

1 **Draft Cybersecurity Commission Legislation**

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3 **A bill for an act relating to the legislature; developing closed meeting procedures for the**
4 **commission on cybersecurity;**

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6 **3.888 LEGISLATIVE COMMISSION ON CYBERSECURITY.**

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8 **Subdivision 1.Membership.**

9 The Legislative Commission on Cybersecurity consists of the following eight members:

10 (1) four senators, including two senators appointed by the senate majority leader and two
11 senators appointed by the senate minority leader; and

12 (2) four members of the house of representatives, including two members appointed by the
13 speaker of the house and two members appointed by the minority leader of the house.

14 Subd. 1a. **Definition.** (a) For purposes of this section, the following term has the meaning
15 given.

16 (b) “Closed meeting records” means the recordings; minutes; documents; and member voting
17 records, if any, from a closed meeting by the commission.

18 **Subd. 2.Terms; vacancies.**

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20 Members of the commission serve for a two-year term beginning on appointment and expiring
21 on appointment of a successor after the opening of the next regular session of the legislature in the
22 odd-numbered year. A vacancy in the membership of the commission must be filled for the
23 unexpired term in a manner that will preserve the representation established by this section.

24 **Subd. 3.Duties.**

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26 The commission shall provide oversight of the state's cybersecurity measures. The commission
27 shall review the policies and practices of state agencies with regard to cybersecurity and may
28 recommend changes in policy to adequately protect the state from cybersecurity threats. The
29 commission may develop recommendations and draft legislation to support and strengthen the
30 state's cybersecurity infrastructure.

31 **Subd. 4. Chair.**

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33 The commission shall elect a chair by a majority vote of members present. If the commission
34 is unable to elect a chair by a majority vote at its first meeting of a biennium, the ranking member
35 of the majority party shall serve as chair. The officers shall alternate between a member of the senate
36 and a member of the house of representatives. A chair shall serve a two-year term expiring upon
37 election of a new chair after the opening of the next regular session of the legislature in the odd-
38 numbered year.

39 **Subd. 5.Meetings.**

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41 The commission must meet at least three times per calendar year. The meetings of the
42 commission are subject to section 3.055, except that the commission may close a meeting when
43 necessary to safeguard the state's cybersecurity. ~~The minutes, recordings, and documents from a~~
44 ~~closed meeting under this subdivision~~ Closed meeting records shall be maintained by the Legislative
45 Coordinating Commission and shall not be made available to the public until at least eight years but
46 no more than 20 years after the date of the closed meeting.

47 **Subd. 5a. Closed meetings procedures.**

48 The commission must adopt procedures for conducting closed meetings before the
49 commission's first closed meeting. At a minimum, the procedures must include:

- 50 (1) a requirement to provide notice to the public before each closed meeting of the
51 commission's intent and authority to hold a closed meeting;
- 52 (2) a requirement that the commission minimize the number of people present at a closed
53 meeting to those necessary to conduct the meeting;
- 54 (3) steps the commission must take if a commission member is alleged to have violated the
55 confidentiality of a closed meeting; and
- 56 (4) guidance for the Legislative Coordinating Commission for the public release of closed
57 meeting records following eight years. The meetings of the Legislative Coordinating
58 Commission under this clause are exempt from section 3.055 when necessary to
59 safeguard the confidentiality of closed meeting records.

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61 **Subd. 5b. Alleged member closed meeting confidentiality violations.**

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63 Notwithstanding any law to the contrary, if a complaint alleging a member violated the
64 confidentiality of a closed meeting is brought to a legislative committee with jurisdiction over
65 ethical conduct, the committee with jurisdiction over ethical conduct must preserve the
66 confidentiality of the closed meeting at issue.

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68 **Subd. 6.Administration.**

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70 The Legislative Coordinating Commission shall provide administrative services for the
71 commission.

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73 **Subd. 7.Expiration.**

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75 The commission expires December 31, 2028.

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77 EFFECTIVE DATE. This section is effective the day following final enactment.