

SB0754/513228/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 754
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “**Senator Hester**” and substitute “**Senators Hester, Hershey, Jennings, Jackson, Rosapepe, Lee, and Watson**”; in line 6, strike “certain local entities” and substitute “local governments”; strike beginning with “Maryland” in line 7 down through “Center” in line 8 and substitute “State Security Operations Center”; strike beginning with “establishing” in line 9 down through “Fund;” in line 12; in line 15, strike “each unit of the Legislative or Judicial Branch of State government,”; strike beginning with “on” in line 17 down through “year;” in line 19 and substitute “in a certain manner;”; strike beginning with “requiring” in line 19 down through “year;” in line 21 and substitute “requiring the Office to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date each year; establishing the Information Sharing and Analysis Center in the Department of Information Technology; establishing certain responsibilities for the Center;”; and in line 27, after “study;” insert: “authorizing funds to be transferred by budget amendment from the Dedicated Purpose Account in a certain fiscal year to implement the Act;”.

On page 3, in line 11, after “and” insert “3.5–315;”; in the same line, after “3.5–405” insert “, and 4–308”; in the same line, strike “and 6–226(a)(2)(ii)146.”; and strike in their entirety lines 21 through 30, inclusive.

AMENDMENT NO. 2

On page 7, strike in their entirety lines 21 through 23, inclusive; and in lines 24 and 26, strike “**(4)**” and “**(5)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively.

On page 8, strike beginning with “**THROUGH**” in line 4 down through “**AGENCY**” in line 7; strike in their entirety lines 15 through 18, inclusive; in lines 19, 24, and 29,

**SB0754/513228/01 Education, Health, and Environmental Affairs Committee
Amendments to SB 754
Page 2 of 9**

strike “(IV)”, “(V)”, and “(VII)”, respectively, and substitute “(III)”, “(IV)”, and “(V)”, respectively; in line 21, strike the second “AND”; in line 23, after “OFFICER” insert “; AND”

3. IDENTIFYING AND ACQUIRING RESOURCES TO COMPLETE APPROPRIATE CYBERSECURITY VULNERABILITY ASSESSMENTS; and strike in their entirety lines 27 and 28, inclusive.

On page 9, in line 1, strike “(VIII)” and substitute “(VI)”; after line 3, insert:

“(3) THE UNIT SHALL SUPPORT THE OFFICE OF SECURITY MANAGEMENT IN THE DEPARTMENT OF INFORMATION TECHNOLOGY DURING EMERGENCY RESPONSE EFFORTS.”;

in line 6, after the comma insert “TO THE APPROPRIATE LOCAL EMERGENCY MANAGER AND THE STATE SECURITY OPERATIONS CENTER IN THE DEPARTMENT OF INFORMATION TECHNOLOGY”; in line 9, strike “DEPARTMENT” and substitute “STATE CHIEF INFORMATION SECURITY OFFICER”; in line 14, strike “MARYLAND JOINT OPERATIONS CENTER” and substitute “STATE SECURITY OPERATIONS CENTER”; in line 14, after “SHALL” insert “IMMEDIATELY”; after line 16, insert:

“(D) (1) FIVE POSITION IDENTIFICATION NUMBERS (PINS) SHALL BE CREATED FOR THE PURPOSE OF HIRING STAFF TO CONDUCT THE DUTIES OF THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT CYBERSECURITY PREPAREDNESS UNIT.

“(2) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST:

(I) \$220,335 FOR 3 PINS FOR ADMINISTRATOR III POSITIONS; AND

(II) \$137,643 FOR 2 PINS FOR ADMINISTRATOR II POSITIONS.”;

and strike lines 17 through 31, inclusive.

On pages 10 and 11, strike in their entirety the lines beginning with line 1 on page 10 through line 27 on page 11, inclusive.

On page 12, in line 19, after “DEPARTMENT.” 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;

(Over)

(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.”;

and in lines 20 and 23, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

On page 13, in line 6, strike “(E)” and substitute “(F)”;

strike in their entirety lines 8 and 9, inclusive; in line 11, after “(A)” insert “(1)”;

in line 12, strike “(1)” and substitute “(I)”;

and strike in their entirety lines 15 through 19, inclusive, and substitute “; AND

(II) SUPPORTING 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 14, strike in their entirety lines 6 through 9, 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;”; in lines 10, 12, 15, 18, and 22, strike “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively, and substitute “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively; strike lines 26 and 27; after line 32, insert:

“(C) THE OFFICE, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, SHALL:

(1) ASSIST LOCAL POLITICAL SUBDIVISIONS, INCLUDING COUNTIES, SCHOOL SYSTEMS, SCHOOL BOARDS, AND LOCAL HEALTH DEPARTMENTS, IN:

(I) THE DEVELOPMENT OF CYBERSECURITY PREPAREDNESS AND RESPONSE PLANS; AND

(II) IMPLEMENTING BEST PRACTICES AND GUIDANCE DEVELOPED BY THE DEPARTMENT; AND

(2) CONNECT LOCAL ENTITIES TO APPROPRIATE RESOURCES FOR ANY OTHER PURPOSE RELATED TO CYBERSECURITY PREPAREDNESS AND RESPONSE.

(D) THE OFFICE, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, MAY:

(1) CONDUCT REGIONAL EXERCISES, AS NECESSARY, IN COORDINATION WITH THE NATIONAL GUARD, LOCAL EMERGENCY MANAGERS, AND OTHER STATE AND LOCAL ENTITIES; AND

(Over)

(2) ESTABLISH REGIONAL ASSISTANCE GROUPS TO DELIVER OR COORDINATE SUPPORT SERVICES TO LOCAL POLITICAL SUBDIVISIONS, AGENCIES, OR REGIONS.;

and in line 33, strike “(C)” and substitute “**(E) (1)**”.

On page 15, in line 1, after the second comma insert “**THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE,**”; in line 2, after the comma insert “**THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE,**”; in lines 6, 8, 11, 13, 16, 19, 24, 26, and 29, strike “(1)”, “(2)”, “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(I)”, “(II)”, “1.”, “2.”, “3.”, “4.”, “5.”, “6.”, and “7.”, respectively; and after line 30, insert:

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

On page 16, in line 22, after “projects” insert “**OR CYBERSECURITY PROJECTS**”.

On page 17, after line 13, insert:

“3.5-315.

(A) THERE IS AN INFORMATION SHARING AND ANALYSIS CENTER IN THE DEPARTMENT.

(B) THE INFORMATION SHARING AND ANALYSIS CENTER SHALL:

(1) COORDINATE INFORMATION ON CYBERSECURITY BY SERVING AS A CENTRAL LOCATION FOR INFORMATION SHARING ACROSS STATE AND LOCAL GOVERNMENT, FEDERAL GOVERNMENT PARTNERS, AND PRIVATE ENTITIES;

(2) WITH THE OFFICE OF SECURITY MANAGEMENT, SUPPORT CYBERSECURITY COORDINATION BETWEEN LOCAL UNITS OF GOVERNMENT THROUGH EXISTING LOCAL GOVERNMENT STAKEHOLDER ORGANIZATIONS;

(3) PROVIDE SUPPORT TO THE STATE CHIEF INFORMATION SECURITY OFFICER AND THE CYBER PREPAREDNESS UNIT, IN THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, DURING CYBERSECURITY INCIDENTS THAT AFFECT STATE AND LOCAL GOVERNMENTS;

(4) SUPPORT RISK-BASED PLANNING FOR THE USE OF FEDERAL RESOURCES; AND

(5) CONDUCT ANALYSES OF CYBERSECURITY INCIDENTS.”.

On page 18, strike beginning with the second “EACH” in line 8 down through the comma in line 9; in lines 8 and 16, in each instance, strike “ON OR BEFORE DECEMBER 1 EACH YEAR” and substitute “IN A MANNER AND FREQUENCY ESTABLISHED IN REGULATIONS ADOPTED BY THE DEPARTMENT”; in line 10, strike the comma; in line 17, strike the colon; in line 18, strike “(1)”; strike beginning with “SUBMIT” in line 20 down through “(2)” in line 21; strike beginning with “AND” in line 21 down through “DATABASES” in line 32; and after line 32, insert:

“4-308.

(A) THE DEPARTMENT MAY ESTABLISH A PROGRAM THAT LEVERAGES STATE PURCHASING POWER TO OFFER FAVORABLE RATES TO UNITS OF LOCAL GOVERNMENT TO PROCURE INFORMATION TECHNOLOGY OR CYBERSECURITY SERVICES FROM CONTRACTORS.

(Over)

**SB0754/513228/01 Education, Health, and Environmental Affairs Committee
Amendments to SB 754
Page 8 of 9**

(B) A UNIT OF LOCAL GOVERNMENT MAY NOT BE REQUIRED TO PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

On page 19, strike in their entirety lines 1 through 22, inclusive.

On page 20, in line 2, after “REDACTED” insert “IN A MANNER CONSISTENT WITH AUDITING BEST PRACTICES”.

On page 20, strike in their entirety lines 26 and 27, inclusive, and substitute:

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

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

(2) Certification shall be reviewed by independent auditors, and any findings must be remediated.

(b) If a unit of local government has not remediated any findings pertaining to State cybersecurity standards found by the independent audit required under subsection (1) of this section by July 1, 2024, the Office of Security Management shall assume responsibility for a unit’s cybersecurity through a shared service agreement, administrative privileges, or access to Network Maryland notwithstanding any federal law or regulation that forbids the Office of Security Management from managing a specific system.

SECTION 6. 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.

**SB0754/513228/01 Education, Health, and Environmental Affairs Committee
Amendments to SB 754
Page 9 of 9**

SECTION 7. 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.

(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.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”