

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, PISCIOTTANO AND WEBSTER, MAY 8, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 28, 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 (2) THE ATTORNEY GENERAL OR A DESIGNEE.

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16 (3) THE AUDITOR GENERAL OR A DESIGNEE.

17 (4) THE STATE TREASURER OR A DESIGNEE.

18 (5) THE DIRECTOR OF THE PENNSYLVANIA EMERGENCY MANAGEMENT
19 AGENCY OR A DESIGNEE.

20 (6) THE COMMONWEALTH'S CHIEF INFORMATION SECURITY OFFICER
21 UNDER THE OFFICE OF ADMINISTRATION.

22 (7) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF HOMELAND
23 SECURITY OR A DESIGNEE.

24 (8) ONE MEMBER OF THE SENATE TO BE APPOINTED BY THE
25 PRESIDENT PRO TEMPORE OR A DESIGNEE.

26 (9) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES TO BE
27 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR A
28 DESIGNEE.

29 (10) ONE MEMBER OF THE SENATE TO BE APPOINTED BY THE
30 MINORITY LEADER OF THE SENATE OR A DESIGNEE.

1 (11) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES TO BE
2 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
3 OR A DESIGNEE.

4 (12) THE EXECUTIVE DIRECTOR OF THE COUNTY COMMISSIONERS
5 ASSOCIATION OF PENNSYLVANIA OR A DESIGNEE.

6 (13) THE EXECUTIVE DIRECTOR FOR THE PENNSYLVANIA MUNICIPAL
7 LEAGUE OR A DESIGNEE.

8 (14) THE EXECUTIVE DIRECTOR FOR THE PENNSYLVANIA STATE
9 ASSOCIATION OF TOWNSHIP SUPERVISORS OR A DESIGNEE.

10 (15) THE EXECUTIVE DIRECTOR FOR THE PENNSYLVANIA STATE
11 ASSOCIATION OF BOROUGHES OR A DESIGNEE.

12 (16) THE EXECUTIVE DIRECTOR FOR THE PENNSYLVANIA STATE
13 ASSOCIATION OF TOWNSHIP COMMISSIONERS OR A DESIGNEE.

14 (C) THE CYBERSECURITY COORDINATION BOARD SHALL ALSO INCLUDE
15 THREE CYBERSECURITY EXPERTS THAT SHALL BE APPOINTED BY AND SERVE
16 AT THE PLEASURE OF THE GOVERNOR. THE CYBERSECURITY EXPERTS MUST
17 HAVE PROFESSIONAL EXPERIENCE IN CYBERSECURITY OR INFORMATION
18 TECHNOLOGY.

19 (D) IF A MEMBER OF THE CYBERSECURITY COORDINATION BOARD
20 SENDS A DESIGNEE IN THE MEMBER'S PLACE, THE DESIGNEE MUST HAVE A
21 BACKGROUND IN CYBERSECURITY OR BE THE CYBERSECURITY EXPERT OF
22 THE DESIGNATING BOARD MEMBER.

23 ~~(d)~~ (E) The Governor shall invite the following <--
24 representatives of Federal agencies to serve as advisory members
25 to the Cybersecurity Coordination Board:

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

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

30 (3) The Director of the National Institute of Standards and

1 Technology or a designee.

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

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

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

8 ~~(e)~~ (F) The voting members of the Cybersecurity Coordination <--
9 Board shall elect a chairperson, vice chairperson and secretary
10 of the Cybersecurity Coordination Board.

11 ~~(f)~~ (G) The Cybersecurity Coordination Board shall, with the <--
12 approval of the Governor, appoint an executive director to carry
13 out the duties of the Cybersecurity Coordination Board. The
14 following apply to the executive director:

15 (1) The executive director shall serve at the pleasure of
16 the Cybersecurity Coordination Board. The selection and removal
17 of the executive director shall be made by a simple majority of
18 the voting members of the Cybersecurity Coordination Board that
19 constitute a quorum.

20 (2) The executive director shall be qualified for the duties
21 of the position, as determined by the Cybersecurity Coordination
22 Board.

23 (3) The executive director shall conduct the work of the
24 Cybersecurity Coordination Board under the direction and
25 supervision of the Cybersecurity Coordination Board.

26 (4) The executive director shall provide a report to the
27 Governor of the final determination of any action or inaction
28 that the Cybersecurity Coordination Board recommends, including
29 any advice or information in support of or in addition to any
30 final determination of the Cybersecurity Coordination Board.

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

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

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

8 (8) The Cybersecurity Coordination Board shall fix the
9 compensation of the executive director, subject to the approval
10 of the Executive Board.

11 ~~(g)~~ (H) The Office of Administration shall acquire staff, <--
12 office space, office equipment and supplies and obtain the
13 services of cybersecurity subject matter experts to assist the
14 Cybersecurity Coordination Board and the executive director of
15 the Cybersecurity Coordination Board in fulfilling the duties
16 under this section.

17 ~~(h)~~ (I) The Cybersecurity Coordination Board and the <--
18 executive director of the Cybersecurity Coordination Board may
19 be supported by the Office of Administration's designated staff
20 in furtherance of the Cybersecurity Coordination Board
21 fulfilling the duties under this section.

22 ~~(i)~~ (J) The Cybersecurity Coordination Board shall meet no <--
23 fewer than four times a year to review and assess cybersecurity,
24 including risks, protective measures, laws, regulations,
25 governances, technologies, standards and best practices that
26 affect the Federal, State, county and local governments,
27 international government, businesses and other entities.
28 Additional meetings shall be at the discretion of the
29 Commonwealth's Chief Information Security Officer under the
30 Office of Administration, until an executive director of the

1 Cybersecurity Coordination Board is appointed, after which any
2 additional meetings shall be held at the discretion of the
3 executive director of the Cybersecurity Coordination Board.

4 (K) MEETINGS OF THE CYBERSECURITY COORDINATION BOARD SHALL <--
5 NOT BE HELD USING VIDEO CONFERENCING TECHNOLOGY. MEMBERS OF THE
6 BOARD MAY USE TELECONFERENCING TECHNOLOGY, AS NECESSARY.

7 ~~(j)~~ (L) The Cybersecurity Coordination Board may establish <--
8 committees, as needed, to formulate recommended positions or
9 actions.

10 ~~(k)~~ (M) The Cybersecurity Coordination Board, through the <--
11 executive director of the Cybersecurity Coordination Board,
12 shall provide the Governor an annual report summarizing the
13 Cybersecurity Coordination Board's findings and assessments. The
14 following apply:

15 (1) The report shall include an overview of the
16 cybersecurity landscape, changes since the prior report, issues
17 and risks affecting the protection of information,
18 recommendations to resolve and mitigate the issues and risks and
19 any other relevant information deemed appropriate by the
20 Cybersecurity Coordination Board with respect to cybersecurity.

21 (2) The report shall be confidential and exempt from
22 disclosure as provided under subsection ~~(l)~~ (N). <--

23 ~~(l)~~ (N) Deliberations, documentation, records, <--
24 correspondence and all work of the Cybersecurity Coordination
25 Board and its committees, including any actions or reports of
26 the Cybersecurity Coordination Board, shall be confidential and
27 shall be exempt from the requirements of the following:

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

30 (2) 65 Pa.C.S. Ch. 7 (relating to open meetings).

1 ~~(m)~~ (O) Members of the Cybersecurity Coordination Board and <--
2 its committee members shall serve without compensation except
3 for payment of necessary and actual expenses incurred in
4 attending meetings and in performing duties and responsibilities
5 as members.

6 ~~(n)~~ (P) The Cybersecurity Coordination Board and its <--
7 committee members, including advisory members, shall not use
8 their position to sell products or services to the Commonwealth
9 or benefit financially or enable their immediate family members
10 or employers to benefit financially, whether directly or
11 indirectly, from Commonwealth initiatives that result from
12 recommendations or advice provided by the Cybersecurity
13 Coordination Board under this section.

14 ~~(o)~~ (Q) This section shall expire four years after the <--
15 effective date of this subsection.

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