

HOUSE BILL 1265

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P1

2002 Regular Session
(21r2559)

ENROLLED BILL

-- Commerce and Government Matters/Budget and Taxation and Finance --

Introduced by **Delegates McIntosh and Rosenberg**

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.

Speaker.

CHAPTER 277

1 AN ACT concerning

2 **State Commission on Public Safety Technology and Critical Infrastructure**

3 FOR the purpose of establishing the State Commission on Public Safety Technology
4 and Critical Infrastructure to ensure that certain communication and
5 information management systems maintained by certain governmental units
6 are compatible and interoperable; providing for the membership, ~~terms of office,~~
7 chairman, quorum, and meeting times of the Commission; ~~authorizing members~~
8 ~~of the Commission to employ a staff and executive director;~~ providing for the
9 reimbursement of members of the Commission ~~and reimbursement and~~
10 ~~compensation for the executive director;~~ requiring the Governor's Office of Crime
11 Control and Prevention to perform certain administrative functions; requiring
12 the Commission to make certain recommendations, adopt certain regulations,
13 propose legislation, and consult and cooperate with certain governmental units;
14 requiring the Commission to submit a certain report on or before a certain date
15 to the Governor, certain State units of State government, and the General
16 Assembly; requiring the Commission to inform on an ongoing basis certain units
17 of State government whether certain communication and information

1 management systems comply with applicable standards; defining a certain
2 term; *providing for the termination of this Act*; and generally relating to the
3 State Commission on Public Safety Technology and Critical Infrastructure.

4 BY adding to
5 Article 41 - Governor - Executive and Administrative Departments
6 Section 3-101 through 3-108, inclusive, to be under the new title "Title 3. State
7 Commission on Public Safety Technology and Critical Infrastructure"
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 2001 Supplement)

10 Preamble

11 ~~WHEREAS, The safety of the people who live in, work in, and visit Maryland is~~
12 ~~entrusted to an assortment of federal, State, county, and municipal units in the~~
13 ~~executive, legislative, and judicial branches of government; and~~

14 ~~WHEREAS, To carry out this critical mission, the diverse government units~~
15 ~~must be able to rapidly and effectively share information, using a variety of~~
16 ~~information technology and communications systems, and be able to access data,~~
17 ~~images, and other information contained in historical and other database systems~~
18 ~~maintained by federal, State, county, and municipal units; and~~

19 ~~WHEREAS, Historically, individual jurisdictions and individual units have~~
20 ~~established and maintained separate databases and separate communication and~~
21 ~~information management systems; and~~

22 ~~WHEREAS, Currently, the responsibility for developing and managing the~~
23 ~~State's critical communications, information, and data systems infrastructure is~~
24 ~~dispersed among dozens of units at many governmental levels within and outside of~~
25 ~~the State; and~~

26 ~~WHEREAS, Communication and information sharing should be enhanced by~~
27 ~~adopting common standards and protocols to facilitate system compatibility and~~
28 ~~interoperability among federal, State, county, and municipal units in the executive,~~
29 ~~legislative, and judicial branches of government; and~~

30 ~~WHEREAS, No single entity currently has the responsibility to ensure that~~
31 ~~communication and information systems used by federal, State, county, and~~
32 ~~municipal units are compatible and interoperable; now, therefore,~~

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

Article 41 - Governor - Executive and Administrative Departments

TITLE 3. STATE COMMISSION ON PUBLIC SAFETY TECHNOLOGY AND CRITICAL
INFRASTRUCTURE.

4 3-101.

5 IN THIS TITLE, "COMMISSION" MEANS THE STATE COMMISSION ON PUBLIC
6 SAFETY TECHNOLOGY AND CRITICAL INFRASTRUCTURE.

7 3-102.

8 (A) THERE IS A STATE COMMISSION ON PUBLIC SAFETY TECHNOLOGY AND
9 CRITICAL INFRASTRUCTURE.

10 (B) THE COMMISSION CONSISTS OF THE FOLLOWING ~~25~~ 29 ~~19~~ MEMBERS:

11 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
12 PRESIDENT OF THE SENATE;

13 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
14 SPEAKER OF THE HOUSE;

15 ~~(3) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;~~

16 ~~(4)~~ (3) THE CHIEF JUDGE OF THE COURT OF APPEALS OR THE CHIEF
17 JUDGE'S DESIGNEE;

18 ~~(5)~~ (4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
19 SERVICES OR THE SECRETARY'S DESIGNEE;

20 ~~(6)~~ (5) THE ~~SECRETARY~~ SUPERINTENDENT OF THE STATE POLICE OR
21 THE ~~SECRETARY'S~~ SUPERINTENDENT'S DESIGNEE;

22 ~~(7)~~ (6) THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S
23 DESIGNEE;

24 ~~(8) THE PUBLIC DEFENDER OR THE PUBLIC DEFENDER'S DESIGNEE;~~

25 ~~(9)~~ (7) THE ~~SECRETARY OF BUDGET AND MANAGEMENT OR THE~~
26 ~~SECRETARY'S DESIGNEE~~ CHIEF INFORMATION TECHNOLOGY OFFICER IN THE
27 DEPARTMENT OF BUDGET AND MANAGEMENT;

28 ~~(10)~~ (8) THE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT
29 AGENCY OR THE DIRECTOR'S DESIGNEE;

30 ~~(11) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME~~
31 ~~CONTROL AND PREVENTION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

32 ~~(12) THE CHAIRMAN OF THE CRIMINAL JUSTICE INFORMATION~~
33 ~~ADVISORY BOARD OR THE CHAIRMAN'S DESIGNEE;~~

1 ~~(13)~~ (9) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
2 SECRETARY'S DESIGNEE; ~~AND~~

3 ~~(14)~~ (10) THE SECRETARY OF TRANSPORTATION OR THE SECRETARY'S
4 DESIGNEE;

5 ~~(15)~~ (11) THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S
6 DESIGNEE;

7 ~~(16)~~ (12) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE FOR
8 EMERGENCY MEDICAL SERVICE SYSTEMS; AND

9 ~~(14)~~ ~~(17)~~ (13) THE FOLLOWING MEMBERS APPOINTED BY THE
10 GOVERNOR:

11 ~~(I)~~ ~~ONE REPRESENTATIVE OF THE MARYLAND STATE'S~~
12 ~~ATTORNEYS ASSOCIATION;~~

13 ~~(II)~~ (I) ONE REPRESENTATIVE OF THE MARYLAND CHIEFS OF
14 POLICE ASSOCIATION;

15 ~~(III)~~ ~~ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL POLICE~~
16 ~~EXECUTIVES ASSOCIATION;~~

17 ~~(IV)~~ (II) ONE REPRESENTATIVE OF THE MARYLAND SHERIFFS
18 ASSOCIATION;

19 ~~(V)~~ ~~ONE REPRESENTATIVE OF THE MARYLAND CORRECTIONAL~~
20 ~~ADMINISTRATORS ASSOCIATION;~~

21 ~~(VI)~~ ~~ONE REPRESENTATIVE TWO REPRESENTATIVES OF~~
22 ~~ORGANIZATIONS THAT PROVIDE FIRE FIGHTING OR RESCUE SERVICES IN THE~~
23 ~~STATE;~~

24 ~~(VII)~~ (III) ONE REPRESENTATIVE OF THE MARYLAND STATE FIREMEN'S
25 ASSOCIATION;

26 ~~(VIII)~~ (IV) ONE REPRESENTATIVE OF THE MARYLAND AND DISTRICT OF
27 COLUMBIA PROFESSIONAL FIRE FIGHTERS ASSOCIATION;

28 ~~(IX)~~ (V) ONE REPRESENTATIVE OF COUNTY GOVERNMENT;

29 ~~(X)~~ (VI) ONE REPRESENTATIVE OF MUNICIPAL GOVERNMENT;

30 ~~(XI)~~ ~~ONE REPRESENTATIVE OF A VICTIMS' ADVOCACY GROUP;~~

31 ~~(XII)~~ ~~ONE REPRESENTATIVE OF A PUBLIC SAFETY ORGANIZATION;~~
32 AND

33 ~~(XIII)~~ (VII) TWO MEMBERS ONE MEMBER OF THE PUBLIC WITH
34 KNOWLEDGE AND EXPERTISE IN INFORMATION MANAGEMENT SYSTEMS.

1 ~~(C) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.~~

2 ~~(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS~~
3 ~~REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JULY 1,~~
4 ~~2002.~~

5 ~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A~~
6 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

7 ~~(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~
8 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~
9 ~~QUALIFIES.~~

10 3-103.

11 ~~THE GOVERNOR SHALL DESIGNATE A CHAIRMAN FROM AMONG THE~~
12 ~~COMMISSION MEMBERS.~~

13 ~~(A) THE GOVERNOR MAY DESIGNATE THE LIEUTENANT GOVERNOR TO SERVE~~
14 ~~AS CHAIRMAN OF THE COMMISSION.~~

15 ~~(B) IF THE GOVERNOR DOES NOT DESIGNATE THE LIEUTENANT GOVERNOR~~
16 ~~TO SERVE AS CHAIRMAN OF THE COMMISSION, THE EXECUTIVE DIRECTOR OF THE~~
17 ~~GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL SERVE AS~~
18 ~~CHAIRMAN OF THE COMMISSION.~~

19 3-104.

20 ~~(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMISSION IS A~~
21 ~~QUORUM.~~

22 ~~(B) THE COMMISSION SHALL MEET AT THE TIMES THAT THE CHAIRMAN~~
23 ~~DETERMINES.~~

24 ~~(C) A MEMBER OF THE COMMISSION ~~MAY~~ MAY NOT RECEIVE~~
25 ~~COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN~~
26 ~~ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN~~
27 ~~THE STATE BUDGET.~~

28 ~~(D) THE COMMISSION MAY EMPLOY A STAFF IN ACCORDANCE WITH THE~~
29 ~~STATE BUDGET.~~

30 3-105.

31 ~~THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL STAFF~~
32 ~~THE COMMISSION AND SHALL PERFORM THE ADMINISTRATIVE FUNCTIONS THAT~~
33 ~~THE COMMISSION DIRECTS.~~

34 ~~(A) WITH THE APPROVAL OF THE GOVERNOR, THE CHAIRMAN SHALL APPOINT~~
35 ~~AN EXECUTIVE DIRECTOR, WHO SHALL SERVE AT THE PLEASURE OF THE~~
36 ~~COMMISSION.~~

1 ~~(B) THE EXECUTIVE DIRECTOR SHALL PERFORM THE ADMINISTRATIVE~~
2 ~~FUNCTIONS THAT THE COMMISSION DIRECTS.~~

3 ~~(C) THE EXECUTIVE DIRECTOR IS ENTITLED TO:~~

4 ~~(1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND~~

5 ~~(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE~~
6 ~~TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

7 3-106.

8 (A) THE COMMISSION SHALL:

9 (1) RECOMMEND TO THE ~~ADMINISTRATIVE OFFICE OF THE COURTS~~
10 ~~CHIEF JUDGE OF THE COURT OF APPEALS STANDARDS, PROCEDURES, OR~~
11 ~~PROTOCOLS TO ENSURE THE COMPATIBILITY AND INTEROPERABILITY OF~~
12 ~~COMMUNICATION AND INFORMATION MANAGEMENT SYSTEMS MAINTAINED BY THE~~
13 ~~JUDICIARY;~~

14 (2) ADOPT REGULATIONS, INCLUDING STANDARDS, PROCEDURES, OR
15 PROTOCOLS, TO ENSURE:

16 (I) THE COMPATIBILITY AND INTEROPERABILITY OF
17 COMMUNICATION AND INFORMATION MANAGEMENT SYSTEMS MAINTAINED BY
18 ~~STATE, COUNTY, AND MUNICIPAL PUBLIC SAFETY UNITS; AND~~

19 (II) ACCESSIBILITY BY OTHER APPROPRIATE ENTITIES TO PUBLIC
20 SAFETY AND CRIMINAL JUSTICE DATABASES; ~~AND~~

21 (3) RECOMMEND STANDARDS, PROCEDURES AND PROTOCOLS TO
22 ENSURE THE COMPATIBILITY AND INTEROPERABILITY OF COMMUNICATION AND
23 INFORMATION MANAGEMENT SYSTEMS MAINTAINED BY COUNTY AND MUNICIPAL
24 PUBLIC SAFETY UNITS; AND

25 (4) PROPOSE LEGISLATION FOR CONSIDERATION BY THE GENERAL
26 ASSEMBLY AS NECESSARY TO IMPLEMENT THE RECOMMENDATIONS REGARDING
27 COMPATIBILITY AND INTEROPERABILITY OF COMMUNICATION AND INFORMATION
28 MANAGEMENT SYSTEMS MAINTAINED BY COUNTY AND MUNICIPAL PUBLIC SAFETY
29 UNITS.

30 (3) ~~DEVELOP AND UPDATE ANNUALLY A STATEWIDE TECHNOLOGY~~
31 ~~STRATEGY.~~

32 (B) TO THE EXTENT AUTHORIZED IN THE STATE BUDGET, THE COMMISSION
33 MAY PROVIDE TECHNICAL ASSISTANCE TO HELP LOCAL JURISDICTIONS COMPLY
34 WITH ~~REGULATIONS THAT~~ THE RECOMMENDATIONS MADE BY THE COMMISSION
35 ~~ADOPTS.~~

1 3-107.

2 THE COMMISSION SHALL CONSULT AND COOPERATE WITH:

3 (1) OTHER STATE ~~STATES~~ AND FEDERAL UNITS TO PROVIDE
 4 REASONABLE COMPATIBILITY AND INTEROPERABILITY BETWEEN STATE
 5 ~~TECHNOLOGY~~ COMMUNICATION AND INFORMATION MANAGEMENT SYSTEM
 6 STANDARDS AND ANY NATIONALLY ESTABLISHED STANDARD; AND

7 (2) OTHER UNITS OF STATE, COUNTY, OR MUNICIPAL CORPORATION
 8 ~~UNITS~~ GOVERNMENT CONCERNING ~~TECHNOLOGY~~ STANDARDS FOR COMPATIBILITY
 9 AND INTEROPERABILITY OF COMMUNICATION AND INFORMATION MANAGEMENT
 10 SYSTEMS.

11 3-108.

12 (A) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL
 13 SUBMIT A REPORT OF ITS RECENT ACTIVITIES TO THE GOVERNOR, THE DEPARTMENT
 14 OF BUDGET AND MANAGEMENT, THE ~~ADMINISTRATIVE OFFICE OF THE COURTS~~
 15 CHIEF JUDGE OF THE COURT OF APPEALS AND, IN ACCORDANCE WITH § 2-1246 OF
 16 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

17 (B) ON AN ONGOING BASIS, THE COMMISSION SHALL INFORM THE
 18 DEPARTMENT OF BUDGET AND MANAGEMENT, THE SENATE BUDGET AND TAXATION
 19 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE COMMERCE
 20 AND GOVERNMENT MATTERS COMMITTEE, AND THE ~~ADMINISTRATIVE OFFICE OF~~
 21 ~~THE COURTS~~ CHIEF JUDGE OF THE COURT OF APPEALS WHETHER COMMUNICATION
 22 AND INFORMATION MANAGEMENT SYSTEMS SUPPORTED BY STATE ~~MONEY~~ FUNDS
 23 COMPLY WITH APPLICABLE STANDARDS.

24 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial~~
 25 ~~appointed members of the State Commission on Technology and Critical~~
 26 ~~Infrastructure shall expire as follows:~~

27 (1) ~~4 members in 2003;~~

28 (2) ~~4 members in 2004; and~~

29 (3) ~~4 5 members in 2005.~~

30 ~~SECTION 3. 2.~~ AND BE IT FURTHER ENACTED, That this Act shall take
 31 effect July 1, 2002. It shall remain effective for a period of 4 years and, at the end of
 32 June 30, 2006, with no further action required by the General Assembly, this Act shall
 33 be abrogated and of no further force and effect.

