

# SENATE BILL 281

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By: **Senators Simonaire, Hershey, Jennings, Klausmeier, and Peters**

Introduced and read first time: January 22, 2018

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Cybersecurity Council – Membership – Revisions**

3 FOR the purpose of altering the membership of the Maryland Cybersecurity Council to  
4 include the State Administrator of Elections or the State Administrator’s designee;  
5 altering the number of members of the respective houses of the General Assembly  
6 that the President of the Senate and the Speaker of the House of Delegates may  
7 appoint to serve on the Council; authorizing the Minority Leader of the Senate and  
8 the Minority Leader of the House of Delegates to appoint one member of their  
9 respective houses of the General Assembly to serve on the Council; prohibiting the  
10 Minority Leader of the Senate and the Minority Leader of the House of Delegates  
11 from making an initial appointment under certain circumstances until a certain  
12 condition is met; and generally relating to the membership of the Maryland  
13 Cybersecurity Council.

14 BY repealing and reenacting, with amendments,  
15 Article – State Government  
16 Section 9–2901  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2017 Supplement)

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

21 **Article – State Government**

22 9–2901.

23 (a) (1) In this subtitle the following words have the meanings indicated.

24 (2) “Council” means the Maryland Cybersecurity Council.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3)    “Executive Order” means Executive Order 13636 of the President of the  
2 United States.

3           (b)    There is a Maryland Cybersecurity Council.

4           (c)    The Council consists of the following members:

5               (1)    the Attorney General, or the Attorney General’s designee;

6               (2)    the Secretary of Information Technology, or the Secretary’s designee;

7               (3)    the Secretary of State Police, or the Secretary’s designee;

8               (4)    the Secretary of Commerce, or the Secretary’s designee;

9               (5)    the Adjutant General, or the Adjutant General’s designee;

10           (6)    **THE STATE ADMINISTRATOR OF ELECTIONS, OR THE STATE**  
11 **ADMINISTRATOR’S DESIGNEE;**

12           (7)    the Executive Director of the Governor’s Office of Homeland Security,  
13 or the Executive Director’s designee;

14           [(7)] (8)    the Director of the Maryland Coordination and Analysis Center,  
15 or the Director’s designee;

16           [(8)] (9)    the Executive Director of the Maryland Emergency Management  
17 Agency, or the Executive Director’s designee;

18           [(9)] (10)   the Executive Director of the Maryland Technology Development  
19 Corporation, or the Executive Director’s designee;

20           [(10)] (11)   the Chair of the Tech Council of Maryland, or the Chair’s  
21 designee;

22           [(11)] (12)   the President of the Fort Meade Alliance, or the President’s  
23 designee;

24           [(12)] (13)   the President of the Army Alliance, or the President’s designee;  
25 and

26           [(13)] (14)   the following members appointed by the Attorney General:

27               (i)    five representatives of cybersecurity companies located in the  
28 State, with at least three representing cybersecurity companies with 50 or fewer employees;

1 (ii) four representatives from statewide or regional business  
2 associations;

3 (iii) up to ten representatives from institutions of higher education  
4 located in the State;

5 (iv) one representative of a crime victims organization;

6 (v) four representatives from industries that may be susceptible to  
7 attacks on cybersecurity, including at least one representative of a bank, whether or not  
8 State-chartered, that has a branch in the State;

9 (vi) two representatives of organizations that have expertise in  
10 electronic health care records; and

11 (vii) any other stakeholder that the Attorney General determines  
12 appropriate.

13 (d) **(1)** The President of the Senate may appoint [up to two members] **ONE**  
14 **MEMBER** of the Senate to serve on the Council.

15 **(2) THE MINORITY LEADER OF THE SENATE MAY APPOINT ONE**  
16 **MEMBER OF THE SENATE TO SERVE ON THE COUNCIL.**

17 (e) **(1)** The Speaker of the House of Delegates may appoint [up to two  
18 members] **ONE MEMBER** of the House to serve on the Council.

19 **(2) THE MINORITY LEADER OF THE HOUSE OF DELEGATES MAY**  
20 **APPOINT ONE MEMBER OF THE HOUSE OF DELEGATES TO SERVE ON THE COUNCIL.**

21 (f) The Attorney General also shall invite, as appropriate, the following  
22 representatives of federal agencies to serve on the Council:

23 (1) the Director of the National Security Agency, or the Director's designee;

24 (2) the Secretary of Homeland Security, or the Secretary's designee;

25 (3) the Director of the Defense Information Systems Agency, or the  
26 Director's designee;

27 (4) the Director of the Intelligence Advanced Research Projects Activity, or  
28 the Director's designee; and

29 (5) any other federal agency that the Attorney General determines  
30 appropriate.

1 (g) The Attorney General, or the Attorney General's designee, shall chair the  
2 Council.

3 (h) The University of Maryland, University College shall provide staff for the  
4 Council.

5 (i) A member of the Council:

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

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

9 (j) The Council shall work with the National Institute of Standards and  
10 Technology and other federal agencies, private sector businesses, and private cybersecurity  
11 experts to:

12 (1) for critical infrastructure not covered by federal law or the Executive  
13 Order, review and conduct risk assessments to determine which local infrastructure sectors  
14 are at the greatest risk of cyber attacks and need the most enhanced cybersecurity  
15 measures;

16 (2) use federal guidance to identify categories of critical infrastructure as  
17 critical cyber infrastructure if cyber damage or unauthorized cyber access to the  
18 infrastructure could reasonably result in catastrophic consequences, including:

19 (i) interruption in the provision of energy, water, transportation,  
20 emergency services, food, or other life-sustaining services sufficient to cause a mass  
21 casualty event or mass evacuations;

22 (ii) catastrophic economic damage; or

23 (iii) severe degradation of State or national security;

24 (3) assist infrastructure entities that are not covered by the Executive  
25 Order in complying with federal cybersecurity guidance;

26 (4) assist private sector cybersecurity businesses in adopting, adapting,  
27 and implementing the National Institute of Standards and Technology cybersecurity  
28 framework of standards and practices;

29 (5) examine inconsistencies between State and federal laws regarding  
30 cybersecurity;

31 (6) recommend a comprehensive State strategic plan to ensure a  
32 coordinated and adaptable response to and recovery from cybersecurity attacks; and

1           (7) recommend any legislative changes considered necessary by the  
2 Council to address cybersecurity issues.

3           (k) Beginning July 1, 2017, and every 2 years thereafter, the Council shall submit  
4 a report of its activities to the General Assembly in accordance with § 2–1246 of this article.

5           SECTION 2. AND BE IT FURTHER ENACTED, That:

6           (a) If two members of the Senate are serving on the Maryland Cybersecurity  
7 Council on the effective date of this Act, the Minority Leader of the Senate may not make  
8 an initial appointment under § 9–2901(d)(2) of the State Government Article, as enacted  
9 by Section 1 of this Act, until one of the members is no longer serving on the Council.

10          (b) If two members of the House of Delegates are serving on the Maryland  
11 Cybersecurity Council on the effective date of this Act, the Minority Leader of the House of  
12 Delegates may not make an initial appointment under § 9–2901(e)(2) of the State  
13 Government Article, as enacted by Section 1 of this Act, until one of the members is no  
14 longer serving on the Council.

15          SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2018.