

# SENATE BILL 281

P1

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By: **Senators Simonaire, Hershey, Jennings, Klausmeier, and Peters**

Introduced and read first time: January 22, 2018

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Cybersecurity Council – Membership – Revisions**

3 FOR the purpose of altering the membership of the Maryland Cybersecurity Council to  
4 include the State Administrator of Elections or the State Administrator’s designee;  
5 ~~altering the number of members of the respective houses of the General Assembly~~  
6 ~~that the President of the Senate and the Speaker of the House of Delegates may~~  
7 ~~appoint to serve on the Council; authorizing the Minority Leader of the Senate and~~  
8 ~~the Minority Leader of the House of Delegates to appoint one member of their~~  
9 ~~respective houses of the General Assembly to serve on the Council; prohibiting the~~  
10 ~~Minority Leader of the Senate and the Minority Leader of the House of Delegates~~  
11 ~~from making an initial appointment under certain circumstances until a certain~~  
12 ~~condition is met; and generally relating to the membership of the Maryland~~  
13 Cybersecurity Council.

14 BY repealing and reenacting, with amendments,  
15 Article – State Government  
16 Section 9–2901  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2017 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – State Government**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–2901.

2 (a) (1) In this subtitle the following words have the meanings indicated.

3 (2) “Council” means the Maryland Cybersecurity Council.

4 (3) “Executive Order” means Executive Order 13636 of the President of the  
5 United States.

6 (b) There is a Maryland Cybersecurity Council.

7 (c) The Council consists of the following members:

8 (1) the Attorney General, or the Attorney General’s designee;

9 (2) the Secretary of Information Technology, or the Secretary’s designee;

10 (3) the Secretary of State Police, or the Secretary’s designee;

11 (4) the Secretary of Commerce, or the Secretary’s designee;

12 (5) the Adjutant General, or the Adjutant General’s designee;

13 (6) **THE STATE ADMINISTRATOR OF ELECTIONS, OR THE STATE**  
14 **ADMINISTRATOR’S DESIGNEE;**

15 (7) the Executive Director of the Governor’s Office of Homeland Security,  
16 or the Executive Director’s designee;

17 [(7)] (8) the Director of the Maryland Coordination and Analysis Center,  
18 or the Director’s designee;

19 [(8)] (9) the Executive Director of the Maryland Emergency Management  
20 Agency, or the Executive Director’s designee;

21 [(9)] (10) the Executive Director of the Maryland Technology Development  
22 Corporation, or the Executive Director’s designee;

23 [(10)] (11) the Chair of the Tech Council of Maryland, or the Chair’s  
24 designee;

25 [(11)] (12) the President of the Fort Meade Alliance, or the President’s  
26 designee;

27 [(12)] (13) the President of the Army Alliance, or the President’s designee;  
28 and

1            [(13)] (14) the following members appointed by the Attorney General:

2            (i) five representatives of cybersecurity companies located in the  
3 State, with at least three representing cybersecurity companies with 50 or fewer employees;

4            (ii) four representatives from statewide or regional business  
5 associations;

6            (iii) up to ten representatives from institutions of higher education  
7 located in the State;

8            (iv) one representative of a crime victims organization;

9            (v) four representatives from industries that may be susceptible to  
10 attacks on cybersecurity, including at least one representative of a bank, whether or not  
11 State-chartered, that has a branch in the State;

12            (vi) two representatives of organizations that have expertise in  
13 electronic health care records; and

14            (vii) any other stakeholder that the Attorney General determines  
15 appropriate.

16            (d) ~~(1)~~ The President of the Senate may appoint ~~up to two members~~ ~~ONE~~  
17 ~~MEMBER~~ of the Senate to serve on the Council.

18            ~~(2) THE MINORITY LEADER OF THE SENATE MAY APPOINT ONE~~  
19 ~~MEMBER OF THE SENATE TO SERVE ON THE COUNCIL.~~

20            (e) ~~(1)~~ The Speaker of the House of Delegates may appoint ~~up to two~~  
21 ~~members~~ ~~ONE MEMBER~~ of the House to serve on the Council.

22            ~~(2) THE MINORITY LEADER OF THE HOUSE OF DELEGATES MAY~~  
23 ~~APPOINT ONE MEMBER OF THE HOUSE OF DELEGATES TO SERVE ON THE COUNCIL.~~

24            (f) The Attorney General also shall invite, as appropriate, the following  
25 representatives of federal agencies to serve on the Council:

26            (1) the Director of the National Security Agency, or the Director's designee;

27            (2) the Secretary of Homeland Security, or the Secretary's designee;

28            (3) the Director of the Defense Information Systems Agency, or the  
29 Director's designee;

1 (4) the Director of the Intelligence Advanced Research Projects Activity, or  
2 the Director's designee; and

3 (5) any other federal agency that the Attorney General determines  
4 appropriate.

5 (g) The Attorney General, or the Attorney General's designee, shall chair the  
6 Council.

7 (h) The University of Maryland, University College shall provide staff for the  
8 Council.

9 (i) A member of the Council:

10 (1) may not receive compensation as a member of the Council; but

11 (2) is entitled to reimbursement for expenses under the Standard State  
12 Travel Regulations, as provided in the State budget.

13 (j) The Council shall work with the National Institute of Standards and  
14 Technology and other federal agencies, private sector businesses, and private cybersecurity  
15 experts to:

16 (1) for critical infrastructure not covered by federal law or the Executive  
17 Order, review and conduct risk assessments to determine which local infrastructure sectors  
18 are at the greatest risk of cyber attacks and need the most enhanced cybersecurity  
19 measures;

20 (2) use federal guidance to identify categories of critical infrastructure as  
21 critical cyber infrastructure if cyber damage or unauthorized cyber access to the  
22 infrastructure could reasonably result in catastrophic consequences, including:

23 (i) interruption in the provision of energy, water, transportation,  
24 emergency services, food, or other life-sustaining services sufficient to cause a mass  
25 casualty event or mass evacuations;

26 (ii) catastrophic economic damage; or

27 (iii) severe degradation of State or national security;

28 (3) assist infrastructure entities that are not covered by the Executive  
29 Order in complying with federal cybersecurity guidance;

30 (4) assist private sector cybersecurity businesses in adopting, adapting,  
31 and implementing the National Institute of Standards and Technology cybersecurity  
32 framework of standards and practices;

1 (5) examine inconsistencies between State and federal laws regarding  
2 cybersecurity;

3 (6) recommend a comprehensive State strategic plan to ensure a  
4 coordinated and adaptable response to and recovery from cybersecurity attacks; and

5 (7) recommend any legislative changes considered necessary by the  
6 Council to address cybersecurity issues.

7 (k) Beginning July 1, 2017, and every 2 years thereafter, the Council shall submit  
8 a report of its activities to the General Assembly in accordance with § 2-1246 of this article.

9 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

10 ~~(a) If two members of the Senate are serving on the Maryland Cybersecurity~~  
11 ~~Council on the effective date of this Act, the Minority Leader of the Senate may not make~~  
12 ~~an initial appointment under § 9-2001(d)(2) of the State Government Article, as enacted~~  
13 ~~by Section 1 of this Act, until one of the members is no longer serving on the Council.~~

14 ~~(b) If two members of the House of Delegates are serving on the Maryland~~  
15 ~~Cybersecurity Council on the effective date of this Act, the Minority Leader of the House of~~  
16 ~~Delegates may not make an initial appointment under § 9-2001(e)(2) of the State~~  
17 ~~Government Article, as enacted by Section 1 of this Act, until one of the members is no~~  
18 ~~longer serving on the Council.~~

19 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.