

# HOUSE BILL 801

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CF SB 368

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By: **Delegates Lee, Carr, Conway, Cullison, Glenn, Gutierrez, Hough, Howard, A. Kelly, Krebs, McComas, Rudolph, Sophocleus, Stocksdale, Szeliga, and Valentino-Smith**

Introduced and read first time: February 3, 2014

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2014

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CHAPTER \_\_\_\_\_

AN ACT concerning

## **Commission on Maryland Cybersecurity Innovation and Excellence – Membership, Duties, and Termination Date**

FOR the purpose of altering the membership of the Commission on Maryland Cybersecurity Innovation and Excellence; ~~requiring the Commission to submit a certain report to the Governor and the General Assembly on or before a certain date each year;~~ requiring that, to the extent practicable, certain members of the Commission reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State; altering which members cochair the Commission; requiring the Commission to work, in a certain manner, to develop certain strategies to enable organizations that adopt telemedicine to practice certain techniques for a certain purpose; altering the date by the which the Commission must submit a certain report to the Governor and the General Assembly; ~~repealing~~ altering the termination date of the Commission; making conforming changes; and generally relating to the Commission on Maryland Cybersecurity Innovation and Excellence.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–2901  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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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.



BY repealing and reenacting, with amendments,  
 Chapter 250 of the Acts of the General Assembly of 2011  
 Section 2

BY repealing and reenacting, with amendments,  
 Chapter 251 of the Acts of the General Assembly of 2011  
 Section 2

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

**Article – State Government**

9–2901.

(a) There is a Commission on Maryland Cybersecurity Innovation and Excellence.

(b) (1) The Commission consists of the following members:

(i) ~~one member~~ **TWO MEMBERS** of the Senate of Maryland, appointed by the President of the Senate;

(ii) ~~one member~~ **THREE MEMBERS** of the House of Delegates, appointed by the Speaker of the House;

(iii) the Secretary of Information Technology, or the Secretary's designee;

(iv) the Secretary of Business and Economic Development, or the Secretary's designee;

(v) the Secretary of the Department of Labor, Licensing, and Regulation, or the Secretary's designee;

(vi) the Executive Director of the Maryland Technology Development Corporation, or the Executive Director's designee;

(vii) the Chair of the Tech Council of Maryland, or the Chair's designee;

(viii) the President of the Fort Meade Alliance, or the President's designee; ~~and~~

**(IX) THE CHAIR OF THE MARYLAND HEALTH CARE COMMISSION, OR THE CHAIR'S DESIGNEE; AND**

~~(ix)~~ **(X)** the following members appointed by the Governor:

1. five representatives of cybersecurity companies located in the State, with at least three representing cybersecurity companies with 50 employees or less;
2. [three] **FOUR** representatives from statewide or regional business associations;
3. [four] **SIX** representatives from institutions of higher education located in the State;
4. one representative of a crime victims organization;
5. [three] **FOUR** representatives from industries that may be susceptible to attacks on cybersecurity; and
6. [one representative] **TWO REPRESENTATIVES** of [an organization] **ORGANIZATIONS** that [has] **HAVE** expertise in electronic health care records.

**(2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED BY THE GOVERNOR SHALL REASONABLY REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.**

~~(2)~~ **(3)** The Governor also shall invite the following representatives of federal agencies to serve on the Commission:

- (i) the Director of the National Institute for Standards and Technology, or the Director's designee;
- (ii) the Secretary of Defense, or the Secretary's designee;
- (iii) the Director of the National Security Agency, or the Director's designee;
- (iv) the Secretary of Homeland Security, or the Secretary's designee;
- (v) the Director of the Defense Information Systems Agency, or the Director's designee; and
- (vi) the Director of the Intelligence Advanced Research Projects Activity, or the Director's designee.

(c) The ~~members appointed by the~~ Presiding Officers of the General Assembly shall ~~cochair~~ **APPOINT THE COCHAIRS OF** the Commission.

(d) The University of Maryland University College shall provide staff for the Commission.

(e) A member of the Commission:

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

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

(f) The purpose of the Commission is to provide a road map for making the State the epicenter of cybersecurity innovation and excellence.

(g) The Commission shall:

(1) conduct a comprehensive review of and identify any inconsistencies in:

(i) State and federal cybersecurity laws; and

(ii) policies, standards, and best practices for ensuring the security of computer systems and networks used by educational institutions and State government and other organizations that work with health care records, personal identification information, public safety, and public service and utilities;

(2) conduct a comprehensive review of the State's role in promoting cyber innovation;

(3) identify any federal preemption issues relating to cybersecurity;

(4) provide recommendations for:

(i) a comprehensive State framework and strategic plan for cybersecurity innovation and excellence;

(ii) a comprehensive State strategic plan to ensure a coordinated and adaptable response to and recovery from attacks on cybersecurity;

(iii) coordinated and unified policies to clarify the roles and responsibilities of State units regarding cybersecurity;

(iv) growth opportunities and economic development strategies and action plans; and

(v) strategies that can be used to coordinate State and federal resources to attract private sector investment and job creation in cybersecurity;

(5) make recommendations regarding:

(i) methods the State can use to increase cybersecurity innovation by:

1. promoting public and private partnerships, research and development, and workforce training, education, and development;

2. promoting science, technology, engineering, and mathematics courses in all levels of education;

3. helping companies transfer research to product;

4. protecting intellectual properties; and

5. leveraging federal funds for research, development, and commercialization;

(ii) methods that the State can use to promote collaboration and coordination among cybersecurity companies and among institutions of higher education located in the State;

(iii) a unit of State government that is suitable to run a pilot program regarding cybersecurity; and

(iv) the designation of a cybersecurity policy official that would be responsible for coordinating the State's cybersecurity policies, strategies, and activities; AND

**(6) WORK, IN COLLABORATION WITH THE MARYLAND HEALTH CARE COMMISSION AND OTHER STAKEHOLDERS, TO DEVELOP STRATEGIES TO ENABLE ORGANIZATIONS THAT ADOPT TELEMEDICINE TO PRACTICE SAFE SECURITY TECHNIQUES TO MINIMIZE SUCCESSFUL CYBER ATTACKS.**

(h) On or before ~~January 1, 2012~~ ~~JANUARY 1 OF EACH YEAR~~, the Commission shall submit ~~an interim~~ ~~A~~ report of its findings and recommendations, including recommended legislation, to the Governor and, in accordance with § 2-1246 of this article, the General Assembly.

~~(i)~~ On or before September 1, ~~2014~~ **2015**, the Commission shall submit a final report of its findings and recommendations, including recommended legislation, to the Governor and, in accordance with § 2-1246 of this article, the General Assembly.~~†~~

**Chapter 250 of the Acts of 2011**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. ~~It~~ It shall remain effective for a period of ~~3~~ 4 years and 6 months and, at the end of December 31, ~~2014~~ 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.†

**Chapter 251 of the Acts of 2011**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. ~~It~~ It shall remain effective for a period of ~~3~~ 4 years and 6 months and, at the end of December 31, ~~2014~~ 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.†

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.