusion.

2 § 4361. Administrative and judicial review.

3 Actions taken by the director under this chapter shall be  
4 subject to review in accordance with 2 Pa.C.S. Chs. 5 (relating  
5 to practice and procedure) and 7 (relating to judicial review).

6 § 4362. Unauthorized use for private benefit prohibited.

7 (a) Offense.--It is unlawful for any person, by the use of  
8 the powers, policies or procedures, to purchase, attempt to  
9 purchase, procure or attempt to procure any property or services  
10 for private use or benefit.

11 (b) Criminal penalties and fines.--A person that violates  
12 subsection (a) commits a misdemeanor of the first degree. Upon  
13 conviction, the person shall be liable to the Commonwealth to  
14 repay any amount expended in violation of this chapter, together  
15 with any court costs.

16 § 4363. Financial interests.

17 (a) Offense.--

18 (1) The director and any other policymaking employee of  
19 the office may not have a financial interest or personal  
20 beneficial interest, either directly or indirectly, in the  
21 purchase of or contract for information technology. The  
22 financial interest or personal interest shall extend to a  
23 corporation, partnership, company, trust, association or  
24 other entity furnishing information technology to the  
25 Commonwealth or any of its State agencies.

26 (2) Consistent with paragraph (1), the director or other  
27 policymaking employee may not accept or receive, directly or  
28 indirectly, any of the following:

29 (i) Anything of monetary or other value, whether by  
30 rebate, gift or otherwise.

1           (ii) A promise, obligation or contract for future  
2           reward or compensation, regardless of the business or  
3           nonbusiness nature of the promise, obligation or  
4           contract.

5       (b) Criminal penalties.--A person that violates subsection  
6       (a) commits a felony of the third degree. Upon conviction, the  
7       person shall be removed from office or State employment.

8       § 4364. Certification of submittal without collusion.

9       (a) Duty.--The director shall require bidders under this  
10       chapter to certify that each bid on information technology  
11       contracts overseen by the office is submitted competitively and  
12       without collusion.

13       (b) Grading.--A person that provides a false certification  
14       under this section commits a misdemeanor of the first degree.

15       Section 2. This act shall take effect immediately.