

HB0280S04 compared with HB0280S03

~~deleted text~~ shows text that was in HB0280S03 but was deleted in HB0280S04.

inserted text shows text that was not in HB0280S03 but was inserted into HB0280S04.

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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;

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

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

63C-25-101, Utah Code Annotated 1953

63C-25-201, Utah Code Annotated 1953

63C-25-202, Utah Code Annotated 1953

63C-25-203, Utah Code Annotated 1953

63C-25-204, Utah Code Annotated 1953

63C-25-205, Utah Code Annotated 1953

63C-25-206, Utah Code Annotated 1953

REPEALS:

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

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

Utah Code Sections Affected by Coordination Clause:

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

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

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

CHAPTER 25. CYBERSECURITY COMMISSION

Part 1. General Provisions

63C-25-101. Definitions.

As used in this chapter:

- (1) "Commission" means the Cybersecurity Commission created in this chapter.
- (2) "Critical infrastructure" includes the following sectors the United States

Department of Homeland Security identifies as critical:

- (a) chemical;
- (b) commercial facilities;
- (c) communications;
- (d) critical manufacturing;
- (e) dams;
- (f) defense industrial base;
- (g) emergency services;
- (h) energy;
- (i) financial services;
- (j) food and agriculture;
- (k) government facilities;
- (l) healthcare and public health;
- (m) information technology;
- (n) nuclear reactors, nuclear materials, and nuclear waste;
- (o) transportation systems; and
- (p) water and wastewater systems.

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

Part 2. Cybersecurity Commission

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63C-25-201. Cybersecurity Commission created.

- (1) There is created the Cybersecurity Commission.
- (2) The commission shall be composed of 24 members:
 - (a) one member the governor designates to serve as the governor's designee;
 - (b) the commissioner of the Department of Public Safety;
 - (c) the lieutenant governor, or an election officer, as that term is defined in Section 20A-1-102, the lieutenant governor designates to serve as the lieutenant governor's designee;
 - (d) the chief information officer of the Division of Technology Services;
 - (e) the chief information security officer, as described in Section 63A-16-210;
 - (f) the chairman of the Public Service Commission shall designate a representative with professional experience in information technology or cybersecurity;
 - (g) the executive director of the Utah Department of Transportation shall designate a representative with professional experience in information technology or cybersecurity;
 - (h) the director of the Division of Finance shall designate a representative with professional experience in information technology or cybersecurity;
 - (i) the executive director of the Department of Health and Human Services shall designate a representative with professional experience in information technology or cybersecurity;
 - (j) the director of the Division of Indian Affairs shall designate a representative with professional experience in information technology or cybersecurity;
 - (k) the Utah League of Cities and Towns shall designate a representative with professional experience in information technology or cybersecurity;
 - (l) the Utah Association of Counties shall designate a representative with professional experience in information technology or cybersecurity;
 - (m) the attorney general, or the attorney general's designee;
 - (n) the commissioner of financial institutions, or the commissioner's designee;
 - (o) the executive director of the Department of Environmental Quality shall designate a representative with professional experience in information technology or cybersecurity;
 - (p) the executive director of the Department of Natural Resources shall designate a representative with professional experience in information technology or cybersecurity;
 - (q) the highest ranking information technology official, or the official's designee, from

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each of:

(i) the Judicial Council;

(ii) the Utah Board of Higher Education;

(iii) the State Board of Education; and

(iv) the State Tax Commission;

(r) the governor shall appoint:

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

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

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

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

of Representatives.

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

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

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

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

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

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

(a) the Cybersecurity and Infrastructure Security Agency;

(b) the Federal Energy Regulatory Commission;

(c) the Federal Bureau of Investigation; and

(d) the United States Department of Transportation.

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

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

(c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the

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time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission members appointed under Subsection (2)(r) are appointed every two years.

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

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

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

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

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

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

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

63C-25-202. Commission duties.

The commission shall:

(1) identify and inform the governor of:

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

(b) cybersecurity assets and resources;

(c) an analysis of:

(i) current cyber incident response capabilities;

(ii) potential cyber threats; and

(iii) areas of significant concern with respect to:

(A) vulnerability to cyber attack; or

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

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

including:

(a) best practices;

(b) education; and

(c) mitigation;

(3) promote cyber security awareness;

(4) share information;

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

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

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

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

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

63C-25-203. Compensation of members.

(1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses incurred as a member of the commission at the rates established by the Division of Finance under:

(a) Sections 63A-3-106 and 63A-3-107; and

(b) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

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

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

63C-25-204. Staffing.

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

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

63C-25-205. Reporting requirement.

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

(1) an assessment of cyber threats to Utah;

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

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

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

63C-25-206. Closure of meetings.

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

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

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

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

- (a) Section 63A-16-102 is repealed;
- (b) Section 63A-16-201 is repealed; and
- (c) Section 63A-16-202 is repealed.

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

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

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.

(11) Title 63C, Chapter 25, Cybersecurity Commission, is repealed July 1, 2032.

~~[(11) ~~(12)~~ Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed July 1, 2025.]~~

~~(12) ~~(13)~~ Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.~~

~~(13) ~~(14)~~ Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.~~

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~~(14)~~~~(15)~~ Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

~~(15)~~~~(16)~~ Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

~~(16)~~~~(17)~~ Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account, is repealed July 1, 2026.

~~(17)~~~~(18)~~ (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

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

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

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

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

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

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

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

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

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

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

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

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

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

"(2) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~§§(32)~~~~§(33)~~ Title 63N, Chapter 7, Part 1, Board of Tourism Development, is

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repealed July 1, 2025.

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

Section 9. Repealer.

This bill repeals:

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

Section 63A-16-702, Data Security Management Council -- Report to Legislature --

Recommendations.

Section 10. Coordinating H.B. 280 with S.B. 34 and H.B. 48 -- Technical amendment.

If this H.B. 280 and S.B. 34, Utah Statewide Radio Systems Restricted Account Sunset Amendments, or H.B. 48, Utah Substance Use and Mental Health Advisory Council Sunset Extension, pass and become law, it is the intent of the Legislature that the language in Section 63I-1-263 that reads "Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed July 1, 2025." not take effect when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.