

HB1205/183627/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1205
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 5, after “of” insert “requiring a certain water or sewer system to assess its vulnerability to a cyber attack; authorizing the Maryland Water Quality Financing Administration to provide financial assistance to a public water or wastewater system to assess system cybersecurity vulnerabilities and develop a cybersecurity plan;”; in lines 12 and 13, strike “a Statewide Reporting Framework and” and substitute “an independent Modernize Maryland”; in lines 13 and 14, strike “in the Department of Information Technology”; in line 18, after “Department” insert “of General Services”; and strike beginning with “establishing” in line 19 down through “procurements;” in line 21.

On page 2, in line 1, after “upgrades;” insert “authorizing funds to be transferred by budget amendment from the Dedicated Purpose Account in a certain fiscal year to implement this Act;”; after line 3 insert:

“BY repealing and reenacting, with amendments,

Article - Environment

Section 9-1604(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2021 Supplement)

BY adding to

Article - Public Safety

Section 14-104.1

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)”;

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in line 16, after “Section” insert “3A-101.”; in the same line, strike “, 11-101(m)”;

strike line 17 in its entirety; in line 18, before “15-112(a)(1)(i)” insert “12-107(b)(3)(vi) and (4)(v), and”; in line 23, after “3A-303(a)(9)” insert “and (10)”; in the same line, strike “through 3A-317” and substitute “, 3A-316”; in line 29, strike the first comma; in the same line, strike “11-101(a), and 12-107(b)(2)(i)9.”; and strike in their entirety lines 32 through 36, inclusive.

AMENDMENT NO. 2

On page 2, after line 38, insert:

“Article – Environment

9-1604.

(c) (1) This subsection applies to financial assistance provided by the Administration under:

- (i) The Water Quality Fund;
- (ii) The Bay Restoration Fund;
- (iii) The Biological Nutrient Removal Program; and
- (iv) The Supplemental Assistance Program.

(2) The Administration shall ensure the fair and equitable distribution of financial assistance among wastewater treatment facilities with a design capacity of less than 500,000 gallons per day and wastewater treatment facilities with a design capacity of 500,000 gallons or more per day.

(3) A PUBLIC OR PRIVATE WATER OR SEWER SYSTEM THAT SERVES 10,000 OR MORE USERS AND RECEIVES FINANCIAL ASSISTANCE FROM THE STATE SHALL:

(I) ASSESS ITS VULNERABILITY TO A CYBER ATTACK; AND

(II) IF APPROPRIATE, DEVELOP A CYBERSECURITY PLAN.

(4) THE ADMINISTRATION MAY PROVIDE FINANCIAL ASSISTANCE TO A PUBLIC WATER OR WASTEWATER SYSTEM TO ASSESS SYSTEM CYBERSECURITY VULNERABILITIES AND DEVELOP A CYBERSECURITY PLAN.

Article – Public Safety

14-104.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FUND” MEANS THE LOCAL CYBERSECURITY SUPPORT FUND.

(3) “LOCAL GOVERNMENT” INCLUDES LOCAL SCHOOL SYSTEMS, LOCAL SCHOOL BOARDS, AND LOCAL HEALTH DEPARTMENTS.

(B) (1) THERE IS A LOCAL CYBERSECURITY SUPPORT FUND.

(2) THE PURPOSE OF THE FUND IS TO:

(I) PROVIDE FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS TO IMPROVE CYBERSECURITY PREPAREDNESS, INCLUDING:

(Over)

1. UPDATING CURRENT DEVICES AND NETWORKS WITH THE MOST UP-TO-DATE CYBERSECURITY PROTECTIONS;

2. SUPPORTING THE PURCHASE OF NEW HARDWARE, SOFTWARE, DEVICES, AND FIREWALLS TO IMPROVE CYBERSECURITY PREPAREDNESS;

3. RECRUITING AND HIRING INFORMATION TECHNOLOGY STAFF FOCUSED ON CYBERSECURITY;

4. PAYING OUTSIDE VENDORS FOR CYBERSECURITY STAFF TRAINING;

5. CONDUCTING CYBERSECURITY VULNERABILITY ASSESSMENTS;

6. ADDRESSING HIGH-RISK CYBERSECURITY VULNERABILITIES IDENTIFIED BY VULNERABILITY ASSESSMENTS;

7. IMPLEMENTING AND MAINTAINING INTEGRATORS AND OTHER SIMILAR INTELLIGENCE SHARING INFRASTRUCTURE THAT ENABLE CONNECTION WITH THE INFORMATION AND ANALYSIS CENTER IN THE DEPARTMENT OF INFORMATION TECHNOLOGY; AND

8. SUPPORTING THE SECURITY OF LOCAL WASTEWATER TREATMENT PLANTS, INCLUDING BICOUNTY, COUNTY, AND MUNICIPAL PLANTS, BY ACQUIRING OR IMPLEMENTING CYBERSECURITY-RELATED UPGRADES TO THE PLANTS; AND

(II) ASSIST LOCAL GOVERNMENTS APPLYING FOR FEDERAL CYBERSECURITY PREPAREDNESS GRANTS.

(3) THE SECRETARY SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INTEREST EARNINGS; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND MAY BE USED ONLY:

(I) TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS TO IMPROVE CYBERSECURITY PREPAREDNESS, INCLUDING:

1. UPDATING CURRENT DEVICES AND NETWORKS WITH THE MOST UP-TO-DATE CYBERSECURITY PROTECTIONS;

(Over)

2. SUPPORTING THE PURCHASE OF NEW HARDWARE, SOFTWARE, DEVICES, AND FIREWALLS TO IMPROVE CYBERSECURITY PREPAREDNESS;

3. RECRUITING AND HIRING INFORMATION TECHNOLOGY STAFF FOCUSED ON CYBERSECURITY;

4. PAYING OUTSIDE VENDORS FOR CYBERSECURITY STAFF TRAINING;

5. CONDUCTING CYBERSECURITY VULNERABILITY ASSESSMENTS;

6. ADDRESSING HIGH-RISK CYBERSECURITY VULNERABILITIES IDENTIFIED BY VULNERABILITY ASSESSMENTS;

7. IMPLEMENTING OR MAINTAINING INTEGRATORS AND OTHER SIMILAR INTELLIGENCE SHARING INFRASTRUCTURE THAT ENABLE CONNECTION WITH THE INFORMATION AND ANALYSIS CENTER IN THE DEPARTMENT OF INFORMATION TECHNOLOGY; AND

8. SUPPORTING THE SECURITY OF LOCAL WASTEWATER TREATMENT PLANTS, INCLUDING BICOUNTY, COUNTY, AND MUNICIPAL PLANTS, BY ACQUIRING OR IMPLEMENTING CYBERSECURITY-RELATED UPGRADES TO THE PLANTS;

(II) TO ASSIST LOCAL GOVERNMENTS APPLYING FOR FEDERAL CYBERSECURITY PREPAREDNESS GRANTS; AND

(III) FOR ADMINISTRATIVE EXPENSES ASSOCIATED WITH PROVIDING THE ASSISTANCE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(C) TO BE ELIGIBLE TO RECEIVE ASSISTANCE FROM THE FUND, A LOCAL GOVERNMENT SHALL:

(1) PROVIDE PROOF TO THE DEPARTMENT OF INFORMATION TECHNOLOGY THAT THE LOCAL GOVERNMENT CONDUCTED A CYBERSECURITY PREPAREDNESS ASSESSMENT IN THE PREVIOUS 12 MONTHS; OR

(2) WITHIN 12 MONTHS UNDERGO A CYBERSECURITY PREPAREDNESS ASSESSMENT PROVIDED BY, IN ACCORDANCE WITH THE PREFERENCE OF THE LOCAL GOVERNMENT:

(I) THE DEPARTMENT OF INFORMATION TECHNOLOGY AT A COST TO THE LOCAL GOVERNMENT THAT DOES NOT EXCEED THE COST TO THE DEPARTMENT OF INFORMATION TECHNOLOGY OF PROVIDING THE ASSESSMENT;
OR

(II) A VENDOR AUTHORIZED BY THE DEPARTMENT OF INFORMATION TECHNOLOGY TO COMPLETE CYBERSECURITY PREPAREDNESS ASSESSMENTS.

AMENDMENT NO. 3

On page 5, after line 25, insert:

“3A-101.

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

(b) “CLOUD COMPUTING SERVICE” MEANS A SERVICE THAT ENABLES ON-DEMAND SELF-SERVICE NETWORK ACCESS TO A SHARED POOL OF CONFIGURABLE COMPUTER RESOURCES, INCLUDING DATA STORAGE, ANALYTICS, COMMERCE, STREAMING, E-MAIL, DOCUMENT SHARING, AND DOCUMENT EDITING.

(c) “Department” means the Department of Information Technology.

[(c)] (D) “Secretary” means the Secretary of Information Technology.

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

[(e)] (F) “Unit of State government” means an agency or unit of the Executive Branch of State government.”.

On page 6, in line 3, strike “AND”; in line 5, after “INFRASTRUCTURE” insert “;
AND

(10) ANNUALLY EVALUATING:

(I) THE FEASIBILITY OF UNITS OF STATE GOVERNMENT PROVIDING PUBLIC SERVICES USING ARTIFICIAL INTELLIGENCE, MACHINE LEARNING, COMMERCIAL CLOUD COMPUTING SERVICES, DEVICE-AS-A-SERVICE PROCUREMENT MODELS, AND OTHER EMERGING TECHNOLOGIES; AND

(II) THE DEVELOPMENT OF DATA ANALYTICS CAPABILITIES TO ENABLE DATA-DRIVEN POLICYMAKING BY UNITS OF STATE GOVERNMENT”;

strike in their entirety lines 9 through 11, inclusive; in lines 12 and 14, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; in lines 12 and 13, strike “STATEWIDE REPORTING FRAMEWORK AND” and substitute “MODERNIZE MARYLAND”; in line 17, strike “A STATEWIDE REPORTING FRAMEWORK AND” and substitute “AN INDEPENDENT MODERNIZE MARYLAND”; in line 18, strike “IN THE DEPARTMENT”; in line 22, strike “DETERMINE” and substitute “ADVISE THE SECRETARY AND STATE CHIEF INFORMATION SECURITY OFFICER ON:

(I)”;

and in line 23, after “UPGRADES” insert “;

(II) THE FUNDING SOURCES FOR THE APPROPRIATE INFORMATION TECHNOLOGY AND CYBERSECURITY UPGRADES; AND

(III) FUTURE MECHANISMS FOR THE PROCUREMENT OF APPROPRIATE INFORMATION TECHNOLOGY AND CYBERSECURITY UPGRADES, INCLUDING WAYS TO INCREASE THE EFFICIENCY OF PROCUREMENTS MADE FOR INFORMATION TECHNOLOGY AND CYBERSECURITY UPGRADES”.

(Over)

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On page 7, in line 4, strike “**FOUR**” and substitute “**ONE**”; in the same line, strike “**EXPERTS IN**” and substitute “**MODERNIZATION EXPERT WITH EXPERIENCE IN**”; strike beginning with “**REPRESENTATIVES**” in line 8 down through “**GOVERNOR;**” in line 9 and substitute “**INDIVIDUALS WHO ARE END USERS OF STATE INFORMATION TECHNOLOGY SYSTEMS, ONE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE;**”; strike in their entirety lines 10 through 17, inclusive, and substitute:

“(7) ONE REPRESENTATIVE FROM THE CYBERSECURITY ASSOCIATION OF MARYLAND; AND

(8) ONE INDIVIDUAL WHO IS EITHER AN INSTRUCTOR OR A PROFESSIONAL IN THE ACADEMIC FIELD OF CYBERSECURITY AT A COLLEGE OR UNIVERSITY IN THE STATE, APPOINTED BY THE GOVERNOR.”;

in line 22, strike “**DEVELOP**” and substitute “**ADVISE THE SECRETARY ON**”; and in line 25, after “**SYSTEMS**” insert “**IDENTIFIED BY THE COMMISSION IN THE FIRST RECOMMENDATIONS REPORTED UNDER PARAGRAPH (2) OF THIS SUBSECTION**”.

On page 8, in line 6, after the comma, insert “**THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE,**”.

On page 9, in lines 24 and 25, strike “**STATEWIDE REPORTING FRAMEWORK AND OVERSIGHT**” and substitute “**MODERNIZE MARYLAND**”; and in line 27, after “**COMMITTEE**” insert “**, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE,**”.

On pages 10 through 12, strike beginning with line 9 on page 10 through line 19 on page 12, inclusive.

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On page 13, strike in their entirety lines 3 through 15, inclusive; and in lines 21 and 22, strike “INFORMATION TECHNOLOGY” and substitute “GENERAL SERVICES”.

On page 14, in line 22, strike “INFORMATION TECHNOLOGY” and substitute “GENERAL SERVICES”; in line 27, strike “AND”; after line 27, insert:

“(4) THE METHOD OF PROCUREMENT UTILIZED;

“(5) THE NUMBER OF BIDDERS WHO BID ON THE PROCUREMENT;
AND”;

and in line 28, strike “(4)” and substitute “(6)”.

On pages 14 and 15, strike beginning with line 32 on page 14 through line 11 on page 15, inclusive.

On page 15, in line 22, strike “INFORMATION TECHNOLOGY” and substitute “GENERAL SERVICES”; and in line 25, after “EQUIPMENT” insert “, CLOUD COMPUTING EQUIPMENT,”.

On page 16, in line 5, after “EQUIPMENT” insert “, CLOUD COMPUTING EQUIPMENT,”.

AMENDMENT NO. 4

On page 16, strike in their entirety lines 22 and 23 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal year 2023, funds from the Dedicated Purpose Account may be transferred by budget amendment in accordance with § 7–310 of the State Finance and Procurement Article to implement this Act.”

(Over)

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SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal year 2024, the Governor shall include in the annual budget bill an appropriation in an amount that is not less than 20% of the aggregated amount appropriated for information technology and cybersecurity resources in the annual budget bill for fiscal year 2023 for the Dedicated Purpose Account for cybersecurity.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”