

SENATE BILL 49

P1

(11r1029)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senator Lee**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Government – Department of Information Technology – Cybersecurity**

3 FOR the purpose of requiring the Secretary of Information ~~Technology~~ *Technology, in*
4 *consultation with the Attorney General,* ~~in consultation with the Attorney General,~~
5 to advise and oversee a consistent cybersecurity strategy for certain units of State
6 government; requiring the Secretary to advise and consult with the Legislative and
7 Judicial branches of State government regarding a cybersecurity strategy; requiring
8 the ~~Secretary~~ *Secretary, in consultation with the Attorney General,* ~~in consultation~~
9 ~~with the Attorney General,~~ to develop guidance on consistent cybersecurity
10 strategies for certain political subdivisions of the State; providing for the
11 construction of certain provisions of this Act; defining certain terms; and generally
12 relating to cybersecurity.

13 BY repealing and reenacting, without amendments,

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – State Finance and Procurement
 2 Section 3A–101
 3 Annotated Code of Maryland
 4 (2015 Replacement Volume and 2020 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – State Finance and Procurement
 7 Section 3A–301 and 3A–303
 8 Annotated Code of Maryland
 9 (2015 Replacement Volume and 2020 Supplement)

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

12 **Article – State Finance and Procurement**

13 3A–101.

14 (a) In this title the following words have the meanings indicated.

15 (b) “Department” means the Department of Information Technology.

16 (c) “Secretary” means the Secretary of Information Technology.

17 (d) “Telecommunication” means the transmission of information, images,
 18 pictures, voice, or data by radio, video, or other electronic or impulse means.

19 (e) “Unit of State government” means an agency or unit of the Executive Branch
 20 of State government.

21 3A–301.

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

23 **(B) “CYBERSECURITY” MEANS PROCESSES OR CAPABILITIES WHEREIN**
 24 **SYSTEMS, COMMUNICATIONS, AND INFORMATION ARE PROTECTED AND DEFENDED**
 25 **AGAINST DAMAGE, UNAUTHORIZED USE OR MODIFICATION, AND EXPLOITATION.**

26 **(C) “CYBERSECURITY STRATEGY” MEANS A VISION, A PLAN OF ACTION, OR**
 27 **GUIDING PRINCIPLES.**

28 **[(b)] (D)** (1) “Development” means all expenditures for a new information
 29 technology system or an enhancement to an existing system including system:

30 (i) planning;

1 (ii) procurement;

2 (iii) creation;

3 (iv) installation;

4 (v) testing; and

5 (vi) initial training.

6 (2) “Development” does not include:

7 (i) ongoing operating costs, software or hardware maintenance,
8 routine upgrades, or modifications that merely allow for a continuation of the existing level
9 of functionality; or

10 (ii) expenditures made after a new or enhanced system has been
11 legally accepted by the user and is being used for the business process for which it was
12 intended.

13 [(c)] (E) “Fund” means the Major Information Technology Development Project
14 Fund.

15 [(d)] (F) “Information technology” means all electronic information processing
16 hardware and software, including:

17 (1) maintenance;

18 (2) telecommunications; and

19 (3) associated consulting services.

20 [(e)] (G) “Information technology services” means information provided by
21 electronic means by or on behalf of a unit of State government.

22 [(f)] (H) “Major information technology development project” means any
23 information technology development project that meets one or more of the following
24 criteria:

25 (1) the estimated total cost of development equals or exceeds \$1,000,000;

26 (2) the project is undertaken to support a critical business function
27 associated with the public health, education, safety, or financial well-being of the citizens
28 of Maryland; or

1 (3) the Secretary determines that the project requires the special attention
2 and consideration given to a major information technology development project due to:

3 (i) the significance of the project's potential benefits or risks;

4 (ii) the impact of the project on the public or local governments;

5 (iii) the public visibility of the project; or

6 (iv) other reasons as determined by the Secretary.

7 **[(g)] (I)** "Master plan" means the statewide information technology master
8 plan.

9 **[(h)] (J)** "Nonvisual access" means the ability, through keyboard control,
10 synthesized speech, Braille, or other methods not requiring sight to receive, use, and
11 manipulate information and operate controls necessary to access information technology in
12 accordance with standards adopted under § 3A-303(b) of this subtitle.

13 **[(i)] (K)** "Resource sharing" means the utilization of a State resource by private
14 industry in exchange for the provision to the State of a communication service or other
15 consideration.

16 **[(j)] (L)** "Systems development life cycle plan" means a plan that defines all
17 actions, functions, or activities to be performed by a unit of State government in the
18 definition, planning, acquisition, development, testing, implementation, operation,
19 enhancement, and modification of information technology systems.

20 3A-303.

21 (a) The Secretary is responsible for carrying out the following duties:

22 (1) developing, maintaining, revising, and enforcing information
23 technology policies, procedures, and standards;

24 (2) providing technical assistance, advice, and recommendations to the
25 Governor and any unit of State government concerning information technology matters;

26 (3) reviewing the annual project plan for each unit of State government to
27 make information and services available to the public over the Internet;

28 (4) developing and maintaining a statewide information technology master
29 plan that will:

30 (i) be the basis for the management and direction of information
31 technology within the Executive Branch of State government;

1 (ii) include all aspects of State information technology including
2 telecommunications, security, data processing, and information management;

3 (iii) consider interstate transfers as a result of federal legislation and
4 regulation;

5 (iv) work jointly with the Secretary of Budget and Management to
6 ensure that information technology plans and budgets are consistent;

7 (v) ensure that State information technology plans, policies, and
8 standards are consistent with State goals, objectives, and resources, and represent a
9 long-range vision for using information technology to improve the overall effectiveness of
10 State government; and

11 (vi) include standards to assure nonvisual access to the information
12 and services made available to the public over the Internet; [and]

13 (5) adopting by regulation and enforcing nonvisual access standards to be
14 used in the procurement of information technology services by or on behalf of units of State
15 government in accordance with subsection (b) of this section;

16 **(6) IN CONSULTATION WITH THE ATTORNEY GENERAL, ~~IN~~**
17 **~~CONSULTATION WITH THE ATTORNEY GENERAL,~~ ADVISING AND OVERSEEING A**
18 **CONSISTENT CYBERSECURITY STRATEGY FOR UNITS OF STATE GOVERNMENT,**
19 **INCLUDING INSTITUTIONS UNDER THE CONTROL OF THE GOVERNING BOARDS OF**
20 **THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION;**

21 **(7) ADVISING AND CONSULTING WITH THE LEGISLATIVE AND**
22 **JUDICIAL BRANCHES OF STATE GOVERNMENT REGARDING A CYBERSECURITY**
23 **STRATEGY; AND**

24 **(8) IN CONSULTATION WITH THE ATTORNEY GENERAL, ~~IN~~**
25 **~~CONSULTATION WITH THE ATTORNEY GENERAL,~~ DEVELOPING GUIDANCE ON**
26 **CONSISTENT CYBERSECURITY STRATEGIES FOR COUNTIES, MUNICIPAL**
27 **CORPORATIONS, SCHOOL SYSTEMS, AND ALL OTHER POLITICAL SUBDIVISIONS OF**
28 **THE STATE.**

29 **(B) NOTHING IN SUBSECTION (A) OF THIS SECTION MAY BE CONSTRUED AS**
30 **ESTABLISHING A MANDATE FOR ANY ENTITY LISTED IN SUBSECTION (A)(8) OF THIS**
31 **SECTION.**

32 **[(b)] (C)** On or before January 1, 2020, the Secretary, or the Secretary's
33 designee, shall:

1 (1) adopt new nonvisual access procurement standards that:

2 (i) provide an individual with disabilities with nonvisual access in a
3 way that is fully and equally accessible to and independently usable by the individual with
4 disabilities so that the individual is able to acquire the same information, engage in the
5 same interactions, and enjoy the same services as users without disabilities, with
6 substantially equivalent ease of use; and

7 (ii) are consistent with the standards of § 508 of the federal
8 Rehabilitation Act of 1973; and

9 (2) establish a process for the Secretary or the Secretary's designee to:

10 (i) determine whether information technology meets the nonvisual
11 access standards adopted under item (1) of this subsection; and

12 (ii) 1. for information technology procured by a State unit before
13 January 1, 2020, and still used by the State unit on or after January 1, 2020, work with the
14 vendor to modify the information technology to meet the nonvisual access standards, if
15 practicable; or

16 2. for information technology procured by a State unit on or
17 after January 1, 2020, enforce the nonvisual access clause developed under § 3A-311 of this
18 subtitle, including the enforcement of the civil penalty described in § 3A-311(a)(2)(iii)1 of
19 this subtitle.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.