

SENATE BILL 902

C8

11r2752
CF 11r2744

By: **Senator Hester**

Introduced and read first time: February 9, 2021

Assigned to: Finance and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2021

CHAPTER _____

1 AN ACT concerning

2 **Economic Development – Cyber Workforce Program and Fund – Established**

3 FOR the purpose of establishing the Cyber Workforce Program in the Partnership for
4 Workforce Quality Program; providing for the purpose of the Cyber Program;
5 requiring the Secretary of Commerce to direct the Cyber Program; requiring the
6 Secretary to establish certain criteria and priorities for assistance under the Cyber
7 Program; requiring the Secretary to submit a certain report on the operation and
8 performance of the Cyber Program; authorizing the Cyber Program to provide
9 certain cyber workforce services at no cost; requiring the Maryland Department of
10 Labor to provide the names and contact information of certain individuals to the
11 Cyber Program; authorizing the Cyber Program to use certain information provided
12 by the Department to conduct outreach about certain cyber opportunities;
13 establishing the Cyber Workforce Fund as a special, nonlapsing fund; requiring the
14 Secretary to manage and supervise the Cyber Fund; requiring the State Treasurer
15 to hold the Cyber Fund and the Comptroller to account for the Cyber Fund;
16 specifying the contents of the Cyber Fund; specifying the purpose for which the Cyber
17 Fund may be used; providing for the investment of money in and expenditures from
18 the Cyber Fund; requiring interest earnings of the Cyber Fund to be credited to the
19 Cyber Fund; ~~declaring the intent of the General Assembly; providing for the transfer
20 of certain funds administered by the Maryland Higher Education Commission under
21 certain circumstances;~~ exempting the Cyber Fund from a certain provision of law
22 requiring interest earnings on State money to accrue to the General Fund of the
23 State; defining certain terms; and generally relating to the Cyber Workforce Program
24 and the Cyber Workforce Fund.

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.



1 BY repealing and reenacting, with amendments,
2 Article – Economic Development
3 Section 3–401
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2020 Supplement)

6 BY adding to
7 Article – Economic Development
8 Section 3–413 through 3–418
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2020 Supplement)

11 ~~BY repealing and reenacting, without amendments,~~
12 ~~Article – Education~~
13 ~~Section 10–101(a) and (c)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2018 Replacement Volume and 2020 Supplement)~~

16 ~~BY repealing and reenacting, with amendments,~~
17 ~~Article – Education~~
18 ~~Section 11–105(l)~~
19 ~~Annotated Code of Maryland~~
20 ~~(2018 Replacement Volume and 2020 Supplement)~~

21 BY repealing and reenacting, without amendments,
22 Article – State Finance and Procurement
23 Section 6–226(a)(2)(i)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2020 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – State Finance and Procurement
28 Section 6–226(a)(2)(ii)122. and 123.
29 Annotated Code of Maryland
30 (2015 Replacement Volume and 2020 Supplement)

31 BY adding to
32 Article – State Finance and Procurement
33 Section 6–226(a)(2)(ii)124.
34 Annotated Code of Maryland
35 (2015 Replacement Volume and 2020 Supplement)

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

38 **Article – Economic Development**

1 3-401.

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

3 (b) "Board" means the Partnership for Workforce Quality Advisory Board.

4 (c) "CYBER" MEANS RELATING TO OR INVOLVING COMPUTERS OR
5 COMPUTER NETWORKS, INCLUDING THE INTERNET.

6 (d) "CYBER FUND" MEANS THE CYBER WORKFORCE FUND.

7 (e) "CYBER PROGRAM" MEANS THE CYBER WORKFORCE PROGRAM.

8 [(c)] (f) "Fund" means the Partnership for Workforce Quality Fund.

9 [(d)] (g) "Program" means the Partnership for Workforce Quality Program.

10 3-413.

11 THERE IS A CYBER WORKFORCE PROGRAM IN THE PARTNERSHIP FOR
12 WORKFORCE QUALITY PROGRAM.

13 3-414.

14 THE PURPOSE OF THE CYBER PROGRAM IS TO:

15 (1) SUPPORT CYBER CAREERS IN NEW OR EXISTING WORKFORCE
16 PROGRAMS;

17 (2) PROVIDE EDUCATIONAL AND OTHER TRAINING SCHOLARSHIPS
18 RELATED TO CYBER FIELDS;

19 (3) IN CONSULTATION WITH THE CYBERSECURITY ASSOCIATION OF
20 MARYLAND, INC., PROVIDE PLANNING, STRATEGIES, AND OTHER RESOURCES TO
21 ASSIST THE CYBER INDUSTRY WITH ANALYZING AND IDENTIFYING WORKFORCE
22 NEEDS; AND

23 (4) PROVIDE FUNDING FOR:

24 (i) THE DEVELOPMENT OF NEW CYBER WORKFORCE
25 PROGRAMS;

26 (ii) EXISTING WORKFORCE PROGRAMS RELATED TO CYBER
27 FIELDS;

1 (III) PROGRAMS TO IDENTIFY AND SCREEN INDIVIDUALS WITH
2 POTENTIAL FOR ADVANCEMENT IN CYBER CAREERS; OR

3 (IV) APPRENTICESHIPS AND INTERNSHIPS TO THE FOLLOWING
4 ENTITIES BASED IN THE STATE, WITH PREFERENCE GIVEN TO ENTITIES THAT HAVE
5 50 OR FEWER EMPLOYEES:

- 6 1. CYBERSECURITY FIRMS;
- 7 2. NONPROFIT ENTITIES; OR
- 8 3. UNITS OR INSTRUMENTALITIES OF A COUNTY.

9 3-415.

10 (A) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL DIRECT THE
11 CYBER PROGRAM.

12 (B) THE SECRETARY SHALL ESTABLISH ELIGIBILITY CRITERIA AND
13 PRIORITIES FOR ASSISTANCE UNDER THE CYBER PROGRAM.

14 (C) (1) IN ACCORDANCE WITH § 2.5-109 OF THIS ARTICLE, THE
15 DEPARTMENT SHALL SUBMIT A REPORT ON THE OPERATION AND PERFORMANCE OF
16 THE CYBER PROGRAM.

17 (2) IN ADDITION TO THE REQUIREMENTS UNDER § 2.5-109(C) OF THIS
18 ARTICLE, THE DEPARTMENT SHALL SUBMIT THE REPORT REQUIRED UNDER THIS
19 SUBSECTION TO:

- 20 (I) THE GOVERNOR'S WORKFORCE DEVELOPMENT BOARD;
- 21 (II) THE ATTORNEY GENERAL;
- 22 (III) THE MARYLAND CYBERSECURITY COUNCIL; AND
- 23 (IV) THE MARYLAND ECONOMIC DEVELOPMENT COMMISSION.

24 3-416.

25 THE CYBER PROGRAM MAY PROVIDE CYBER WORKFORCE SERVICES AT NO
26 COST THAT:

27 (1) DETERMINE WHETHER AN EMPLOYER'S SPECIFIC NEEDS ARE
28 BEST MET BY TRAINING, OTHER TYPES OF ASSISTANCE, OR A COMBINATION OF
29 SERVICES;

1 **(2) IDENTIFY THE AVAILABILITY OF EXISTING TRAINING PROGRAMS**
2 **THAT MAY BE ADAPTED TO MEET AN EMPLOYER’S NEEDS;**

3 **(3) IDENTIFY THE RESOURCES AN EMPLOYER MAY PROVIDE TO**
4 **SUPPORT THE TRAINING, INCLUDING:**

5 **(I) EQUIPMENT;**

6 **(II) FACILITIES; AND**

7 **(III) MATERIALS;**

8 **(4) IDENTIFY OR DEVELOP APPROPRIATE PROGRAMS; AND**

9 **(5) DETERMINE THE MOST COST-EFFECTIVE APPROACH TO MEETING**
10 **TRAINING NEEDS.**

11 **3-417.**

12 **(A) THE MARYLAND DEPARTMENT OF LABOR SHALL PROVIDE THE NAMES**
13 **AND CONTACT INFORMATION OF INDIVIDUALS CURRENTLY RECEIVING**
14 **UNEMPLOYMENT BENEFITS TO THE CYBER PROGRAM AS THE INFORMATION**
15 **BECOMES AVAILABLE.**

16 **(B) THE CYBER PROGRAM MAY USE THE INFORMATION PROVIDED UNDER**
17 **SUBSECTION (A) OF THIS SECTION TO CONDUCT OUTREACH REGARDING**
18 **EMPLOYMENT, TRAINING, AND CAREER OPPORTUNITIES IN CYBER FIELDS.**

19 **3-418.**

20 **(A) THERE IS A CYBER WORKFORCE FUND IN THE DEPARTMENT.**

21 **(B) THE SECRETARY SHALL MANAGE AND SUPERVISE THE CYBER FUND.**

22 **(C) (1) THE CYBER FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
23 **SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND**
24 **PROCUREMENT ARTICLE.**

25 **(2) THE STATE TREASURER SHALL HOLD THE CYBER FUND**
26 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE CYBER FUND.**

27 **(D) THE CYBER FUND CONSISTS OF:**

28 **(1) MONEY APPROPRIATED BY THE STATE TO THE CYBER FUND;**

1 (2) MONEY MADE AVAILABLE TO THE CYBER FUND THROUGH
2 FEDERAL PROGRAMS;

3 (3) PRIVATE CONTRIBUTIONS TO THE CYBER FUND;

4 (4) AN APPLICATION OR ANOTHER FEE PAID TO THE CYBER
5 PROGRAM IN CONNECTION WITH PROCESSING A REQUEST FOR FINANCIAL
6 ASSISTANCE;

7 (5) ~~ANY UNSPENT OR UNENCUMBERED SCHOLARSHIP BALANCE~~
8 ~~TRANSFERRED IN ACCORDANCE WITH § 11-105 OF THE EDUCATION ARTICLE;~~

9 ~~(6)~~ INTEREST EARNINGS OF THE CYBER FUND; AND

10 ~~(7)~~ (6) ANY OTHER MONEY MADE AVAILABLE TO THE CYBER FUND.

11 (E) THE DEPARTMENT SHALL USE MONEY IN THE CYBER FUND TO PROVIDE
12 FUNDING FOR THE CYBER PROGRAM UNDER THIS SUBTITLE.

13 (F) THE CYBER FUND MAY BE USED TO PAY FOR REASONABLE AND
14 NECESSARY ADMINISTRATIVE COSTS OF THE CYBER PROGRAM AND THE CYBER
15 FUND IN AN AMOUNT NOT TO EXCEED 10% OF THE ANNUAL FUNDING TO THE CYBER
16 FUND.

17 (G) AN AMOUNT NOT EXCEEDING 10% ~~OF THE MONEY IN~~ OF THE ANNUAL
18 FUNDING TO THE CYBER FUND MAY BE USED FOR THE PURPOSE DESCRIBED IN §
19 3-414(3) OF THIS SUBTITLE.

20 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE
21 CYBER FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

22 (2) ANY INVESTMENT EARNINGS OF THE CYBER FUND SHALL BE
23 CREDITED TO THE CYBER FUND.

24 ~~(I) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT \$25,000,000 OF~~
25 ~~FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL GOVERNMENT TO THE STATE~~
26 ~~IN RESPONSE TO THE CORONAVIRUS PANDEMIC FOR THE PURPOSES OF~~
27 ~~WORKFORCE DEVELOPMENT ON OR AFTER JULY 1, 2021, BE DISTRIBUTED TO THE~~
28 ~~CYBER FUND, IF THE PURPOSES OF THE CYBER PROGRAM ARE A PERMISSIBLE USE~~
29 ~~OF THE FINANCIAL ASSISTANCE.~~

30 ~~Article Education~~

31 ~~10-101.~~

1 (a) ~~In this division the following words have the meanings indicated.~~

2 (e) ~~“Commission” means the Maryland Higher Education Commission.~~

3 ~~11-105.~~

4 ~~(1) Subject to the provisions of Title 18 of this article, the Commission shall~~
5 ~~administer the various scholarship, grant-in-aid, and tuition assistance programs~~
6 ~~established by law.~~

7 ~~(2) EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION, AT THE END~~
8 ~~OF EACH FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE THAT IS~~
9 ~~AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE TRANSFERRED~~
10 ~~TO THE CYBER WORKFORCE FUND ESTABLISHED UNDER § 3-418 OF THE~~
11 ~~ECONOMIC DEVELOPMENT ARTICLE.~~

12 **Article – State Finance and Procurement**

13 6-226.

14 (a) (2) (i) Notwithstanding any other provision of law, and unless
15 inconsistent with a federal law, grant agreement, or other federal requirement or with the
16 terms of a gift or settlement agreement, net interest on all State money allocated by the
17 State Treasurer under this section to special funds or accounts, and otherwise entitled to
18 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
19 Fund of the State.

20 (ii) The provisions of subparagraph (i) of this paragraph do not apply
21 to the followings funds:

22 122. the Racing and Community Development Financing Fund;

23 [and]

24 123. the Racing and Community Development Facilities Fund;

25 AND

26 **124. THE CYBER WORKFORCE FUND.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2021.