

HOUSE BILL 362

P1

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CF SB 212

By: **The Speaker (By Request – Administration) and Delegate Cardin**

Introduced and read first time: January 25, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Reorganization of State Government – Department of Information**
3 **Technology**

4 FOR the purpose of reorganizing State government by establishing a Department of
5 Information Technology as a principal unit of the Executive Branch; providing
6 for the qualifications, appointment, powers, duties, and salary of the Secretary
7 of Information Technology; providing for the duties of the Department of
8 Information Technology; specifying that the Department of Information
9 Technology is responsible for administering the information technology
10 functions of the Executive Branch of State government; transferring the
11 information technology and telecommunications functions of the Executive
12 Branch from the Department of Budget and Management to the Department of
13 Information Technology; transferring the Telecommunications Access of
14 Maryland program from the Department of Budget and Management to the
15 Department of Information Technology; requiring certain shopping facilities to
16 acquire and install certain communications devices; providing that the
17 Department of Information Technology is a primary procurement unit;
18 repealing a certain requirement regarding the adoption of regulations; repealing
19 certain provisions of law rendered inapplicable by provisions of this Act;
20 abolishing the State Information Technology Board; defining certain terms;
21 providing for the transfer of certain employees under certain circumstances;
22 providing for appropriate transitional provisions relating to the continuity of
23 certain departments, boards, commissions, committees, agencies, and other
24 units; providing for the transfer of certain property, records, fixtures,
25 appropriations, credits, assets, liabilities, obligations, rights, and privileges;
26 providing for the continuity of certain laws, rules and regulations, standards
27 and guidelines, policies, orders and other directives, permits and licenses,
28 applications, forms, plans, memberships, contracts, property, investigations,
29 and administrative and judicial responsibilities; providing for the continuity of
30 certain transactions, rights, duties, and interests; providing for the continuity of
31 certain persons licensed, registered, permitted, and certified under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 departments, offices, and units; providing for the continuity of certain contracts,
2 agreements, grants, or other obligations; specifying that the publisher of the
3 Annotated Code of Maryland, in consultation with the Department of
4 Legislative Services, shall correct agency names and titles in the Code to
5 conform to the changes that are made by this Act; making technical changes;
6 and generally relating to the reorganization of State government and the
7 establishment of a Department of Information Technology.

8 BY repealing

9 Article – State Finance and Procurement
10 Section 3–401 through 3–413 and the subtitle “Subtitle 4. Information
11 Processing”; 3–701 through 3–706 and the subtitle “Subtitle 7.
12 Telecommunications”; 3–801 through 3–807 and the subtitle “Subtitle 8.
13 Telecommunications Access of Maryland”; and 3–901 through 3–906 and
14 the subtitle “Subtitle 9. Telecommunications Devices and Distribution of
15 Accessible Information for Disabled Individuals”
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – State Government
20 Section 8–201
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2007 Supplement)

23 BY adding to

24 Article – State Finance and Procurement
25 Section 3A–101 through 3A–606 to be under the new title “Title 3A. Department
26 of Information Technology”; and 12–107(b)(7)
27 Annotated Code of Maryland
28 (2006 Replacement Volume and 2007 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article – State Finance and Procurement
31 Section 11–101(l), 12–107(b)(2), (5), and (6), 13–401, 13–402(a), and 14–501(b)
32 Annotated Code of Maryland
33 (2006 Replacement Volume and 2007 Supplement)

34 BY repealing and reenacting, without amendments,

35 Article – State Finance and Procurement
36 Section 14–501(a)
37 Annotated Code of Maryland
38 (2006 Replacement Volume and 2007 Supplement)

39 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
40 MARYLAND, That Section(s) 3–401 through 3–413 and the subtitle “Subtitle 4.
41 Information Processing”; 3–701 through 3–706 and the subtitle “Subtitle 7.
42 Telecommunications”; 3–801 through 3–807 and the subtitle “Subtitle 8.

1 Telecommunications Access of Maryland”; and 3–901 through 3–906 and the subtitle
2 “Subtitle 9. Telecommunications Devices and Distribution of Accessible Information
3 for Disabled Individuals” of Article – State Finance and Procurement of the Annotated
4 Code of Maryland be repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That The Laws of Maryland
6 read as follows:

7 **Article – State Government**

8 8–201.

9 (a) The Executive Branch of the State government shall have not more than
10 21 principal departments, each of which shall embrace a broad, functional area of that
11 Branch.

12 (b) The principal departments of the Executive Branch of the State
13 government are:

14 (1) Aging;

15 (2) Agriculture;

16 (3) Budget and Management;

17 (4) Business and Economic Development;

18 (5) Disabilities;

19 (6) the Environment;

20 (7) General Services;

21 (8) Health and Mental Hygiene;

22 (9) Housing and Community Development;

23 (10) Human Resources;

24 **(11) INFORMATION TECHNOLOGY;**

25 ~~[(11)]~~ **(12)** Juvenile Services;

26 ~~[(12)]~~ **(13)** Labor, Licensing, and Regulation;

27 ~~[(13)]~~ **(14)** Natural Resources;

- 1 [(14)] **(15)** Planning;
- 2 [(15)] **(16)** Public Safety and Correctional Services;
- 3 [(16)] **(17)** State Police;
- 4 [(17)] **(18)** Transportation; and
- 5 [(18)] **(19)** Veterans Affairs.

6 **Article – State Finance and Procurement**

7 **TITLE 3A. DEPARTMENT OF INFORMATION TECHNOLOGY.**

8 **SUBTITLE 1. DEFINITIONS.**

9 **3A-101.**

10 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
11 **INDICATED.**

12 **(B) “DEPARTMENT” MEANS THE DEPARTMENT OF INFORMATION**
13 **TECHNOLOGY.**

14 **(C) “SECRETARY” MEANS THE SECRETARY OF INFORMATION**
15 **TECHNOLOGY.**

16 **(D) “TELECOMMUNICATION” MEANS THE TRANSMISSION OF**
17 **INFORMATION, IMAGES, PICTURES, VOICE, OR DATA BY RADIO, VIDEO, OR**
18 **OTHER ELECTRONIC OR IMPULSE MEANS.**

19 **(E) “UNIT OF STATE GOVERNMENT” MEANS AN AGENCY OR UNIT OF**
20 **THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

21 **SUBTITLE 2. ORGANIZATION AND GENERAL AUTHORITY OF THE DEPARTMENT.**

22 **3A-201.**

23 **THERE IS A DEPARTMENT OF INFORMATION TECHNOLOGY ESTABLISHED**
24 **AS A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT.**

25 **3A-202.**

1 (A) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF
2 INFORMATION TECHNOLOGY, WHO SHALL BE APPOINTED BY THE GOVERNOR
3 WITH THE ADVICE AND CONSENT OF THE SENATE.

4 (B) THE SECRETARY SHALL HAVE EXPERIENCE IN INFORMATION
5 TECHNOLOGY, DATA PROCESSING, TELECOMMUNICATIONS, AND SYSTEMS
6 PROCUREMENT, PLANNING, AND MANAGEMENT.

7 (C) BEFORE TAKING OFFICE, THE APPOINTEE SHALL TAKE THE OATH
8 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

9 (D) THE SECRETARY SHALL ADVISE THE GOVERNOR ON ALL MATTERS
10 ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE FOR CARRYING OUT THE
11 GOVERNOR'S POLICIES ON THOSE MATTERS.

12 (E) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
13 DEPARTMENT AND MAY ESTABLISH GUIDELINES AND PROCEDURES TO
14 PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE
15 DEPARTMENT.

16 (F) THE SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS
17 OF RESPONSIBILITY IN THE DEPARTMENT NECESSARY TO FULFILL THE DUTIES
18 ASSIGNED TO THE SECRETARY.

19 **3A-203.**

20 (A) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY
21 SHALL APPOINT A DEPUTY SECRETARY.

22 (2) THE DEPUTY SECRETARY:

23 (I) SERVES AT THE PLEASURE OF THE SECRETARY;

24 (II) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
25 BUDGET; AND

26 (III) HAS THE DUTIES PROVIDED BY LAW OR DELEGATED BY
27 THE SECRETARY.

28 (B) EACH ASSISTANT SECRETARY AND PROFESSIONAL CONSULTANT IS
29 IN THE EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A SPECIAL
30 APPOINTMENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM AND IS
31 APPOINTED BY AND SERVES AT THE PLEASURE OF THE SECRETARY.

1 (C) EXCEPT AS PROVIDED IN THIS SECTION OR OTHERWISE BY LAW,
2 THE SECRETARY SHALL APPOINT AND REMOVE ALL OTHER STAFF IN
3 ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND
4 PENSIONS ARTICLE.

5 (D) THE APPOINTMENT OF OR REMOVAL OF STAFF OF ANY UNIT IN THE
6 DEPARTMENT IS SUBJECT TO THE APPROVAL OF THE SECRETARY.

7 **3A-204.**

8 (A) THE ATTORNEY GENERAL IS LEGAL ADVISER TO THE
9 DEPARTMENT.

10 (B) AT THE REQUEST OF THE GOVERNOR, THE ATTORNEY GENERAL
11 SHALL ASSIGN TO THE DEPARTMENT THE NUMBER OF ASSISTANT ATTORNEYS
12 GENERAL AUTHORIZED BY LAW TO BE ASSIGNED TO THE DEPARTMENT.

13 (C) (1) THE ATTORNEY GENERAL SHALL DESIGNATE ONE OF THE
14 ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE DEPARTMENT AS COUNSEL
15 TO THE DEPARTMENT.

16 (2) AFTER THE ATTORNEY GENERAL DESIGNATES THE COUNSEL
17 TO THE DEPARTMENT, THE ATTORNEY GENERAL MAY NOT REASSIGN THE
18 COUNSEL WITHOUT CONSULTING THE SECRETARY.

19 (3) (I) THE COUNSEL MAY HAVE NO OTHER DUTY OTHER THAN
20 TO:

21 1. GIVE THE LEGAL AID, ADVICE, AND COUNSEL
22 REQUIRED BY THE SECRETARY OR ANY OTHER OFFICIAL OF THE DEPARTMENT;

23 2. SUPERVISE THE OTHER ASSISTANT ATTORNEYS
24 GENERAL ASSIGNED TO THE DEPARTMENT; AND

25 3. PERFORM FOR THE DEPARTMENT THE DUTIES
26 THAT THE ATTORNEY GENERAL ASSIGNS.

27 (II) THE COUNSEL SHALL PERFORM THESE DUTIES
28 SUBJECT TO THE CONTROL AND SUPERVISION OF THE ATTORNEY GENERAL.

29 **SUBTITLE 3. INFORMATION PROCESSING.**

30 **3A-301.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) (1) **“DEVELOPMENT”** MEANS ALL EXPENDITURES FOR A NEW
4 INFORMATION TECHNOLOGY SYSTEM OR AN ENHANCEMENT TO AN EXISTING
5 SYSTEM INCLUDING SYSTEM:

6 (I) PLANNING;

7 (II) PROCUREMENT;

8 (III) CREATION;

9 (IV) INSTALLATION;

10 (V) TESTING; AND

11 (VI) INITIAL TRAINING.

12 (2) **“DEVELOPMENT”** DOES NOT INCLUDE:

13 (I) ONGOING OPERATING COSTS, SOFTWARE OR HARDWARE
14 MAINTENANCE, ROUTINE UPGRADES, OR MODIFICATIONS THAT MERELY ALLOW
15 FOR A CONTINUATION OF THE EXISTING LEVEL OF FUNCTIONALITY; OR

16 (II) EXPENDITURES MADE AFTER A NEW OR ENHANCED
17 SYSTEM HAS BEEN LEGALLY ACCEPTED BY THE USER AND IS BEING USED FOR
18 THE BUSINESS PROCESS FOR WHICH IT WAS INTENDED.

19 (C) **“FUND”** MEANS THE MAJOR INFORMATION TECHNOLOGY
20 DEVELOPMENT PROJECT FUND.

21 (D) **“INFORMATION TECHNOLOGY”** MEANS ALL ELECTRONIC
22 INFORMATION PROCESSING HARDWARE AND SOFTWARE, INCLUDING:

23 (1) MAINTENANCE;

24 (2) TELECOMMUNICATIONS; AND

25 (3) ASSOCIATED CONSULTING SERVICES.

26 (E) **“INFORMATION TECHNOLOGY SERVICES”** MEANS INFORMATION
27 PROVIDED BY ELECTRONIC MEANS BY OR ON BEHALF OF A UNIT OF STATE
28 GOVERNMENT.

1 **(F) “MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT”**
2 **MEANS ANY INFORMATION TECHNOLOGY DEVELOPMENT PROJECT THAT MEETS**
3 **ONE OR MORE OF THE FOLLOWING CRITERIA:**

4 **(1) THE ESTIMATED TOTAL COST OF DEVELOPMENT EQUALS OR**
5 **EXCEEDS \$1,000,000;**

6 **(2) THE PROJECT IS UNDERTAKEN TO SUPPORT A CRITICAL**
7 **BUSINESS FUNCTION ASSOCIATED WITH THE PUBLIC HEALTH, EDUCATION,**
8 **SAFETY, OR FINANCIAL WELL-BEING OF THE CITIZENS OF MARYLAND; OR**

9 **(3) THE SECRETARY DETERMINES THAT THE PROJECT REQUIRES**
10 **THE SPECIAL ATTENTION AND CONSIDERATION GIVEN TO A MAJOR**
11 **INFORMATION TECHNOLOGY DEVELOPMENT PROJECT DUE TO:**

12 **(I) THE SIGNIFICANCE OF THE PROJECT’S POTENTIAL**
13 **BENEFITS OR RISKS;**

14 **(II) THE IMPACT OF THE PROJECT ON THE PUBLIC OR**
15 **LOCAL GOVERNMENTS;**

16 **(III) THE PUBLIC VISIBILITY OF THE PROJECT; OR**

17 **(IV) OTHER REASONS AS DETERMINED BY THE SECRETARY.**

18 **(G) “MASTER PLAN” MEANS THE STATEWIDE INFORMATION**
19 **TECHNOLOGY MASTER PLAN.**

20 **(H) “NONVISUAL ACCESS” MEANS THE ABILITY, THROUGH KEYBOARD**
21 **CONTROL, SYNTHESIZED SPEECH, BRAILLE, OR OTHER METHODS NOT**
22 **REQUIRING SIGHT TO RECEIVE, USE, AND MANIPULATE INFORMATION AND**
23 **OPERATE CONTROLS NECESSARY TO ACCESS INFORMATION TECHNOLOGY.**

24 **(I) “RESOURCE SHARING” MEANS THE UTILIZATION OF A STATE**
25 **RESOURCE BY PRIVATE INDUSTRY IN EXCHANGE FOR THE PROVISION TO THE**
26 **STATE OF A COMMUNICATION SERVICE OR OTHER CONSIDERATION.**

27 **(J) “SYSTEMS DEVELOPMENT LIFE CYCLE PLAN” MEANS A PLAN THAT**
28 **DEFINES ALL ACTIONS, FUNCTIONS, OR ACTIVITIES TO BE PERFORMED BY A**
29 **UNIT OF STATE GOVERNMENT IN THE DEFINITION, PLANNING, ACQUISITION,**
30 **DEVELOPMENT, TESTING, IMPLEMENTATION, OPERATION, ENHANCEMENT, AND**
31 **MODIFICATION OF INFORMATION TECHNOLOGY SYSTEMS.**

1 **3A-302.**

2 (A) THIS SUBTITLE DOES NOT APPLY TO CHANGES RELATING TO OR
3 THE PURCHASE, LEASE, OR RENTAL OF INFORMATION TECHNOLOGY BY:

4 (1) PUBLIC INSTITUTIONS OF HIGHER EDUCATION SOLELY FOR
5 ACADEMIC OR RESEARCH PURPOSES;

6 (2) THE MARYLAND PORT ADMINISTRATION;

7 (3) THE UNIVERSITY SYSTEM OF MARYLAND;

8 (4) ST. MARY'S COLLEGE OF MARYLAND; OR

9 (5) MORGAN STATE UNIVERSITY.

10 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS
11 PROVIDED IN SUBSECTION (A) OF THIS SECTION AND §§ 3A-307(A)(2), 3A-308,
12 AND 3A-309 OF THIS SUBTITLE, THIS SUBTITLE APPLIES TO ALL UNITS OF THE
13 EXECUTIVE BRANCH OF STATE GOVERNMENT INCLUDING PUBLIC
14 INSTITUTIONS OF HIGHER EDUCATION OTHER THAN MORGAN STATE
15 UNIVERSITY, THE UNIVERSITY SYSTEM OF MARYLAND, AND ST. MARY'S
16 COLLEGE OF MARYLAND.

17 **3A-303.**

18 THE SECRETARY IS RESPONSIBLE FOR CARRYING OUT THE FOLLOWING
19 DUTIES:

20 (1) DEVELOPING, MAINTAINING, REVISING, AND ENFORCING
21 INFORMATION TECHNOLOGY POLICIES, PROCEDURES, AND STANDARDS;

22 (2) PROVIDING TECHNICAL ASSISTANCE, ADVICE, AND
23 RECOMMENDATIONS TO THE GOVERNOR AND ANY UNIT OF STATE
24 GOVERNMENT CONCERNING INFORMATION TECHNOLOGY MATTERS;

25 (3) REVIEWING THE ANNUAL PROJECT PLAN FOR EACH UNIT OF
26 STATE GOVERNMENT TO MAKE INFORMATION AND SERVICES AVAILABLE TO
27 THE PUBLIC OVER THE INTERNET;

28 (4) DEVELOPING AND MAINTAINING A STATEWIDE INFORMATION
29 TECHNOLOGY MASTER PLAN THAT WILL:

1 (I) BE THE BASIS FOR THE MANAGEMENT AND DIRECTION
2 OF INFORMATION TECHNOLOGY WITHIN THE EXECUTIVE BRANCH OF STATE
3 GOVERNMENT;

4 (II) INCLUDE ALL ASPECTS OF STATE INFORMATION
5 TECHNOLOGY INCLUDING TELECOMMUNICATIONS, DATA PROCESSING, AND
6 INFORMATION MANAGEMENT;

7 (III) CONSIDER INTERSTATE TRANSFERS AS A RESULT OF
8 FEDERAL LEGISLATION AND REGULATION;

9 (IV) WORK JOINTLY WITH THE SECRETARY OF BUDGET AND
10 MANAGEMENT TO ENSURE THAT INFORMATION TECHNOLOGY PLANS AND
11 BUDGETS ARE CONSISTENT;

12 (V) ENSURE THAT STATE INFORMATION TECHNOLOGY
13 PLANS, POLICIES, AND STANDARDS ARE CONSISTENT WITH STATE GOALS,
14 OBJECTIVES, AND RESOURCES, AND REPRESENT A LONG-RANGE VISION FOR
15 USING INFORMATION TECHNOLOGY TO IMPROVE THE OVERALL EFFECTIVENESS
16 OF STATE GOVERNMENT; AND

17 (VI) INCLUDE STANDARDS TO ASSURE NONVISUAL ACCESS
18 TO THE INFORMATION AND SERVICES MADE AVAILABLE TO THE PUBLIC OVER
19 THE INTERNET; AND

20 (5) ADOPTING BY REGULATION AND ENFORCING NONVISUAL
21 ACCESS STANDARDS TO BE USED IN THE PROCUREMENT OF INFORMATION
22 TECHNOLOGY SERVICES BY OR ON BEHALF OF UNITS OF STATE GOVERNMENT.

23 **3A-304.**

24 THE SECRETARY SHALL DEVELOP A STATEWIDE INFORMATION
25 TECHNOLOGY MASTER PLAN.

26 **3A-305.**

27 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN
28 ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE SECRETARY, EACH UNIT
29 OF STATE GOVERNMENT SHALL DEVELOP AND SUBMIT TO THE SECRETARY:

30 (1) INFORMATION TECHNOLOGY POLICIES AND STANDARDS;

31 (2) AN INFORMATION TECHNOLOGY PLAN; AND

1 **(3) AN ANNUAL PROJECT PLAN OUTLINING THE STATUS OF**
2 **EFFORTS TO MAKE INFORMATION AND SERVICES AVAILABLE TO THE PUBLIC**
3 **OVER THE INTERNET.**

4 **(B) (1) THE GOVERNING BOARDS OF THE PUBLIC INSTITUTIONS OF**
5 **HIGHER EDUCATION SHALL DEVELOP AND SUBMIT INFORMATION TECHNOLOGY**
6 **POLICIES AND STANDARDS AND AN INFORMATION TECHNOLOGY PLAN FOR**
7 **THEIR RESPECTIVE INSTITUTIONS OR SYSTEMS TO THE SECRETARY.**

8 **(2) IF THE SECRETARY FINDS THAT THE SUBMISSIONS REQUIRED**
9 **UNDER THIS SUBSECTION ARE CONSISTENT WITH THE MASTER PLAN, THE**
10 **SECRETARY SHALL INCORPORATE THOSE SUBMISSIONS INTO THE MASTER**
11 **PLAN.**

12 **(3) IF THE SECRETARY FINDS THAT THE SUBMISSIONS REQUIRED**
13 **UNDER THIS SUBSECTION ARE NOT CONSISTENT WITH THE MASTER PLAN:**

14 **(I) THE SECRETARY SHALL RETURN THE SUBMISSIONS TO**
15 **THE GOVERNING BOARDS; AND**

16 **(II) THE GOVERNING BOARDS SHALL REVISE THE**
17 **SUBMISSIONS AS APPROPRIATE AND SUBMIT THE REVISED POLICIES,**
18 **STANDARDS, AND PLANS TO THE SECRETARY.**

19 **3A-306.**

20 **INFORMATION TECHNOLOGY OF EACH UNIT OF STATE GOVERNMENT**
21 **SHALL BE CONSISTENT WITH THE MASTER PLAN.**

22 **3A-307.**

23 **(A) (1) A UNIT OF STATE GOVERNMENT MAY NOT PURCHASE, LEASE,**
24 **OR RENT INFORMATION TECHNOLOGY UNLESS CONSISTENT WITH THE MASTER**
25 **PLAN.**

26 **(2) A UNIT OF STATE GOVERNMENT OTHER THAN A PUBLIC**
27 **INSTITUTION OF HIGHER EDUCATION MAY NOT MAKE EXPENDITURES FOR**
28 **MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS EXCEPT AS**
29 **PROVIDED IN § 3A-308 OF THIS SUBTITLE.**

30 **(B) (1) THE SECRETARY MAY REVIEW ANY INFORMATION**
31 **TECHNOLOGY PROJECT FOR CONSISTENCY WITH THE MASTER PLAN.**

1 (2) ANY INFORMATION TECHNOLOGY PROJECT SELECTED FOR
2 REVIEW MAY NOT BE IMPLEMENTED WITHOUT THE APPROVAL OF THE
3 SECRETARY.

4 (c) (1) A UNIT OF STATE GOVERNMENT SHALL ADVISE THE
5 SECRETARY OF ANY INFORMATION TECHNOLOGY PROPOSAL INVOLVING
6 RESOURCE SHARING, THE EXCHANGE OF GOODS OR SERVICES, OR A GIFT,
7 CONTRIBUTION, OR GRANT OF REAL OR PERSONAL PROPERTY.

8 (2) THE SECRETARY SHALL DETERMINE IF THE VALUE OF THE
9 RESOURCES, SERVICES, AND PROPERTY TO BE OBTAINED BY THE STATE UNDER
10 THE TERMS OF ANY PROPOSAL SUBMITTED IN ACCORDANCE WITH THE
11 PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION EQUALS OR EXCEEDS
12 \$100,000.

13 (3) IF THE VALUE OF ANY PROPOSAL SUBMITTED IN
14 ACCORDANCE WITH THIS SUBSECTION EQUALS OR EXCEEDS \$100,000 AND THE
15 SECRETARY AND UNIT AGREE TO PROCEED WITH THE PROPOSAL, INFORMATION
16 ON THE PROPOSAL SHALL BE:

17 (i) ADVERTISED FOR A PERIOD OF AT LEAST 30 DAYS IN
18 THE MARYLAND MARKETPLACE; AND

19 (ii) SUBMITTED, SIMULTANEOUSLY WITH THE
20 ADVERTISEMENT, TO THE LEGISLATIVE POLICY COMMITTEE FOR A 60-DAY
21 REVIEW AND COMMENT PERIOD, DURING WHICH TIME THE COMMITTEE MAY
22 RECOMMEND THAT THE PROPOSAL BE TREATED AS A PROCUREMENT CONTRACT
23 UNDER DIVISION II OF THIS ARTICLE.

24 (4) FOLLOWING THE PERIOD FOR REVIEW AND COMMENT BY THE
25 LEGISLATIVE POLICY COMMITTEE UNDER PARAGRAPH (3) OF THIS
26 SUBSECTION, THE PROPOSAL IS SUBJECT TO APPROVAL BY THE BOARD OF
27 PUBLIC WORKS.

28 (5) THIS SUBSECTION MAY NOT BE CONSTRUED AS AUTHORIZING
29 AN EXCEPTION FROM THE REQUIREMENTS OF DIVISION II OF THIS ARTICLE
30 FOR ANY CONTRACT THAT OTHERWISE WOULD BE SUBJECT TO THE STATE
31 PROCUREMENT PROCESS.

32 **3A-308.**

33 (A) THIS SECTION DOES NOT APPLY TO A PUBLIC INSTITUTION OF
34 HIGHER EDUCATION.

1 **(B) IN SUBMITTING ITS INFORMATION TECHNOLOGY PROJECT**
2 **REQUESTS, A UNIT OF STATE GOVERNMENT SHALL DESIGNATE PROJECTS**
3 **WHICH ARE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS.**

4 **(C) IN REVIEWING INFORMATION TECHNOLOGY PROJECT REQUESTS,**
5 **THE SECRETARY MAY CHANGE A UNIT'S DESIGNATION OF A MAJOR**
6 **INFORMATION TECHNOLOGY DEVELOPMENT PROJECT.**

7 **(D) THE SECRETARY SHALL REVIEW AND, WITH THE ADVICE OF THE**
8 **SECRETARY OF BUDGET AND MANAGEMENT, APPROVE MAJOR INFORMATION**
9 **TECHNOLOGY DEVELOPMENT PROJECTS AND SPECIFICATIONS FOR**
10 **CONSISTENCY WITH ALL STATEWIDE PLANS, POLICIES, AND STANDARDS,**
11 **INCLUDING A SYSTEMS DEVELOPMENT LIFE CYCLE PLAN.**

12 **(E) THE SECRETARY SHALL BE RESPONSIBLE FOR OVERSEEING THE**
13 **IMPLEMENTATION OF MAJOR INFORMATION TECHNOLOGY DEVELOPMENT**
14 **PROJECTS, REGARDLESS OF FUND SOURCE.**

15 **(F) WITH THE ADVICE OF THE SECRETARY OF BUDGET AND**
16 **MANAGEMENT, EXPENDITURES FOR MAJOR INFORMATION TECHNOLOGY**
17 **DEVELOPMENT PROJECTS SHALL BE SUBJECT TO THE APPROVAL OF THE**
18 **SECRETARY WHO SHALL APPROVE EXPENDITURES ONLY WHEN THOSE**
19 **PROJECTS ARE CONSISTENT WITH STATEWIDE PLANS, POLICIES, AND**
20 **STANDARDS.**

21 **(G) (1) THE SECRETARY SHALL APPROVE FUNDING FOR MAJOR**
22 **INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS ONLY WHEN THOSE**
23 **PROJECTS ARE SUPPORTED BY AN APPROVED SYSTEMS DEVELOPMENT LIFE**
24 **CYCLE PLAN.**

25 **(2) THE SECRETARY MAY APPROVE FUNDING INCREMENTALLY,**
26 **CONSISTENT WITH THE SYSTEMS DEVELOPMENT LIFE CYCLE PLAN.**

27 **3A-309.**

28 **(A) THERE IS A MAJOR INFORMATION TECHNOLOGY DEVELOPMENT**
29 **PROJECT FUND.**

30 **(B) THE PURPOSE OF THE FUND IS TO SUPPORT MAJOR INFORMATION**
31 **TECHNOLOGY DEVELOPMENT PROJECTS.**

32 **(C) THE SECRETARY:**

1 (1) SHALL ADMINISTER THE FUND IN ACCORDANCE WITH THIS
2 SECTION; AND

3 (2) SUBJECT TO THE PROVISIONS OF § 2-201 OF THIS ARTICLE
4 AND 3A-307 OF THIS SUBTITLE, MAY RECEIVE AND ACCEPT CONTRIBUTIONS,
5 GRANTS, OR GIFTS OF MONEY OR PROPERTY.

6 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
7 SUBJECT TO § 7-302 OF THIS ARTICLE.

8 (2) THE STATE TREASURER SHALL HOLD THE FUND
9 SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

10 (3) THE STATE TREASURER SHALL INVEST AND REINVEST THE
11 MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE
12 INVESTED.

13 (4) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID
14 INTO THE FUND.

15 (E) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE
16 FUND CONSISTS OF:

17 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

18 (2) MONEY RECEIVED FROM THE SALE, LEASE, OR EXCHANGE OF
19 COMMUNICATION SITES OR COMMUNICATION FREQUENCIES FOR INFORMATION
20 TECHNOLOGY PURPOSES AS APPROVED BY THE SECRETARY;

21 (3) MONEY RECEIVED AS COMMISSIONS, REBATES, REFUNDS,
22 RATE REDUCTIONS, OR TELECOMMUNICATION BYPASS AGREEMENTS
23 RESULTING FROM INFORMATION TECHNOLOGY SERVICES OR PURCHASES;

24 (4) THAT PORTION OF MONEYS EARNED FROM PAY PHONE
25 COMMISSIONS TO THE EXTENT THAT THE COMMISSION RATES EXCEED THOSE IN
26 EFFECT IN DECEMBER 1993;

27 (5) MONEY RECEIVED AND ACCEPTED AS CONTRIBUTIONS,
28 GRANTS, OR GIFTS AS AUTHORIZED UNDER SUBSECTION (C) OF THIS SECTION;

29 (6) GENERAL FUNDS APPROPRIATED FOR MAJOR INFORMATION
30 TECHNOLOGY DEVELOPMENT PROJECTS OF ANY UNIT OF STATE GOVERNMENT
31 OTHER THAN A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT:

1 (I) ARE UNENCUMBERED AND UNEXPENDED AT THE END
2 OF A FISCAL YEAR;

3 (II) HAVE BEEN ABANDONED; OR

4 (III) HAVE BEEN WITHHELD BY THE GENERAL ASSEMBLY OR
5 THE SECRETARY;

6 (7) ANY INVESTMENT EARNINGS; AND

7 (8) ANY OTHER MONEY FROM ANY SOURCE ACCEPTED FOR THE
8 BENEFIT OF THE FUND.

9 (F) THE FUND DOES NOT INCLUDE ANY MONEY:

10 (1) RECEIVED BY THE DEPARTMENT OF TRANSPORTATION,
11 MARYLAND TRANSPORTATION AUTHORITY, OR MARYLAND PUBLIC
12 BROADCASTING COMMISSION;

13 (2) RECEIVED BY THE JUDICIAL OR LEGISLATIVE BRANCHES OF
14 STATE GOVERNMENT; OR

15 (3) GENERATED FROM PAY PHONE COMMISSIONS THAT ARE
16 CREDITED TO OTHER ACCOUNTS OR FUNDS IN ACCORDANCE WITH OTHER
17 PROVISIONS OF LAW OR ARE AUTHORIZED FOR OTHER PURPOSES IN THE STATE
18 BUDGET OR THROUGH AN APPROVED BUDGET AMENDMENT.

19 (G) THE GOVERNOR SHALL SUBMIT WITH THE STATE BUDGET:

20 (1) A SUMMARY SHOWING THE UNENCUMBERED BALANCE IN THE
21 FUND AS OF THE CLOSE OF THE PRIOR FISCAL YEAR AND A LISTING OF ANY
22 ENCUMBRANCES;

23 (2) AN ESTIMATE OF PROJECTED REVENUE FROM EACH OF THE
24 SOURCES SPECIFIED IN SUBSECTION (E) OF THIS SECTION FOR THE FISCAL
25 YEAR FOR WHICH THE STATE BUDGET IS SUBMITTED; AND

26 (3) A DESCRIPTIVE LISTING OF PROJECTS REFLECTING
27 PROJECTED COSTS FOR THE FISCAL YEAR FOR WHICH THE STATE BUDGET IS
28 SUBMITTED AND ANY ESTIMATED FUTURE YEAR COSTS.

29 (H) EXPENDITURES FROM THE FUND SHALL BE MADE ONLY:

1 (1) IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE
2 GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET; OR

3 (2) THROUGH AN APPROVED STATE BUDGET AMENDMENT UNDER
4 TITLE 7, SUBTITLE 2, PART II OF THIS ARTICLE, PROVIDED THAT A STATE
5 BUDGET AMENDMENT FOR ANY PROJECT NOT REQUESTED AS PART OF THE
6 STATE BUDGET SUBMISSION OR FOR ANY PROJECT FOR WHICH THE SCOPE OR
7 COST HAS INCREASED BY MORE THAN 5% OR \$250,000 SHALL BE SUBMITTED TO
8 THE BUDGET COMMITTEES ALLOWING A 30-DAY PERIOD FOR THEIR REVIEW
9 AND COMMENT.

10 (I) THE FUND MAY BE USED:

11 (1) FOR MAJOR INFORMATION TECHNOLOGY DEVELOPMENT
12 PROJECTS;

13 (2) AS PROVIDED IN SUBSECTION (J) OF THIS SECTION; OR

14 (3) NOTWITHSTANDING § 3A-302(B)(2) OF THIS SUBTITLE, FOR
15 THE COSTS OF THE FIRST 12 MONTHS OF OPERATION AND MAINTENANCE OF A
16 MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT.

17 (J) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION AND EXCEPT
18 FOR THE COST INCURRED IN ADMINISTERING THE FUND, EACH FISCAL YEAR UP
19 TO \$1,000,000 OF THIS FUND MAY BE USED FOR:

20 (1) EDUCATIONALLY RELATED INFORMATION TECHNOLOGY
21 PROJECTS;

22 (2) APPLICATION SERVICE PROVIDER INITIATIVES AS PROVIDED
23 FOR IN TITLE 9, SUBTITLE 22 OF THE STATE GOVERNMENT ARTICLE; OR

24 (3) INFORMATION TECHNOLOGY PROJECTS, INCLUDING:

25 (I) PILOTS; AND

26 (II) PROTOTYPES.

27 (K) A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT MAY
28 SUBMIT A REQUEST TO THE SECRETARY TO SUPPORT THE COST OF AN
29 INFORMATION TECHNOLOGY PROJECT WITH MONEYS UNDER SUBSECTION (J)
30 OF THIS SECTION.

1 (L) (1) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE SECRETARY
2 SHALL REPORT TO THE GOVERNOR, THE SECRETARY OF BUDGET AND
3 MANAGEMENT, AND TO THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY
4 AND SUBMIT A COPY OF THE REPORT TO THE GENERAL ASSEMBLY, IN
5 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

6 (2) THE REPORT SHALL INCLUDE:

7 (I) THE FINANCIAL STATUS OF THE FUND AND A SUMMARY
8 OF ITS OPERATIONS FOR THE PRECEDING FISCAL YEAR;

9 (II) AN ACCOUNTING FOR THE PRECEDING FISCAL YEAR OF
10 ALL MONEYS FROM EACH OF THE REVENUE SOURCES SPECIFIED IN SUBSECTION
11 (E) OF THIS SECTION, INCLUDING ANY EXPENDITURES MADE FROM THE FUND;
12 AND

13 (III) FOR EACH PROJECT RECEIVING MONEYS FROM THE
14 FUND IN THE PRECEDING FISCAL YEAR AND FOR EACH MAJOR INFORMATION
15 TECHNOLOGY DEVELOPMENT PROJECT RECEIVING FUNDING FROM ANY
16 SOURCE OTHER THAN THE FUND IN THE PRECEDING FISCAL YEAR:

17 1. THE STATUS OF THE PROJECT;

18 2. A COMPARISON OF ESTIMATED AND ACTUAL
19 COSTS OF THE PROJECT;

20 3. ANY KNOWN OR ANTICIPATED CHANGES IN SCOPE
21 OR COSTS OF THE PROJECT;

22 4. AN EVALUATION OF WHETHER THE PROJECT IS
23 USING BEST PRACTICES; AND

24 5. A SUMMARY OF ANY MONITORING AND
25 OVERSIGHT OF THE PROJECT FROM OUTSIDE THE AGENCY IN WHICH THE
26 PROJECT IS BEING DEVELOPED, INCLUDING A DESCRIPTION OF ANY PROBLEMS
27 IDENTIFIED BY ANY EXTERNAL REVIEW AND ANY CORRECTIVE ACTIONS TAKEN.

28 **3A-310.**

29 THIS SUBTITLE MAY NOT BE CONSTRUED TO GIVE THE SECRETARY
30 AUTHORITY OVER:

31 (1) THE CONTENT OF EDUCATIONAL APPLICATIONS OR
32 CURRICULUM AT THE STATE OR LOCAL LEVEL; OR

1 **(2) THE ENTITIES THAT MAY PARTICIPATE IN SUCH**
2 **EDUCATIONAL PROGRAMS.**

3 **3A-311.**

4 **(A) THE SECRETARY, IN CONSULTATION WITH OTHER UNITS OF STATE**
5 **GOVERNMENT, AND AFTER PUBLIC COMMENT, SHALL DEVELOP A NONVISUAL**
6 **ACCESS CLAUSE FOR USE IN THE PROCUREMENT OF INFORMATION**
7 **TECHNOLOGY AND INFORMATION TECHNOLOGY SERVICES THAT SPECIFIES**
8 **THAT THE TECHNOLOGY AND SERVICES:**

9 **(1) MUST PROVIDE EQUIVALENT ACCESS FOR EFFECTIVE USE BY**
10 **BOTH VISUAL AND NONVISUAL MEANS;**

11 **(2) WILL PRESENT INFORMATION, INCLUDING PROMPTS USED**
12 **FOR INTERACTIVE COMMUNICATIONS, IN FORMATS INTENDED FOR BOTH**
13 **VISUAL AND NONVISUAL USE;**

14 **(3) CAN BE INTEGRATED INTO NETWORKS FOR OBTAINING,**
15 **RETRIEVING, AND DISSEMINATING INFORMATION USED BY INDIVIDUALS WHO**
16 **ARE NOT BLIND OR VISUALLY IMPAIRED; AND**

17 **(4) SHALL BE OBTAINED, WHENEVER POSSIBLE, WITHOUT**
18 **MODIFICATION FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR**
19 **NONVISUAL ACCESS.**

20 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
21 **SUBSECTION, THE NONVISUAL ACCESS CLAUSE REQUIRED UNDER SUBSECTION**
22 **(A) OF THIS SECTION SHALL BE INCLUDED IN EACH INVITATION FOR BIDS OR**
23 **REQUEST FOR PROPOSALS AND IN EACH PROCUREMENT CONTRACT OR**
24 **MODIFICATION OF A CONTRACT ISSUED UNDER TITLE 13 OF THIS ARTICLE,**
25 **WITHOUT REGARD TO THE METHOD CHOSEN UNDER TITLE 13, SUBTITLE 1 OF**
26 **THIS ARTICLE FOR THE PURCHASE OF NEW OR UPGRADED INFORMATION**
27 **TECHNOLOGY AND INFORMATION TECHNOLOGY SERVICES.**

28 **(2) EXCEPT AS PROVIDED IN SUBSECTION (A)(4) OF THIS**
29 **SECTION, THE NONVISUAL ACCESS CLAUSE REQUIRED UNDER PARAGRAPH (1)**
30 **OF THIS SUBSECTION IS NOT REQUIRED IF:**

31 **(I) THE INFORMATION TECHNOLOGY IS NOT AVAILABLE**
32 **WITH NONVISUAL ACCESS BECAUSE THE ESSENTIAL ELEMENTS OF THE**
33 **INFORMATION TECHNOLOGY ARE VISUAL AND NONVISUAL EQUIVALENCE**
34 **CANNOT BE DEVELOPED; OR**

1 **(II) THE COST OF MODIFYING THE INFORMATION**
2 **TECHNOLOGY FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR**
3 **NONVISUAL ACCESS WOULD INCREASE THE PRICE OF THE PROCUREMENT BY**
4 **MORE THAN 5%.**

5 **3A-312.**

6 **THE SECRETARY MAY DELEGATE THE DUTIES SET FORTH IN THIS**
7 **SUBTITLE TO CARRY OUT ITS PURPOSES.**

8 **SUBTITLE 4. TELECOMMUNICATIONS.**

9 **3A-401.**

10 **(A) THE DEPARTMENT SHALL:**

11 **(1) COORDINATE THE DEVELOPMENT, PROCUREMENT,**
12 **MANAGEMENT, AND OPERATION OF TELECOMMUNICATION EQUIPMENT,**
13 **SYSTEMS, AND SERVICES BY STATE GOVERNMENT;**

14 **(2) ACQUIRE AND MANAGE COMMON USER TELECOMMUNICATION**
15 **EQUIPMENT, SYSTEMS, OR SERVICES AND CHARGE UNITS OF STATE**
16 **GOVERNMENT FOR THEIR PROPORTIONATE SHARE OF THE COSTS OF**
17 **INSTALLATION, MAINTENANCE, AND OPERATION OF THE COMMON USER**
18 **TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES;**

19 **(3) PROMOTE COMPATIBILITY OF TELECOMMUNICATION**
20 **SYSTEMS BY DEVELOPING POLICIES, PROCEDURES, AND STANDARDS FOR THE**
21 **ACQUISITION AND USE OF TELECOMMUNICATION EQUIPMENT, SYSTEMS, AND**
22 **SERVICES BY UNITS OF STATE GOVERNMENT;**

23 **(4) COORDINATE STATE GOVERNMENT TELECOMMUNICATION**
24 **SYSTEMS AND SERVICES BY REVIEWING REQUESTS BY UNITS OF STATE**
25 **GOVERNMENT FOR TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES;**

26 **(5) ADVISE UNITS OF STATE GOVERNMENT ABOUT PLANNING,**
27 **ACQUISITION, AND OPERATION OF TELECOMMUNICATION EQUIPMENT,**
28 **SYSTEMS, OR SERVICES; AND**

29 **(6) PROVIDE RADIO FREQUENCY COORDINATION FOR STATE AND**
30 **LOCAL GOVERNMENTS IN ACCORDANCE WITH REGULATIONS OF THE FEDERAL**
31 **COMMUNICATIONS COMMISSION.**

1 **(B) THE DEPARTMENT MAY MAKE ARRANGEMENT FOR A USER OTHER**
2 **THAN A UNIT OF STATE GOVERNMENT TO HAVE ACCESS TO AND USE OF STATE**
3 **TELECOMMUNICATION EQUIPMENT, SYSTEMS, AND SERVICES AND SHALL**
4 **CHARGE THE USER ANY APPROPRIATE AMOUNT TO COVER THE COST OF**
5 **INSTALLATION, MAINTENANCE, AND OPERATION OF THE TELECOMMUNICATION**
6 **EQUIPMENT, SYSTEM, OR SERVICE PROVIDED.**

7 **3A-402.**

8 **(A) THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A**
9 **TELECOMMUNICATION SYSTEM OR SERVICE THAT IS OWNED OR OPERATED BY**
10 **THE UNIVERSITY SYSTEM OF MARYLAND, MORGAN STATE UNIVERSITY, OR A**
11 **UNIT OF THE LEGISLATIVE OR JUDICIAL BRANCH.**

12 **(B) THE PROVISIONS OF THIS SUBTITLE DO NOT PREEMPT THE**
13 **AUTHORITY OF THE MARYLAND PUBLIC BROADCASTING COMMISSION TO OWN,**
14 **OPERATE, OR MANAGE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR**
15 **SERVICES.**

16 **3A-403.**

17 **TELECOMMUNICATIONS, INCLUDING THOSE OF THE MARYLAND PUBLIC**
18 **BROADCASTING SYSTEM, SHALL BE CONSISTENT WITH STATEWIDE**
19 **INFORMATION TECHNOLOGY POLICIES AND STANDARDS AND THE STATEWIDE**
20 **INFORMATION TECHNOLOGY MASTER PLAN.**

21 **3A-404.**

22 **(A) THE GENERAL ASSEMBLY DECLARES THAT:**

23 **(1) IT IS THE POLICY OF THE STATE TO FOSTER**
24 **TELECOMMUNICATION AND COMPUTER NETWORKING AMONG STATE AND**
25 **LOCAL GOVERNMENTS, THEIR AGENCIES, AND EDUCATIONAL INSTITUTIONS IN**
26 **THE STATE;**

27 **(2) THERE IS A NEED TO IMPROVE ACCESS, ESPECIALLY IN RURAL**
28 **AREAS, TO EFFICIENT TELECOMMUNICATION AND COMPUTER NETWORK**
29 **CONNECTIONS;**

30 **(3) IMPROVEMENT OF TELECOMMUNICATION AND COMPUTER**
31 **NETWORKING FOR STATE AND LOCAL GOVERNMENTS AND EDUCATIONAL**
32 **INSTITUTIONS PROMOTES ECONOMIC DEVELOPMENT, EDUCATIONAL RESOURCE**
33 **USE AND DEVELOPMENT, AND EFFICIENCY IN STATE AND LOCAL**
34 **ADMINISTRATION;**

1 (4) RATES FOR THE INTRASTATE INTER-LATA TELEPHONE
2 COMMUNICATIONS NEEDED FOR EFFECTIVE INTEGRATION OF
3 TELECOMMUNICATION AND COMPUTER RESOURCES ARE PROHIBITIVE FOR
4 MANY SMALLER GOVERNMENTS, AGENCIES, AND INSTITUTIONS; AND

5 (5) THE USE OF IMPROVED STATE TELECOMMUNICATION AND
6 COMPUTER NETWORKING UNDER THIS SECTION IS INTENDED NOT TO COMPETE
7 WITH COMMERCIAL ACCESS TO ADVANCED NETWORK TECHNOLOGY, BUT
8 RATHER TO FOSTER FUNDAMENTAL EFFICIENCIES IN GOVERNMENT AND
9 EDUCATION FOR THE PUBLIC GOOD.

10 (B) (1) THE DEPARTMENT SHALL ESTABLISH A
11 TELECOMMUNICATION AND COMPUTER NETWORK IN THE STATE.

12 (2) THE NETWORK SHALL CONSIST OF:

13 (I) ONE OR MORE CONNECTION FACILITIES FOR
14 TELECOMMUNICATION AND COMPUTER CONNECTION IN EACH LOCAL ACCESS
15 TRANSPORT AREA (LATA) IN THE STATE; AND

16 (II) FACILITIES, AUXILIARY EQUIPMENT, AND SERVICES
17 REQUIRED TO SUPPORT THE NETWORK IN A RELIABLE AND SECURE MANNER.

18 (C) THE NETWORK SHALL BE ACCESSIBLE THROUGH DIRECT
19 CONNECTION AND THROUGH LOCAL INTRA-LATA TELECOMMUNICATIONS TO
20 STATE AND LOCAL GOVERNMENTS AND PUBLIC AND PRIVATE EDUCATIONAL
21 INSTITUTIONS IN THE STATE.

22 **SUBTITLE 5. TELECOMMUNICATIONS ACCESS OF MARYLAND.**

23 **3A-501.**

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) "BOARD" MEANS THE GOVERNOR'S ADVISORY BOARD FOR
27 TELECOMMUNICATIONS RELAY.

28 (C) "DUAL PARTY TELEPHONE RELAY PROGRAM" MEANS A SERVICE
29 THAT PROVIDES FULL AND SIMULTANEOUS COMMUNICATION BETWEEN A
30 PERSON OR PERSONS WITH A DISABILITY THAT PREVENTS THEM FROM USING A
31 STANDARD TELEPHONE AND A PERSON OR PERSONS WITHOUT THAT DISABILITY
32 USING CONVENTIONAL TELEPHONE EQUIPMENT OR OTHER TECHNOLOGY OR

1 **EQUIPMENT, WHEREBY THE DISABLED PERSON OR PERSONS HAVE THEIR**
2 **MESSAGE RELAYED THROUGH AN INTERMEDIARY PARTY USING SPECIALIZED**
3 **TELECOMMUNICATIONS EQUIPMENT.**

4 **(D) "PROGRAM" MEANS THE DUAL PARTY TELEPHONE RELAY**
5 **PROGRAM.**

6 **(E) "PROGRAM PARTICIPANT" MEANS A RESIDENT OF THE STATE WHO**
7 **USES THE DUAL PARTY TELEPHONE RELAY PROGRAM.**

8 **(F) "TELECOMMUNICATIONS DEVICE FOR THE DEAF" OR**
9 **"TDD/TT/TTY" MEANS ALL TYPES OF MECHANICAL DEVICES THAT ENABLE**
10 **DISABLED INDIVIDUALS TO COMMUNICATE THROUGH MESSAGES SENT AND**
11 **RECEIVED THROUGH A TELEPHONE OR WIRELESS NETWORK.**

12 **(G) (1) "SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT" MEANS**
13 **ANY COMMUNICATIONS DEVICE THAT ENABLES OR ASSISTS A PERSON WITH A**
14 **DISABILITY TO COMMUNICATE WITH OTHERS BY MEANS OF THE PUBLIC**
15 **SWITCHED TELEPHONE NETWORK OR INTERNET PROTOCOL-ENABLED VOICE**
16 **COMMUNICATIONS SERVICE.**

17 **(2) "SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT"**
18 **INCLUDES:**

19 **(I) TDD/TT/TTY;**

20 **(II) AMPLIFIERS;**

21 **(III) CAPTIONED TELEPHONES;**

22 **(IV) VRS EQUIPMENT;**

23 **(V) CELL PHONES;**

24 **(VI) PAGERS;**

25 **(VII) PUFF BLOW DEVICES;**

26 **(VIII) BRAILLE-TTY DEVICES; AND**

27 **(IX) EQUIPMENT FOR THE MOBILITY DISABLED.**

28 **3A-502.**

1 **THERE IS A GOVERNOR'S ADVISORY BOARD FOR TELECOMMUNICATIONS**
2 **RELAY IN THE DEPARTMENT.**

3 **3A-503.**

4 **THE DEPARTMENT IN CONSULTATION WITH THE BOARD SHALL**
5 **ESTABLISH AND ADMINISTER A PROGRAM TO PROVIDE COST-EFFICIENT,**
6 **24-HOUR, DUAL PARTY RELAY SERVICE TO PROGRAM PARTICIPANTS AT A**
7 **COMPARABLE LEVEL OF ACCESS AND QUALITY THAT A STANDARD**
8 **TELECOMMUNICATION SERVICE PROVIDES TO A PERSON WITHOUT A HEARING**
9 **OR SPEECH DISABILITY.**

10 **3A-504.**

11 **(A) THE BOARD SHALL BE COMPOSED OF 12 INDIVIDUALS APPOINTED**
12 **BY THE GOVERNOR, WHO SHALL DESIGNATE THE CHAIR, INCLUDING:**

13 **(1) FIVE REPRESENTATIVES OF THE DEAF OR HARD OF HEARING**
14 **COMMUNITY;**

15 **(2) ONE REPRESENTATIVE OF THE MOBILITY-IMPAIRED**
16 **COMMUNITY WHO REQUIRES THE USE OF SPECIALIZED CUSTOMER TELEPHONE**
17 **EQUIPMENT;**

18 **(3) ONE REPRESENTATIVE OF THE SPEECH-IMPAIRED**
19 **COMMUNITY WHO REQUIRES THE USE OF SPECIALIZED CUSTOMER TELEPHONE**
20 **EQUIPMENT;**

21 **(4) ONE REPRESENTATIVE OF THE SENIOR CITIZEN COMMUNITY**
22 **WHO REQUIRES THE USE OF SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT;**

23 **(5) ONE REPRESENTATIVE OF THE DEAF-BLIND COMMUNITY; AND**

24 **(6) THREE REPRESENTATIVES OF GOVERNMENT, ONE OF WHOM**
25 **IS A REPRESENTATIVE OF THE PUBLIC SERVICE COMMISSION;**

26 **(B) (1) THE TERM OF A MEMBER IS 3 YEARS.**

27 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
28 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JUNE 30, 2008.**

29 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
30 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
2 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
3 APPOINTED AND QUALIFIES.

4 (5) THE GOVERNOR MAY REMOVE A MEMBER FOR
5 INCOMPETENCE OR MISCONDUCT.

6 (C) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT
7 COMPENSATION, BUT SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES
8 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

9 (D) BY JANUARY 1 OF EACH YEAR, THE BOARD SHALL FILE AN ANNUAL
10 REPORT ON ITS ACTIVITIES TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH
11 § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

12 (E) THE BOARD SHALL ADVISE THE DEPARTMENT WITH REGARD TO
13 THE PROGRAM'S:

14 (1) LEVEL OF ACCESS TO PROGRAM PARTICIPANTS; AND

15 (2) QUALITY OF SERVICE.

16 **3A-505.**

17 (A) THE DEPARTMENT IN CONSULTATION WITH THE BOARD SHALL:

18 (1) DEVELOP THE PROGRAM IN COLLABORATION WITH STATE
19 PROGRAMS CURRENTLY SERVING DISABLED INDIVIDUALS AND WITH
20 COMMUNITY AGENCIES OR OTHER ORGANIZATIONS THAT HAVE ESTABLISHED
21 RELAY PROGRAMS; AND

22 (2) MAINTAIN AN INFORMATION AND REFERRAL SERVICE TO
23 PROVIDE INFORMATION ABOUT THE AVAILABILITY OF THE RELAY SERVICE.

24 (B) THE DEPARTMENT IN CONSULTATION WITH THE BOARD MAY:

25 (1) CONTRACT WITH A PRIVATE VENDOR OR NONPROFIT
26 ORGANIZATION TO PROVIDE THE INFORMATION AND REFERRAL SERVICE
27 REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION; AND

28 (2) PROVIDE APPROPRIATE STAFF ASSISTANCE FROM THE
29 DEPARTMENT TO ASSIST THE BOARD IN CARRYING OUT ITS DUTIES UNDER THIS
30 SUBTITLE.

1 **3A-506.**

2 **THE DEPARTMENT IN CONSULTATION WITH THE BOARD SHALL ADOPT**
3 **REGULATIONS TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.**

4 **3A-507.**

5 (A) **THE PROGRAMS UNDER § 3A-503 OF THIS SUBTITLE AND §**
6 **3A-602(A) OF THIS TITLE SHALL BE FUNDED AS PROVIDED IN THE STATE**
7 **BUDGET.**

8 (B) **THERE IS A UNIVERSAL SERVICE TRUST FUND CREATED FOR THE**
9 **PURPOSE OF PAYING THE COSTS OF MAINTAINING AND OPERATING THE**
10 **PROGRAM UNDER § 3A-503 OF THIS SUBTITLE SUBJECT TO THE LIMITATIONS**
11 **AND CONTROLS PROVIDED IN THIS SUBTITLE, AND THE PROGRAM UNDER §**
12 **3A-602(A) OF THIS TITLE SUBJECT TO THE LIMITATIONS AND CONTROLS**
13 **PROVIDED IN SUBTITLE 6 OF THIS TITLE. MONEYS IN THE UNIVERSAL SERVICE**
14 **TRUST FUND SHALL BE HELD IN THE STATE TREASURY.**

15 (C) (1) **THE COSTS OF THE PROGRAMS UNDER § 3A-503 OF THIS**
16 **SUBTITLE AND § 3A-602(A) OF THIS TITLE SHALL BE FUNDED BY REVENUES**
17 **GENERATED BY A SURCHARGE TO BE PAID BY THE SUBSCRIBERS TO SWITCHED**
18 **LOCAL EXCHANGE ACCESS SERVICE AND BY OTHER FUNDS AS THE BUDGET MAY**
19 **PROVIDE.**

20 (2) **THE SURCHARGE MAY NOT EXCEED 45 CENTS PER MONTH**
21 **AND SHALL BE APPLIED TO ALL CURRENT BILLS RENDERED FOR SWITCHED**
22 **LOCAL EXCHANGE ACCESS SERVICE IN THE STATE. THE SURCHARGE IS**
23 **PAYABLE AT THE TIME THE BILLS FOR TELEPHONE SERVICE ARE DUE.**

24 (D) (1) **THE SECRETARY SHALL ANNUALLY CERTIFY TO THE PUBLIC**
25 **SERVICE COMMISSION THE COSTS OF THE PROGRAMS UNDER § 3A-503 OF THIS**
26 **SUBTITLE AND § 3A-602(A) OF THIS TITLE TO BE PAID BY THE UNIVERSAL**
27 **SERVICE TRUST FUND.**

28 (2) **THE PUBLIC SERVICE COMMISSION SHALL DETERMINE THE**
29 **SURCHARGE NECESSARY TO FUND THE PROGRAMS UNDER § 3A-503 OF THIS**
30 **SUBTITLE AND § 3A-602(A) OF THIS TITLE AND SHALL, ON 60 DAYS' NOTICE,**
31 **DIRECT THE AFFECTED TELEPHONE COMPANIES TO ADD THE SURCHARGE TO**
32 **ALL CURRENT BILLS RENDERED FOR SWITCHED LOCAL EXCHANGE ACCESS**
33 **SERVICE IN THE STATE.**

34 (E) (1) **THE AFFECTED TELEPHONE COMPANIES SHALL ACT AS**
35 **COLLECTION AGENTS FOR THE UNIVERSAL SERVICE TRUST FUND AND SHALL**

1 REMIT ALL PROCEEDS MONTHLY TO THE COMPTROLLER FOR DEPOSIT TO THE
2 UNIVERSAL SERVICE TRUST FUND.

3 (2) THE TELEPHONE COMPANIES SHALL BE ENTITLED TO CREDIT
4 AGAINST THESE PROCEEDS IN AN AMOUNT EQUAL TO 1 1/2 PERCENT OF THESE
5 PROCEEDS TO COVER THE EXPENSES OF BILLING, COLLECTING, AND
6 REMITTING THE SURCHARGE AND ANY ADDITIONAL CHARGES.

7 (F) (1) THE SECRETARY SHALL ADMINISTER THE UNIVERSAL
8 SERVICE TRUST FUND.

9 (2) THE INCOME DERIVED FROM INVESTMENT OF MONEY IN THE
10 FUND SHALL ACCRUE TO THE FUND.

11 (G) (1) THE LEGISLATIVE AUDITOR SHALL CONDUCT POSTAUDITS OF
12 A FISCAL AND COMPLIANCE NATURE OF THE UNIVERSAL SERVICE TRUST FUND
13 AND THE EXPENDITURES MADE FOR PURPOSES OF § 3A-503 OF THIS SUBTITLE
14 AND § 3A-602(A) OF THIS TITLE.

15 (2) THE COST OF THE FISCAL PORTION OF THE POSTAUDIT
16 EXAMINATION SHALL BE PAID FROM THE UNIVERSAL SERVICE TRUST FUND AS
17 AN ADMINISTRATIVE COST.

18 SUBTITLE 6. TELECOMMUNICATIONS DEVICES AND DISTRIBUTION OF
19 ACCESSIBLE INFORMATION FOR DISABLED INDIVIDUALS.

20 3A-601.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (B) "BOARD" MEANS THE GOVERNOR'S ADVISORY BOARD FOR
24 TELECOMMUNICATIONS RELAY ESTABLISHED IN SUBTITLE 5 OF THIS TITLE.

25 (C) "PROGRAM" MEANS THE PROGRAM DEVELOPED AND
26 ADMINISTERED BY THE DEPARTMENT IN CONSULTATION WITH THE BOARD AND
27 THE DEPARTMENT OF DISABILITIES TO PROVIDE FINANCIAL ASSISTANCE FOR
28 THE PURCHASE OF SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT BY
29 ELIGIBLE PROGRAM PARTICIPANTS.

30 (D) "PROGRAM PARTICIPANT" MEANS A PERSON WHO:

31 (1) IS A RESIDENT OF THE STATE;

1 (2) IS CERTIFIED BY A LICENSED PROFESSIONAL AS HAVING A
2 DISABILITY WHICH SERIOUSLY LIMITS OR PROHIBITS THE USE OF THE
3 TELEPHONE OR WIRELESS NETWORK WITHOUT SPECIALIZED CUSTOMER
4 TELEPHONE EQUIPMENT;

5 (3) IS CERTIFIED BY A LICENSED PROFESSIONAL AS BEING ABLE
6 TO USE SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT FOR WHICH
7 APPLICATION IS MADE;

8 (4) MEETS THE FINANCIAL ELIGIBILITY REQUIREMENTS
9 ESTABLISHED BY THE DEPARTMENT IN CONSULTATION WITH THE
10 DEPARTMENT OF DISABILITIES AS A RECIPIENT OF:

11 (I) TRANSITIONAL EMERGENCY MEDICAL AND HOUSING
12 ASSISTANCE (TEMHA);

13 (II) SUPPLEMENTAL SECURITY INCOME (SSI);

14 (III) SOCIAL SECURITY DISABILITY INCOME (SSDI); OR

15 (IV) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
16 (TANF); AND

17 (5) AT THE TIME OF APPLICATION IS NOT RECEIVING SIMILAR
18 SERVICES WHICH ARE AVAILABLE AND CAN BE PROVIDED IN A TIMELY MANNER
19 THROUGH ANOTHER PROGRAM.

20 (E) “QUALIFIED ENTITY” MEANS A NONPROFIT ORGANIZATION THAT:

21 (1) PRODUCES AUDIO EDITIONS OF DAILY NEWSPAPERS,
22 AVAILABLE FOR INTERSTATE DISTRIBUTION USING HIGH-SPEED COMPUTER
23 AND TELECOMMUNICATIONS TECHNOLOGY; AND

24 (2) PROVIDES A MEANS OF PROGRAM ADMINISTRATION AND
25 READER REGISTRATION ON THE INTERNET.

26 (F) “SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT” OR
27 “EQUIPMENT” MEANS ANY COMMUNICATIONS DEVICE DESIGNED TO ASSIST
28 PROGRAM PARTICIPANTS IN USING A TELEPHONE OR WIRELESS SERVICE
29 PROVIDER’S NETWORK.

30 (G) “SYSTEM” MEANS THE METHOD WHICH THE DEPARTMENT SHALL
31 USE TO PROVIDE EQUIPMENT TO ELIGIBLE PROGRAM PARTICIPANTS.

1 **3A-602.**

2 (A) IN ACCORDANCE WITH THE STATE BUDGET AND § 3A-507 OF THIS
3 TITLE, THE DEPARTMENT, IN CONSULTATION WITH THE BOARD AND THE
4 DEPARTMENT OF DISABILITIES, SHALL ESTABLISH AND ADMINISTER A
5 PROGRAM:

6 (1) TO PROVIDE SPECIALIZED CUSTOMER TELEPHONE
7 EQUIPMENT TO ELIGIBLE PROGRAM PARTICIPANTS; AND

8 (2) TO PROVIDE REIMBURSEMENT OF COSTS UNDER § 3A-606 OF
9 THIS SUBTITLE.

10 (B) (1) IN THIS SUBSECTION, "SHOPPING FACILITY" MEANS AN
11 OUTDOOR OR INDOOR RETAIL FACILITY WITH A COMMON PEDESTRIAN AREA
12 HOUSING MORE THAN FIVE SALES OR RENTAL ESTABLISHMENTS IN WHICH A
13 MAJORITY OF THE TENANTS HAVE A MAIN ENTRANCE FROM THE COMMON
14 PEDESTRIAN AREA.

15 (2) THIS SUBSECTION APPLIES TO A SHOPPING FACILITY THAT:

16 (I) PROVIDES A TOTAL NUMBER OF FOUR OR MORE PUBLIC
17 PAY TELEPHONES AT THE FACILITY OF WHICH AT LEAST ONE IS LOCATED IN
18 THE COMMON PEDESTRIAN AREA; AND

19 (II) IS LARGER THAN 500,000 SQUARE FEET.

20 (3) IN ACCORDANCE WITH THE STANDARDS AND REGULATIONS
21 ESTABLISHED BY THE DEPARTMENT, THE OWNER, OPERATOR, MANAGER, OR
22 OTHER PERSON HAVING CONTROL OF A SHOPPING FACILITY SHALL ACQUIRE
23 AND INSTALL AT LEAST ONE SPECIALIZED COMMUNICATIONS DEVICE DESIGNED
24 TO ENABLE CUSTOMERS WITH HEARING OR SPEECH DISABILITIES TO ACCESS A
25 TELEPHONE OR WIRELESS SERVICE PROVIDERS NETWORK.

26 **3A-603.**

27 (A) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD AND THE
28 DEPARTMENT OF DISABILITIES, SHALL:

29 (1) PROVIDE A SYSTEM FOR ELIGIBLE PROGRAM PARTICIPANTS
30 TO OBTAIN EQUIPMENT, BUT NO SINGLE ELIGIBLE PARTICIPANT SHALL
31 RECEIVE MORE THAN \$6,000;

1 (2) ESTABLISH AN INFORMATION AND REFERRAL SERVICE,
2 INCLUDING THE TOLL-FREE NUMBERS FOR THE VARIOUS ACCESS MODES FOR
3 THE MARYLAND RELAY SERVICE AND PROVIDE INFORMATION ABOUT THE
4 AVAILABILITY OF THE EQUIPMENT;

5 (3) CONTRACT WITH PRIVATE VENDORS OR NONPROFIT
6 ORGANIZATIONS TO PROVIDE THE INFORMATION AND REFERRAL SERVICE AND
7 OTHER AUXILIARY SERVICES;

8 (4) AS NECESSARY, ESTABLISH INTERAGENCY AGREEMENTS WITH
9 OTHER STATE AGENCIES THAT PROVIDE TECHNICAL ASSISTANCE FOR
10 DISABLED INDIVIDUALS TO PREVENT DUPLICATIVE PROGRAMS; AND

11 (5) APPOINT APPROPRIATE STAFF TO ASSIST THE BOARD IN
12 CARRYING OUT ITS ACTIVITIES UNDER THIS SUBTITLE.

13 **(B) THE BOARD AND THE DEPARTMENT OF DISABILITIES SHALL:**

14 (1) ASSIST THE DEPARTMENT IN THE DEVELOPMENT OF
15 REGULATIONS;

16 (2) DEVELOP AND IMPLEMENT EDUCATIONAL OUTREACH
17 PROGRAMS;

18 (3) REVIEW AND MONITOR THE PROGRAM; AND

19 (4) ADVISE THE DEPARTMENT ON UNUSUAL HARDSHIP CASES.

20 **3A-604.**

21 THIS SUBTITLE MAY NOT BE CONSTRUED TO ESTABLISH AN ENTITLEMENT
22 PROGRAM.

23 **3A-605.**

24 THE DEPARTMENT IN CONSULTATION WITH THE BOARD AND THE
25 DEPARTMENT OF DISABILITIES SHALL ADOPT REGULATIONS TO CARRY OUT
26 THE PURPOSES OF THIS SUBTITLE.

27 **3A-606.**

28 (A) THE DEPARTMENT IN CONSULTATION WITH THE BOARD AND THE
29 DEPARTMENT OF DISABILITIES SHALL ENTER INTO AN AGREEMENT WITH THE
30 STATE DEPARTMENT OF EDUCATION, DIVISION OF LIBRARY DEVELOPMENT

1 AND SERVICES, PROVIDING FOR AN ANNUAL PAYMENT TO BE MADE TO THE
2 DIVISION IN AN AMOUNT EQUAL TO THE COST INCURRED FOR THE
3 DISTRIBUTION OF NEWSPAPERS IN A COMPUTERIZED AUDIO FORMAT.

4 (B) UNDER THE AGREEMENT, THE DIVISION OF LIBRARY
5 DEVELOPMENT AND SERVICES SHALL PROVIDE ELIGIBLE BLIND AND DISABLED
6 INDIVIDUALS WITH ACCESS TO NEWSPAPERS IN A COMPUTERIZED AUDIO
7 FORMAT BY A QUALIFIED ENTITY.

8 11-101.

9 (1) "Primary procurement units" means:

10 (1) the State Treasurer;

11 (2) the Department of Budget and Management;

12 (3) the Department of General Services;

13 (4) the Department of Transportation;

14 (5) **THE DEPARTMENT OF INFORMATION TECHNOLOGY;**

15 [(5)] (6) the University System of Maryland;

16 [(6)] (7) the Maryland Port Commission;

17 [(7)] (8) the Department of Public Safety and Correctional Services;

18 [(8)] (9) the Morgan State University; and

19 [(9)] (10) the St. Mary's College of Maryland.

20 12-107.

21 (b) Subject to the authority of the Board, jurisdiction over procurement is as
22 follows:

23 (2) the Department of Budget and Management may control
24 procurement of:

25 (i) [information processing equipment and associated services,
26 as provided in Title 3, Subtitle 4 of this article;

27 (ii) services by a unit, subject to any limitation in this Division
28 II; and

1 [(iii)] (II) leases of motor vehicles, as provided in Title 3,
2 Subtitle 5 of this article;

3 (5) the Maryland Port Commission, without the approval of any of the
4 other primary procurement units, may engage in the procurement of:

5 (i) supplies for port related activities, including motor vehicles
6 and information processing supplies, but excluding:

7 1. supplies funded by the proceeds from State general
8 obligation bonds; and

9 2. insurance;

10 (ii) services for port related activities, including information
11 processing services, but excluding banking and financial services under the authority
12 of the State Treasurer under item (1) of this subsection;

13 (iii) construction and construction related services for a port
14 facility as defined in § 6–101(e) of the Transportation Article;

15 (iv) port related architectural and engineering services under
16 Title 13, Subtitle 3 of this article; and

17 (v) leases of real property for port related activities unless the
18 lease payments are from the General Fund of the State; [and]

19 (6) the Department of Public Safety and Correctional Services may,
20 without the approval of any of the other primary procurement units:

21 (i) engage in the procurement of construction and construction
22 related services for State correctional facilities; and

23 (ii) engage in the procurement of supplies, materials, and
24 equipment in support of construction and construction related services for State
25 correctional facilities in accordance with this Division II and Title 2 and Title 10,
26 Subtitle 1 of the Correctional Services Article; AND

27 **(7) THE DEPARTMENT OF INFORMATION TECHNOLOGY MAY**
28 **CONTROL PROCUREMENT OF:**

29 **(I) INFORMATION PROCESSING EQUIPMENT AND**
30 **ASSOCIATED SERVICES, AS PROVIDED IN TITLE 3A, SUBTITLE 3 OF THIS**
31 **ARTICLE.**

1 **(II) TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR**
2 **SERVICES, AS PROVIDED IN TITLE 3A, SUBTITLE 4 OF THIS ARTICLE.**

3 13–401.

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

5 (b) “Information technology” has the meaning stated in [§ 3–402] § **3A–302**
6 of this article.

7 (c) “Secretary” means the Secretary of [Budget and Management]
8 **INFORMATION TECHNOLOGY.**

9 13–402.

10 (a) [By regulation, the] **THE** Secretary shall adopt a streamlined
11 procurement process for procurement of information technology services that provides
12 for the qualification of an offeror in one or more categories of information technology
13 services.

14 14–501.

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

16 (b) “Designated procurement unit” means:

17 (1) the State Treasurer;

18 (2) the Department of [Budget and Management] **INFORMATION**
19 **TECHNOLOGY;**

20 (3) the Department of Business and Economic Development;

21 (4) the Department of the Environment;

22 (5) the Department of General Services;

23 (6) the Department of Health and Mental Hygiene;

24 (7) the Department of Housing and Community Development;

25 (8) the Department of Human Resources;

26 (9) the Department of Juvenile Services;

27 (10) the Department of Labor, Licensing, and Regulation;

- 1 (11) the Department of Natural Resources;
- 2 (12) the State Department of Education;
- 3 (13) the Department of State Police;
- 4 (14) the Department of Public Safety and Correctional Services;
- 5 (15) the Department of Transportation;
- 6 (16) the University System of Maryland;
- 7 (17) the Maryland Port Commission;
- 8 (18) the State Retirement Agency;
- 9 (19) the Maryland Insurance Administration;
- 10 (20) the Maryland Stadium Authority;
- 11 (21) the State Lottery Agency; and
- 12 (22) the Morgan State University.

13 SECTION 3. AND BE IT FURTHER ENACTED, That, on July 1, 2008, all the
14 functions, powers, duties, equipment, assets, liabilities, and employees of the Office of
15 Information Technology in the Department of Budget and Management shall be
16 transferred to the Department of Information Technology.

17 SECTION 4. AND BE IT FURTHER ENACTED, That all appropriations,
18 including State and federal funds, held by the Department of Budget and Management
19 to carry out the functions and programs transferred under this Act shall be
20 transferred to the Department of Information Technology on the effective date of this
21 Act.

22 SECTION 5. AND BE IT FURTHER ENACTED, That an employee transferred
23 under this Act shall be appointed without further examination or qualification. The
24 employee shall be placed in a classification that is comparable in duties and
25 responsibilities to the employee's former position. The employee may not suffer a
26 diminution of salary or wages, accrued leave, whether earned or granted, or seniority
27 rights.

28 SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act
29 affects the terms of office of an appointed or elected member of any division, board,
30 commission, authority, council, committee, office, or unit. An individual who is a
31 member of a division, board, commission, authority, council, committee, office, or unit
32 on the effective date of this Act shall remain a member for the balance of the term to

1 which the member is appointed or elected, unless the member sooner dies, resigns, or
2 is removed under provisions of law.

3 SECTION 7. AND BE IT FURTHER ENACTED, That, except as expressly
4 provided to the contrary in this Act, any transaction affected by or flowing from any
5 statute here amended, repealed, or transferred, and validly entered into before the
6 effective date of this Act, and every right, duty, or interest following from the
7 transaction, remains valid after the effective date of this Act and may be terminated,
8 completed, consummated, or enforced pursuant to law.

9 SECTION 8. AND BE IT FURTHER ENACTED, That the publisher of the
10 Annotated Code of Maryland, in consultation with and subject to the approval of the
11 Department of Legislative Services, shall correct, with no further action required by
12 the General Assembly, cross-references and terminology rendered incorrect by this
13 Act or by any other Act of the General Assembly of 2008 that affects provisions
14 enacted by this Act. The publishers shall adequately describe any such correction in
15 an editor's note following the section affected.

16 SECTION 9. AND BE IT FURTHER ENACTED, That, except as otherwise
17 provided by law, all existing laws, rules and regulations, proposed rules and
18 regulations, standards and guidelines, policies, orders and other directives, forms,
19 plans, memberships, contracts, property, investigations, administrative and judicial
20 responsibilities, rights to sue and be sued, and all other duties and responsibilities
21 associated with the functions of the Department of Budget and Management's Office of
22 Information Technology prior to the effective date of this Act shall continue in effect
23 under the Department of Information Technology until completed, withdrawn,
24 canceled, modified, or otherwise changed pursuant to law.

25 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect July 1, 2008.