

SB0812/693322/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 812
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 3 down through “municipalities;” in line 12; strike beginning with “centralizing” in line 15 down through “DoIT;” in line 16 and substitute “establishing the Maryland Cybersecurity Coordinating Council;”; in line 18, strike “master plan” and substitute “strategy”; strike beginning with “requiring” in line 18 down through “year;” in line 22 and substitute “requiring certain IT units to certify compliance with certain cybersecurity standards;”; in line 24, after “circumstances;” insert “requiring the State Security Operations Center to notify certain agencies of a cybersecurity incident reported in a certain manner;”; strike beginning with “establishing” in line 25 down through “Act;” in line 26; in line 29, after “opportunities;” insert “requiring the Department of General Services to study the security and financial implications of executing partnerships with other states to procure information technology and cybersecurity products and services; requiring the Department of General Services to establish certain basic security requirements to be included in certain contracts;”; and in line 30, after “date;” insert “requiring the Office to prepare a transition strategy towards cybersecurity centralization; requiring each agency in the Executive Branch of State government to certify to the Office that the agency is in compliance with certain standards; requiring the Office to assume responsibility for a certain agency’s cybersecurity except under certain circumstances; requiring DoIT to hire a contractor to conduct a performance and capacity assessment of DoIT; authorizing funds to be transferred by budget amendment from the Dedicated Purpose Account in a certain fiscal year to implement the Act;”.

On pages 1 and 2, strike beginning with “transferring” in line 30 on page 1 down through “DoIT;” in line 1 on page 2.

On page 2, strike in their entirety lines 36 through 40, inclusive.

On page 3, in line 9, strike “3.5-2A-07” and substitute “3.5-2A-06”; in line 10, after the first “and” insert “3.5-404(d) and (e).”; in the same line, strike “12-107(b)(2)(i)12.” and substitute “, 3.5-406, 4-316.1, and 13-115”; strike in their entirety lines 15 and 16 and substitute “Section 3.5-301(i) and (j), 3.5-302, 3.5-303, 3.5-307,

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3.5–309(c), (i), and (l), and 3.5–311(a)(2)(i)”; and strike in their entirety lines 20 through 30, inclusive.

AMENDMENT NO. 2

On pages 6 through 8, strike in their entirety the lines beginning with line 21 on page 6 through line 26 on page 8, inclusive.

On page 9, after line 21, insert:

“(C) AN INDIVIDUAL APPOINTED AS THE STATE CHIEF INFORMATION SECURITY OFFICER UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(1) AT A MINIMUM, HOLD A BACHELOR’S DEGREE;

(2) HOLD APPROPRIATE INFORMATION TECHNOLOGY OR CYBERSECURITY CERTIFICATIONS;

(3) HAVE EXPERIENCE:

(I) IDENTIFYING, IMPLEMENTING, AND ASSESSING SECURITY CONTROLS;

(II) IN INFRASTRUCTURE, SYSTEMS ENGINEERING, AND CYBERSECURITY;

(III) MANAGING HIGHLY TECHNICAL SECURITY, SECURITY OPERATIONS CENTERS, AND INCIDENT RESPONSE TEAMS IN A COMPLEX CLOUD ENVIRONMENT AND SUPPORTING MULTIPLE SITES; AND

(IV) WORKING WITH COMMON INFORMATION SECURITY MANAGEMENT FRAMEWORKS;

(4) HAVE EXTENSIVE KNOWLEDGE OF INFORMATION TECHNOLOGY AND CYBERSECURITY FIELD CONCEPTS, BEST PRACTICES, AND PROCEDURES, WITH AN UNDERSTANDING OF EXISTING ENTERPRISE CAPABILITIES AND LIMITATIONS TO ENSURE THE SECURE INTEGRATION AND OPERATION OF SECURITY NETWORKS AND SYSTEMS; AND

(5) HAVE KNOWLEDGE OF CURRENT SECURITY REGULATIONS.”;

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and in lines 22 and 25, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

On page 10, in line 9, strike “(E)” and substitute “(F)”; strike in their entirety lines 11 and 12, inclusive; in line 14, after “(A)” insert “(1)”; in line 15, strike “(1)” and substitute “(I)”; strike in their entirety lines 18 through 22, inclusive; and after line 22, insert:

“(II) COORDINATING WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT CYBER PREPAREDNESS UNIT DURING EMERGENCY RESPONSE EFFORTS.

(2) THE OFFICE IS NOT RESPONSIBLE FOR THE INFORMATION TECHNOLOGY INSTALLATION AND MAINTENANCE OPERATIONS NORMALLY CONDUCTED BY A UNIT OF STATE GOVERNMENT, A UNIT OF LOCAL GOVERNMENT, A LOCAL SCHOOL BOARD, A LOCAL SCHOOL SYSTEM, OR A LOCAL HEALTH DEPARTMENT.”.

On page 11, strike lines 8 through 11, inclusive, and substitute “**ANY INFORMATION SYSTEMS, DETERMINE AND DIRECT OR TAKE ACTIONS NECESSARY TO CORRECT OR REMEDIATE THE VULNERABILITIES OR DEFICIENCIES, WHICH MAY INCLUDE REQUIRING THE INFORMATION SYSTEM TO BE DISCONNECTED;**”

(7) IF THE STATE CHIEF INFORMATION SECURITY OFFICER DETERMINES THAT THERE IS A CYBERSECURITY THREAT CAUSED BY AN ENTITY CONNECTED TO THE NETWORK ESTABLISHED UNDER § 3.5-404 OF THIS TITLE THAT INTRODUCES A SERIOUS RISK TO ENTITIES CONNECTED TO THE NETWORK OR TO THE STATE, TAKE OR DIRECT ACTIONS REQUIRED TO MITIGATE THE THREAT;”;

and in lines 12, 14, 17, 20, and 24, strike “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively, and substitute “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively; and strike in their entirety lines 28 and 29.

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On page 12, in line 8, after “DEPARTMENT;” insert “AND”; strike beginning with the semicolon in line 11 down through “PREPAREDNESS” in line 13; in line 22, after “(E)” insert “(1)”; in line 24, after the second comma insert “THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE,”; in line 25, after the comma insert “THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE,”; and in line 29, strike “(1)” and substitute “(I)”.

On page 13, in lines 1, 4, 6, 9, 12, 17, 19, and 22, strike “(2)”, “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(II)”, “1.”, “2.”, “3.”, “4.”, “5.”, “6.”, and “7.”, respectively; after line 23, insert:

“(2) A REPORT SUBMITTED UNDER THIS SUBSECTION MAY NOT CONTAIN INFORMATION THAT REVEALS CYBERSECURITY VULNERABILITIES AND RISKS IN THE STATE.”;

and in line 26, after “(B)” insert “(1)”.

On pages 13 and 14, strike in their entirety the lines beginning with line 27 on page 13 through line 8 on page 14, inclusive, and substitute:

“(I) THE SECRETARY OF EACH OF THE PRINCIPAL DEPARTMENTS LISTED IN § 8–201 OF THE STATE GOVERNMENT ARTICLE, OR A SECRETARY’S DESIGNEE;”

On page 14, in lines 9, 10, 14, 16, 18, 20, 22, and 24, strike “(8)”, “(9)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, and “(16)”, respectively, and substitute “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, and “(IX)”, respectively; strike in their entirety lines 12 and 13; after line 25, insert:

“(2) IF A DESIGNEE SERVES ON THE COUNCIL IN PLACE OF AN OFFICIAL LISTED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DESIGNEE SHALL REPORT INFORMATION FROM THE COUNCIL MEETINGS AND OTHER COMMUNICATIONS TO THE OFFICIAL.

(C) IN ADDITION TO THE MEMBERS LISTED UNDER SUBSECTION (B) OF THIS SECTION, THE FOLLOWING REPRESENTATIVES MAY SERVE AS NONVOTING MEMBERS OF THE COUNCIL:

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

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

(3) ONE REPRESENTATIVE OF THE JUDICIARY, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.”;

in line 26, strike “(C)” and substitute “(D)”; and in line 28, strike “(D)” and substitute “(E)”.

On page 15, strike lines 1 and 2 in their entirety; in line 3, strike “(E)” and substitute “(F)”; in line 16, strike “(F)” and substitute “(G)”; in the same line, strike “MAY” and substitute “SHALL”; strike in their entirety lines 20 through 24, inclusive; in line 31, after “GOVERNMENT” insert “, INCLUDING THE MARYLAND TECHNOLOGY INTERNSHIP PROGRAM ESTABLISHED UNDER TITLE 18, SUBTITLE 30 OF THE EDUCATION ARTICLE”; and in the same line, strike “; AND” and substitute a period.

On page 16, strike in their entirety lines 1 and 2; after line 4, insert:

“(i) “Master plan” means the statewide information technology master plan AND STATEWIDE CYBERSECURITY STRATEGY.”; after line 9, insert:

“(a) This subtitle does not apply to changes relating to or the purchase, lease, or rental of information technology by:

(1) public institutions of higher education solely for academic or research purposes;

(2) the Maryland Port Administration;

(3) the University System of Maryland;

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- (4) St. Mary's College of Maryland;
- (5) Morgan State University;
- (6) the Maryland Stadium Authority; [or]
- (7) Baltimore City Community College;
- (8) **THE LEGISLATIVE BRANCH OF STATE GOVERNMENT; OR**
- (9) **THE JUDICIAL BRANCH OF STATE GOVERNMENT.**

(b) Except as provided in subsection (a) of this section, this subtitle applies to any project of a unit of the Executive Branch of State government that involves an agreement with a public institution of higher education for a portion of the development of the project, whether the work on the development is done directly or indirectly by the public institution of higher education.”;

in line 11, strike “**3.5-306(A)(2), 3.5-307,**” and substitute “**3.5-307(A)(2), 3.5-308**”; in line 12, strike “**3.5-308**” and substitute “**3.5-309**”; and in line 27, after “technology” insert “**POLICY**”.

On page 17, in line 8, strike “and”; in line 10, after the semicolon insert “**AND**”

(VI) ALLOWS A STATE AGENCY TO MAINTAIN THE AGENCY’S OWN INFORMATION TECHNOLOGY UNIT THAT PROVIDES FOR INFORMATION TECHNOLOGY SERVICES TO SUPPORT THE MISSION OF THE AGENCY.”; strike in their entirety lines 11 through 13, inclusive; in lines 14, 22, 25, 29, and 31, strike “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, and “**(10)**”, respectively, and substitute “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, and “**(9)**”, respectively; and in line 15, strike “**MASTER PLAN**” and substitute “**STRATEGY**”.

On page 18, in line 21, strike “**3.5-310**” and substitute “**3.5-311**”; and in line 22, strike “**3.5-310(A)(2)(III)1**” and substitute “**3.5-311(A)(2)(III)1**”.

On page 19, strike in their entirety lines 8 through 30, inclusive; in line 31, strike the brackets; and in the same line, strike “**3.5-306.**”.

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On page 20, in line 1, strike the brackets; in the same line, strike “**THE DEPARTMENT**”; in line 2, strike “**ON BEHALF OF A UNIT OF STATE GOVERNMENT**”; in line 3, after “plan” insert “**STRATEGY**”; in line 5, strike the brackets; in the same line, strike “**SHALL SUBMIT REQUESTS FOR**”; in line 6, after “projects” insert “**OR CYBERSECURITY PROJECTS**”; in the same line, strike “**3.5-307**” and substitute “**3.5-308**”; in line 8, after “project” insert “**OR CYBERSECURITY PROJECT**”; in line 9, after “master plan” insert “**STRATEGY**”; and strike in their entirety lines 10 and 11.

On pages 20 through 22, strike in their entirety the lines beginning with line 34 on page 20 through line 17 on page 22, inclusive.

On page 22, in line 18, strike the brackets; in the same line, strike “**3.5-308.**”; strike in their entirety lines 19 through 21, inclusive; and in line 25, strike “**3.5-306**” and substitute “**3.5-307**”.

On pages 23 and 24, strike in their entirety the lines beginning with line 1 on page 23 through line 22 on page 24, inclusive.

On pages 24 and 25, strike in their entirety the lines beginning with line 29 on page 24 through line 8 on page 25, inclusive.

On pages 25 and 26, strike in their entirety the lines beginning with line 20 on page 25 through line 24 on page 26, inclusive.

On page 26, in line 25, strike the brackets; and in the same line, strike “**3.5-310.**”.

On page 26, in line 26, strike “(1) The Secretary or the Secretary’s designee, in consultation with other”; and strike beginning with line 27 on page 26 through line 6 on page 27, inclusive.

On pages 27 and 28, strike in their entirety the lines beginning with line 13 on page 27 through line 6 on page 28, inclusive.

On pages 28 and 29, strike in their entirety the lines beginning with line 7 on page 28 through line 27 on page 29, inclusive.

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On pages 30 and 31, strike in their entirety the lines beginning with line 1 on page 30 through line 2 on page 31.

On pages 31 and 32, strike in their entirety the lines beginning with line 3 on page 31 through line 2 on page 32, inclusive.

On page 32, after line 2, insert:

“3.5-404.

(D) (1) THE OFFICE SHALL ENSURE THAT AT LEAST ONCE EVERY 2 YEARS, OR MORE OFTEN IF REQUIRED BY REGULATIONS ADOPTED BY THE DEPARTMENT, EACH UNIT OF STATE GOVERNMENT SHALL COMPLETE AN EXTERNAL ASSESSMENT.

(2) THE OFFICE SHALL ASSIST EACH UNIT TO REMEDIATE ANY SECURITY VULNERABILITIES OR HIGH-RISK CONFIGURATIONS IDENTIFIED IN THE ASSESSMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(E) (1) IN THIS SUBSECTION, “IT UNIT” MEANS A UNIT OF THE LEGISLATIVE BRANCH OR JUDICIAL BRANCH OF STATE GOVERNMENT THAT PROVIDES INFORMATION TECHNOLOGY SERVICES FOR ANOTHER UNIT OF GOVERNMENT.

(2) EACH IT UNIT SHALL:

(I) BE EVALUATED BY AN INDEPENDENT AUDITOR WITH CYBERSECURITY EXPERTISE TO DETERMINE WHETHER THE IT UNIT, AND THE UNITS IT PROVIDES INFORMATION TECHNOLOGY SERVICES FOR, MEET RELEVANT CYBERSECURITY STANDARDS RECOMMENDED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY; AND

(II) CERTIFY COMPLIANCE WITH THE RECOMMENDED NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY STANDARDS TO:

1. IF THE IT UNIT IS PART OF THE LEGISLATIVE BRANCH, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE; AND

2. IF THE IT UNIT IS PART OF THE JUDICIAL BRANCH OF STATE GOVERNMENT, THE CHIEF JUDGE.”;

and in line 6, strike “COMPLETE A CYBERSECURITY PREPAREDNESS ASSESSMENT AND”; and in line 7, after “RESULTS” insert “OF ANY CYBERSECURITY PREPAREDNESS ASSESSMENTS PERFORMED IN THE PRIOR YEAR”.

On page 34, before line 1, insert “3.5-406.”; in lines 1, 3, 5, 9, 22, 26, 29, and 31, strike “(C) (1)”, “(2)”, “(I)”, “(II)”, “(3) (I)”, “(II)”, “1.”, and “2.”, respectively, and substitute “(A)”, “(B)”, “(1)”, “(2)”, “(D) (1)”, “(2)”, “(I)”, and “(II)”, respectively; in line 3, strike “ON OR BEFORE DECEMBER 1 EACH YEAR” and substitute “IN A MANNER AND FREQUENCY ESTABLISHED IN REGULATIONS ADOPTED BY THE DEPARTMENT”; strike beginning with “AND” in line 7 down through “APPROVAL” in line 8; in line 8, after the semicolon insert “AND”; strike beginning with “AND” in line 10 down through “DATABASES” in line 21; after line 21, insert:

“(C) THE ASSESSMENT REQUIRED UNDER PARAGRAPH (B)(2) OF THIS SECTION MAY, IN ACCORDANCE WITH THE PREFERENCE OF EACH COUNTY GOVERNMENT, BE PERFORMED BY THE DEPARTMENT OR BY A VENDOR AUTHORIZED BY THE DEPARTMENT.”;

in line 22, strike “COUNTY” and substitute “LOCAL”; strike beginning with the first comma in line 22 down through “DEPARTMENT” in line 23; in line 23, after “INCIDENT” insert “, INCLUDING AN ATTACK ON A STATE SYSTEM BEING USED BY THE LOCAL GOVERNMENT, TO THE APPROPRIATE LOCAL EMERGENCY MANAGER AND THE STATE SECURITY OPERATIONS CENTER IN THE DEPARTMENT”; in line 24, strike “SUBPARAGRAPH (II)” and substitute “PARAGRAPH (2)”; in the same line, strike “PARAGRAPH” and substitute “SUBSECTION”; and in lines 24 and 25, strike “TO THE APPROPRIATE LOCAL EMERGENCY MANAGER”.

On page 35, in line 1, strike “3.” and substitute “(III)”; after line 2, insert:

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“(3) THE STATE SECURITY OPERATIONS CENTER SHALL IMMEDIATELY NOTIFY THE APPROPRIATE AGENCIES OF A CYBERSECURITY INCIDENT REPORTED UNDER THIS PARAGRAPH THROUGH THE STATE SECURITY OPERATIONS CENTER.

4-316.1.

THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND CYBERSECURITY COORDINATING COUNCIL ESTABLISHED IN § 3.5-2A-05 OF THIS ARTICLE, SHALL STUDY THE SECURITY AND FINANCIAL IMPLICATIONS OF EXECUTING PARTNERSHIPS WITH OTHER STATES TO PROCURE INFORMATION TECHNOLOGY AND CYBERSECURITY PRODUCTS AND SERVICES, INCLUDING THE IMPLICATIONS FOR POLITICAL SUBDIVISIONS OF THE STATE.

13-115.

(A) THE DEPARTMENT SHALL REQUIRE BASIC SECURITY REQUIREMENTS TO BE INCLUDED IN A CONTRACT:

(1) IN WHICH A THIRD-PARTY CONTRACTOR WILL HAVE ACCESS TO AND USE STATE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES; OR

(2) FOR SYSTEMS OR DEVICES THAT WILL CONNECT TO STATE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES.

(B) THE SECURITY REQUIREMENTS DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE CONSISTENT WITH A WIDELY RECOGNIZED SECURITY STANDARD, INCLUDING NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SP 800-171, ISO27001, OR CYBERSECURITY MATURITY MODEL CERTIFICATION.”;

and strike in their entirety lines 3 through 13, inclusive.

On page 35, after line 23, insert:

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“SECTION 4. AND BE IT FURTHER ENACTED, That, on or before June 30, 2023, the Office of Security Management, in consultation with the Maryland Cybersecurity Coordinating Council, shall prepare a transition strategy toward cybersecurity centralization, including recommendations for:

- (1) consistent incident response training;
- (2) implementing security improvement dashboards to inform budgetary appropriations;
- (3) operations logs transition to the Maryland Security Operations Center;
- (4) establishing consistent performance accountability metrics for information technology and cybersecurity staff; and
- (5) whether the Office needs additional staff or contractors to carry out its duties.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before June 30, 2023, each agency in the Executive Branch of State government shall certify to the Office of Security Management compliance with State minimum cybersecurity standards established by the Department of Information Security.

(2) Except as provided in paragraph (3) of this subsection, certification shall be reviewed by independent auditors, and any findings must be remediated.

(3) Certification for the Department of Public Safety and Correctional Services and any State criminal justice agency shall be reviewed by the Office of Legislative Audits, and any findings must be remediated.

(b) If an agency has not remediated any findings pertaining to State cybersecurity standards found by the independent audit required under subsection (a) of this section by July 1, 2024, the Office of Security Management shall assume responsibility for an agency’s cybersecurity through a shared service agreement, administrative privileges, or access to Network Maryland notwithstanding any federal

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law or regulation that forbids the Office of Security Management from managing a specific system.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The Department of Information Technology shall hire a contractor to conduct a performance and capacity assessment of the Department to:

(1) evaluate the Department's capacity to implement provisions of this Act; and

(2) recommend additional resources necessary for the Department to implement provisions of this title and meet future needs, including additional budget appropriations, additional staff, altered contracting authority, and pay increases for staff.

(b) The contractor hired by the Department to complete the assessment and report required by this section shall:

(1) on or before December 1, 2023, submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly; and

(2) on or before December 1, 2024, submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 7. 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.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) On or before June 1, 2022, the State Chief Information Security Officer shall establish guidelines to determine when a cybersecurity incident shall be disclosed to the public.

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(b) On or before November 1, 2022, the State Chief Information Security Officer shall submit a report on the guidelines established under subsection (a) of this section to the Governor and, in accordance with § 2-1257 of the State Government Article, the House Health and Government Operations Committee and the Senate Education, Health, and Environmental Affairs Committee.”.

On pages 35 and 36, strike in their entirety the lines beginning with line 24 on page 35 through line 19 on page 36, inclusive.

On page 36, in line 20, strike “8.” and substitute “9.”.