

Senator Todd D. Weiler proposes the following substitute bill:

CYBERSECURITY COMMISSION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill creates the Cybersecurity Commission to gather information and share best practices on cybersecurity.

Highlighted Provisions:

This bill:

- ▶ repeals the Data Security Management Council;
- ▶ creates the Cybersecurity Commission (the commission);
- ▶ directs the appointment of members to the commission;
- ▶ directs the commission to gather information about cybersecurity:
 - vulnerabilities; and
 - best practices;
- ▶ authorizes the commission to share information it gathers with the governor;
- ▶ directs the commission to establish guidelines and best practices with respect to cybersecurity protections;
- ▶ directs the commission to analyze cybersecurity practices in the private and the public sectors;
- ▶ requires the commission to report annually to the Public Utilities, Energy, and Technology Interim Committee;



- 26 ▶ describes the circumstances under which the commission may close a meeting to the
- 27 public;
- 28 ▶ provides a sunset date; and
- 29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
37 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
38 of Utah 2021, Chapter 382

39 ENACTS:

40 **63C-25-101**, Utah Code Annotated 1953

41 **63C-25-201**, Utah Code Annotated 1953

42 **63C-25-202**, Utah Code Annotated 1953

43 **63C-25-203**, Utah Code Annotated 1953

44 **63C-25-204**, Utah Code Annotated 1953

45 **63C-25-205**, Utah Code Annotated 1953

46 **63C-25-206**, Utah Code Annotated 1953

47 REPEALS:

48 **63A-16-701**, as renumbered and amended by Laws of Utah 2021, Chapter 344

49 **63A-16-702**, as renumbered and amended by Laws of Utah 2021, Chapter 344



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section **63C-25-101** is enacted to read:

53 **CHAPTER 25. CYBERSECURITY COMMISSION**

54 **Part 1. General Provisions**

55 **63C-25-101. Definitions.**

56 As used in this chapter:

57 (1) "Commission" means the Cybersecurity Commission created in this chapter.

58 (2) "Critical infrastructure" includes the following sectors the United States

59 Department of Homeland Security identifies as critical:

60 (a) chemical;

61 (b) commercial facilities;

62 (c) communications;

63 (d) critical manufacturing;

64 (e) dams;

65 (f) defense industrial base;

66 (g) emergency services;

67 (h) energy;

68 (i) financial services;

69 (j) food and agriculture;

70 (k) government facilities;

71 (l) healthcare and public health;

72 (m) information technology;

73 (n) nuclear reactors, nuclear materials, and nuclear waste;

74 (o) transportation systems; and

75 (p) water and wastewater systems.

76 Section 2. Section **63C-25-201** is enacted to read:

77 **Part 2. Cybersecurity Commission**

78 **63C-25-201. Cybersecurity Commission created.**

79 (1) There is created the Cybersecurity Commission.

80 (2) The commission shall be composed of 24 members:

81 (a) one member the governor designates to serve as the governor's designee;

82 (b) the commissioner of the Department of Public Safety;

83 (c) the lieutenant governor, or an election officer, as that term is defined in Section

84 20A-1-102, the lieutenant governor designates to serve as the lieutenant governor's designee;

85 (d) the chief information officer of the Division of Technology Services;

86 (e) the chief information security officer, as described in Section [63A-16-210](#);

87 (f) the chairman of the Public Service Commission shall designate a representative

88 with professional experience in information technology or cybersecurity;

89 (g) the executive director of the Utah Department of Transportation shall designate a
90 representative with professional experience in information technology or cybersecurity;

91 (h) the director of the Division of Finance shall designate a representative with
92 professional experience in information technology or cybersecurity;

93 (i) the executive director of the Department of Health and Human Services shall
94 designate a representative with professional experience in information technology or
95 cybersecurity;

96 (j) the director of the Division of Indian Affairs shall designate a representative with
97 professional experience in information technology or cybersecurity;

98 (k) the Utah League of Cities and Towns shall designate a representative with
99 professional experience in information technology or cybersecurity;

100 (l) the Utah Association of Counties shall designate a representative with professional
101 experience in information technology or cybersecurity;

102 (m) the attorney general, or the attorney general's designee;

103 (n) the commissioner of financial institutions, or the commissioner's designee;

104 (o) the executive director of the Department of Environmental Quality shall designate a
105 representative with professional experience in information technology or cybersecurity;

106 (p) the executive director of the Department of Natural Resources shall designate a
107 representative with professional experience in information technology or cybersecurity;

108 (q) the highest ranking information technology official, or the official's designee, from
109 each of:

110 (i) the Judicial Council;

111 (ii) the Utah Board of Higher Education;

112 (iii) the State Board of Education; and

113 (iv) the State Tax Commission;

114 (r) the governor shall appoint:

115 (i) one representative from the Utah National Guard; and

116 (ii) one representative from the Governor's Office of Economic Opportunity;

117 (s) the president of the Senate shall appoint one member of the Senate; and

118 (t) the speaker of the House of Representatives shall appoint one member of the House

119 of Representatives.

120 (3) (a) The governor's designee shall serve as cochair of the commission.

121 (b) The commissioner of the Department of Public Safety shall serve as cochair of the
122 commission.

123 (4) (a) The members described in Subsection (2) shall represent urban, rural, and
124 suburban population areas.

125 (b) No fewer than half of the members described in Subsection (2) shall have
126 professional experience in cybersecurity or in information technology.

127 (5) In addition to the membership described in Subsection (2), the commission shall
128 seek information and advice from state and private entities with expertise in critical
129 infrastructure.

130 (6) As necessary to improve information and protect potential vulnerabilities, the
131 commission shall seek information and advice from federal entities including:

132 (a) the Cybersecurity and Infrastructure Security Agency;

133 (b) the Federal Energy Regulatory Commission;

134 (c) the Federal Bureau of Investigation; and

135 (d) the United States Department of Transportation.

136 (7) (a) Except as provided in Subsections (7)(b) and (7)(c), a member is appointed for a
137 term of four years.

138 (b) A member shall serve until the member's successor is appointed and qualified.

139 (c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the
140 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
141 commission members are staggered so that approximately half of the commission members
142 appointed under Subsection (2)(r) are appointed every two years.

143 (8) (a) If a vacancy occurs in the membership of the commission, the member shall be
144 replaced in the same manner in which the original appointment was made.

145 (b) An individual may be appointed to more than one term.

146 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
147 appointed for the unexpired term.

148 (9) (a) A majority of the members of the commission is a quorum.

149 (b) The action of a majority of a quorum constitutes an action of the commission.

150 (10) The commission shall meet at least two times a year.

151 Section 3. Section **63C-25-202** is enacted to read:

152 **63C-25-202. Commission duties.**

153 The commission shall:

154 (1) identify and inform the governor of:

155 (a) cyber threats and vulnerabilities towards Utah's critical infrastructure;

156 (b) cybersecurity assets and resources;

157 (c) an analysis of:

158 (i) current cyber incident response capabilities;

159 (ii) potential cyber threats; and

160 (iii) areas of significant concern with respect to:

161 (A) vulnerability to cyber attack; or

162 (B) seriousness of consequences in the event of a cyber attack;

163 (2) provide resources with respect to cyber attacks in both the public and private sector,

164 including:

165 (a) best practices;

166 (b) education; and

167 (c) mitigation;

168 (3) promote cyber security awareness;

169 (4) share information;

170 (5) promote best practices to prevent and mitigate cyber attacks;

171 (6) enhance cyber capabilities and response for all Utahns;

172 (7) provide consistent outreach and collaboration with private and public sector

173 organizations; and

174 (8) share cyber threat intelligence to operators and overseers of Utah's critical

175 infrastructure.

176 Section 4. Section **63C-25-203** is enacted to read:

177 **63C-25-203. Compensation of members.**

178 (1) A member who is not a legislator may not receive compensation or benefits for the

179 member's service, but may receive per diem and travel expenses incurred as a member of the

180 commission at the rates established by the Division of Finance under:

181 (a) Sections [63A-3-106](#) and [63A-3-107](#); and
182 (b) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
183 [63A-3-107](#).

184 (2) Compensation and expenses of a member who is a legislator are governed by
185 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

186 Section 5. Section **63C-25-204** is enacted to read:

187 **63C-25-204. Staffing.**

188 The Department of Public Safety shall provide staff and support to the commission.

189 Section 6. Section **63C-25-205** is enacted to read:

190 **63C-25-205. Reporting requirement.**

191 On or before November 30, the commission shall report to the Public Utilities, Energy,
192 and Technology Interim Committee:

193 (1) an assessment of cyber threats to Utah;

194 (2) recommendations for legislation that would reduce the state's vulnerability to
195 attack; and

196 (3) recommendations for best practices for state government with respect to
197 cybersecurity.

198 Section 7. Section **63C-25-206** is enacted to read:

199 **63C-25-206. Closure of meetings.**

200 The commission may, in accordance with Section [52-4-204](#), close to the public a
201 meeting to discuss an item described in Subsections [63C-25-202](#)(1) and (8).

202 Section 8. Section **63I-1-263** is amended to read:

203 **63I-1-263. Repeal dates, Titles 63A to 63N.**

204 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

205 (a) Section [63A-16-102](#) is repealed;

206 (b) Section [63A-16-201](#) is repealed; and

207 (c) Section [63A-16-202](#) is repealed.

208 (2) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital
209 improvement funding, is repealed July 1, 2024.

210 (3) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
211 2023.

- 212 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
213 Committee, are repealed July 1, 2023.
- 214 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
215 1, 2028.
- 216 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
217 2025.
- 218 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
219 2024.
- 220 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
221 repealed July 1, 2023.
- 222 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
223 July 1, 2023.
- 224 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
225 repealed July 1, 2026.
- 226 (11) Title 63C, Chapter 25, Cybersecurity Commission, is repealed July 1, 2032.
- 227 [~~(11)~~] (12) Title 63A, Chapter 16, Part 7, Data Security Management Council, is
228 repealed July 1, 2025.
- 229 [~~(12)~~] (13) Section [63G-6a-805](#), which creates the Purchasing from Persons with
230 Disabilities Advisory Board, is repealed July 1, 2026.
- 231 [~~(13)~~] (14) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
232 July 1, 2025.
- 233 [~~(14)~~] (15) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
234 July 1, 2024.
- 235 [~~(15)~~] (16) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
236 2026.
- 237 [~~(16)~~] (17) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account, is
238 repealed July 1, 2026.
- 239 [~~(17)~~] (18) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio
240 System Restricted Account, is repealed July 1, 2022.
- 241 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and
242 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make

243 necessary changes to subsection numbering and cross references.

244 ~~[(18)]~~ (19) Subsection [63J-1-602.2](#)(5), referring to dedicated credits to the Utah
245 Marriage Commission, is repealed July 1, 2023.

246 ~~[(19)]~~ (20) Subsection [63J-1-602.2](#)(6), referring to the Trip Reduction Program, is
247 repealed July 1, 2022.

248 ~~[(20)]~~ (21) Subsection [63J-1-602.2](#)(24), related to the Utah Seismic Safety
249 Commission, is repealed January 1, 2025.

250 ~~[(21)]~~ (22) Title 63J, Chapter 4, Part 5, Resource Development Coordinating
251 Committee, is repealed July 1, 2027.

252 ~~[(22)]~~ (23) In relation to the advisory committee created in Subsection [63L-11-305](#)(3),
253 on July 1, 2022:

254 (a) Subsection [63L-11-305](#)(1)(a), which defines "advisory committee," is repealed; and

255 (b) Subsection [63L-11-305](#)(3), which creates the advisory committee, is repealed.

256 ~~[(23)]~~ (24) In relation to the Utah Substance Use and Mental Health Advisory Council,
257 on January 1, 2023:

258 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
259 repealed;

260 (b) Section [63M-7-305](#), the language that states "council" is replaced with
261 "commission";

262 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:

263 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

264 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

265 "(2) The commission shall:

266 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
267 Drug-Related Offenses Reform Act; and

268 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
269 Subsections [77-18-103](#)(2)(c) and (d).".

270 ~~[(24)]~~ (25) The Crime Victim Reparations and Assistance Board, created in Section
271 [63M-7-504](#), is repealed July 1, 2027.

272 ~~[(25)]~~ (26) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
273 July 1, 2022.

274 ~~[(26)]~~ (27) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
275 2026.

276 ~~[(27)]~~ (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development
277 Coordinating Council, is repealed July 1, 2024.

278 ~~[(28)]~~ (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

279 ~~[(29)]~~ (30) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed
280 July 1, 2028.

281 ~~[(30)]~~ (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
282 January 1, 2021.

283 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
284 calendar years beginning on or after January 1, 2021.

285 (c) Notwithstanding Subsection ~~[(30)]~~ (31)(b), an entity may carry forward a tax credit
286 in accordance with Section 59-9-107 if:

287 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
288 31, 2020; and

289 (ii) the qualified equity investment that is the basis of the tax credit is certified under
290 Section 63N-2-603 on or before December 31, 2023.

291 ~~[(31)]~~ (32) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
292 repealed July 1, 2023.

293 ~~[(32)]~~ (33) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
294 July 1, 2025.

295 ~~[(33)]~~ (34) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
296 Program, is repealed January 1, 2028.

297 Section 9. **Repealer.**

298 This bill repeals:

299 Section 63A-16-701, **Data Security Management Council -- Membership -- Duties.**

300 Section 63A-16-702, **Data Security Management Council -- Report to Legislature --**
301 **Recommendations.**