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May 2, 2022

The Honorable Lawrence J. Hogan, Jr.
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

RE: House Bill 1202/Senate Bill 754, “Local Government Cybersecurity – Coordination and Operations (Local Cybersecurity Support Act of 2022)”;
House Bill 1346/Senate Bill 812, “State Government – Cybersecurity – Coordination and Governance”

Dear Governor Hogan:

We have reviewed and hereby approve the following bills: House Bill 1202/Senate Bill 754 and House Bill 1346/Senate Bill 812 for constitutionality and legal sufficiency. We write to point out that neither cross-filed pair is identical. Moreover, House Bill 1202/Senate Bill 754 have several provisions that would need to be reconciled with House Bill 1346/Senate Bill 812 if one or both bills from each is enacted.

House Bill 1202 and Senate Bill 754 are not identical. Senate Bill 754, on page 9, lines 28-29, has a stray reference: “to the Maryland Joint Operations Center in the Department,” which was deleted from House Bill 1202. Further, on page 15, lines 7 and 12, the Senate Bill repeats “and”, and it states that the Office is responsible for “supporting” the Preparedness Unit (at line 13), while the House Bill states that the Office is responsible for “coordinating with” the Unit.

Additionally, House Bill 1346 and Senate Bill 812 are not identical either. In House Bill 1346, page 12, line 12, “and” is deleted but left in Senate Bill 812 on page 12, line 4. The House Bill on page 18, lines 14-15, “in the Governor’s annual budget” is deleted but left in the Senate Bill, page 18, lines 4-5. The House Bill on page 23, line 29 and on page

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24, line 2, deletes “coordinating,” which is left in the Senate Bill on page 21, lines 13 and 19. Moreover, the House Bill on page 42, line 29 keeps in “coordinating,” despite deleting it previously.

Furthermore, some provisions in House Bill 1202/Senate Bill 754 amend the same provisions in House Bill 1346/Senate Bill 812 but in different ways. These provisions include (1) House Bill 1202 (page 13, lines 10-11)/Senate Bill 754 (page 13, lines 7-8) with House Bill 1346 (page 10, lines 3-7)/Senate Bill 812 (page 9, lines 28-29, and page 10, lines 1-3); (2) House Bill 1202 (page 22, lines 4-10)/Senate Bill 754 (page 21, lines 27-33) with House Bill 1346 (page 38, lines 13-18)/Senate Bill 812 (page 35, lines 28-31); and (3) House Bill 1202 (starting on page 22, line 11)/Senate Bill 754 (starting on page 21, line 34) with House Bill 1346 (starting on page 39, line 9)/Senate Bill 812 (starting on page 36, line 25) (different new State Finance and Procurement Article, § 3.5-405). The publisher of the Code will likely be able to reconcile most, if not all, of the foregoing issues by renumbering and reorganization. Moreover, none render the bills legally defective and each bill may be enacted.

Sincerely,

A handwritten signature in blue ink that reads "Brian E. Frosh". The signature is written in a cursive style and is contained within a thin black rectangular border.

Brian E. Frosh
Attorney General

BEF/SBB/kd

cc: The Honorable John C. Wobensmith
Keiffer J. Mitchell, Jr.
Victoria L. Gruber