

# CHAPTER 659

(House Bill 358)

AN ACT concerning

## Maryland Funding Accountability and Transparency Act of 2008

FOR the purpose of requiring the Department of Budget and Management to develop and operate a ~~specified~~ certain website that includes ~~specified~~ certain information for certain State ~~financial assistance and expenditures~~ payments; specifying certain parameters of the website; ~~authorizing the Secretary of Budget and Management to designate certain agencies to participate in the development, operation, or support of the website; authorizing the Secretary to determine the best and most appropriate data sources for the website~~ requiring the Chief of Information Technology in the Department of Budget and Management to conduct a certain study on expanding or replacing a certain website; providing for the termination of certain provisions of this Act; defining certain terms; providing that certain provisions of law may not be construed to require the disclosure of certain confidential information; and generally relating to a searchable website to be developed and operated by the Department of Budget and Management to provide information to the public on State ~~financial assistance and expenditures~~ payments.

~~BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 3-101  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)~~

BY adding to  
Article – State Finance and Procurement  
Section ~~3-207~~ 3-414  
Annotated Code of Maryland  
(2006 Replacement Volume and 2007 Supplement)

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

### Article – State Finance and Procurement

~~3-101.~~

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

~~(b) "Department" means the Department of Budget and Management.~~

~~(c) "Secretary" means the Secretary of Budget and Management.~~

~~3-207.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) (I) "ENTITY" MEANS, WHETHER FOR PROFIT OR NOT FOR PROFIT, ANY:~~

~~1. CORPORATION, ASSOCIATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER LEGAL BUSINESS ENTITY;~~

~~2. OTHER GRANTEE, CONTRACTOR, SUBCONTRACTOR, OR SUBGRANTEE; OR~~

~~3. POLITICAL SUBDIVISION.~~

~~(II) "ENTITY" DOES NOT INCLUDE AN INDIVIDUAL WHO IS THE RECIPIENT OF STATE OR FEDERAL ASSISTANCE PAYMENTS OR A STATE EMPLOYEE WHO IS THE RECIPIENT OF STATE SALARY OR WAGES.~~

~~(3) "SEARCHABLE WEBSITE" MEANS A WEBSITE THAT ALLOWS THE PUBLIC TO:~~

~~(I) SEARCH AND AGGREGATE STATE FUNDING BY ANY ELEMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION;~~

~~(II) ASCERTAIN THROUGH A SINGLE SEARCH THE TOTAL AMOUNT OF STATE FUNDING AWARDED TO AN ENTITY BY A STATE AWARD; AND~~

~~(III) DOWNLOAD DATA THAT RESULTS FROM A SEARCH.~~

~~(4) (I) "STATE AWARD" MEANS ANY STATE FINANCIAL ASSISTANCE OR EXPENDITURES OVER THE AMOUNT OF \$25,000, INCLUDING:~~

~~1. GRANTS, SUBGRANTS, LOANS, AWARDS, COOPERATIVE AGREEMENTS, AND OTHER FORMS OF FINANCIAL ASSISTANCE; AND~~

~~2. CONTRACTS, SUBCONTRACTS, PURCHASE ORDERS, AND OTHER PAYMENTS.~~

~~(H) "STATE AWARD" DOES NOT INCLUDE FUNDS TRANSFERRED FROM ONE AGENCY TO ANOTHER.~~

~~(B) ON OR BEFORE JANUARY 1, 2009, THE DEPARTMENT SHALL DEVELOP AND OPERATE A SINGLE, SEARCHABLE WEBSITE, ACCESSIBLE BY THE PUBLIC AT NO COST, THAT INCLUDES FOR EACH STATE AWARD:~~

~~(1) THE NAME OF THE ENTITY RECEIVING THE AWARD AND, IF APPLICABLE, THE PARENT ENTITY OF THE RECIPIENT;~~

~~(2) THE AMOUNT OF THE AWARD;~~

~~(3) THE TRANSACTION TYPE;~~

~~(4) THE NAME OF THE AGENCY MAKING THE AWARD;~~

~~(5) THE BUDGET PROGRAM FUND SOURCE;~~

~~(6) A DESCRIPTIVE PURPOSE OF EACH FUNDING ACTION OR STATE AWARD;~~

~~(7) THE LOCATION OF THE ENTITY RECEIVING THE AWARD AND THE PRIMARY LOCATION OF PERFORMANCE UNDER THE AWARD; AND~~

~~(8) ANY OTHER RELEVANT INFORMATION SPECIFIED BY THE DEPARTMENT.~~

~~(C) THE SINGLE WEBSITE PROVIDED FOR IN SUBSECTION (B) OF THIS SECTION SHALL ALLOW THE USER TO:~~

~~(1) SEARCH DATA FOR FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER;~~

~~(2) SEARCH ELECTRONICALLY BY FIELD IN A SINGLE SEARCH; AND~~

~~(3) PROVIDE INPUT REGARDING THE UTILITY OF THE SITE AND RECOMMENDATIONS FOR IMPROVEMENT.~~

~~(D) THE SECRETARY MAY:~~

~~(1) DESIGNATE ONE OR MORE STATE AGENCIES TO PARTICIPATE IN THE DEVELOPMENT, OPERATION, OR SUPPORT OF THE SINGLE WEBSITE AND SPECIFY THE SCOPE OF RESPONSIBILITIES OF THOSE AGENCIES; AND~~

~~(2) DETERMINE THE BEST AND MOST APPROPRIATE DATA SOURCE OR SOURCES FOR DEVELOPMENT AND OPERATION OF THE SINGLE WEBSITE.~~

**3-414.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) "PAYEE" MEANS ANY PARTY WHO RECEIVES FROM THE STATE AN AGGREGATE PAYMENT OF \$25,000 IN A FISCAL YEAR.**

**(II) "PAYEE" DOES NOT INCLUDE:**

**1. A STATE EMPLOYEE WITH RESPECT TO THE EMPLOYEE'S COMPENSATION; OR**

**2. A STATE RETIREE WITH RESPECT TO THE RETIREE'S RETIREMENT ALLOWANCE.**

**(3) "SEARCHABLE WEBSITE" MEANS A WEBSITE CREATED IN ACCORDANCE WITH THIS SECTION THAT DISPLAYS AND SEARCHES STATE PAYMENT DATA.**

**(B) ON OR BEFORE JANUARY 1, 2009, THE DEPARTMENT SHALL DEVELOP AND OPERATE A SINGLE SEARCHABLE WEBSITE, ACCESSIBLE TO THE PUBLIC AT NO COST THROUGH THE INTERNET.**

**(C) THE SEARCHABLE WEBSITE SHALL CONTAIN STATE PAYMENT DATA, INCLUDING:**

**(1) THE NAME OF A PAYEE RECEIVING A PAYMENT;**

**(2) THE LOCATION OF A PAYEE BY POSTAL ZIP CODE;**

**(3) THE AMOUNT OF A PAYMENT; AND**

**(4) THE NAME OF AN AGENCY MAKING A PAYMENT.**

**(D) THE SEARCHABLE WEBSITE SHALL ALLOW THE USER TO:**

**(1) SEARCH DATA FOR FISCAL YEAR 2008 AND EACH YEAR THEREAFTER; AND**

**(2) SEARCH BY THE FOLLOWING DATA FIELDS:**

**(I) A PAYEE RECEIVING A PAYMENT;**

**(II) AN AGENCY MAKING A PAYMENT; AND**

**(III) THE ZIP CODE OF A PAYEE RECEIVING A PAYMENT.**

**(E) STATE AGENCIES SHALL:**

~~**(1) COMPLY WITH THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION; AND**~~

~~**(2) PROVIDE APPROPRIATE ASSISTANCE TO THE SECRETARY TO ENSURE THE EXISTENCE AND ONGOING OPERATION OF THE SINGLE WEBSITE.**~~

**(F) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL UNDER STATE OR FEDERAL LAW.**

**(G) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE “MARYLAND FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2008”.**

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

**(a) The Chief of Information Technology in the Department of Budget and Management shall conduct a study to assess the feasibility, approach, and cost to expand or replace the searchable website established under § 3-414 of the State Finance and Procurement Article enacted by this Act to allow the public, at no cost, to search and aggregate State funding by different elements, which may include:**

**(1) the name of an entity receiving an award and, if applicable, the parent entity of the recipient;**

**(2) the amount of an award;**

**(3) the transaction type;**

**(4) the name of an agency making an award;**

- (5) the budget program fund source;
- (6) a descriptive purpose of each funding action or State award;
- (7) the location of an entity receiving the award; and
- (8) any other relevant information specified by the Department.

(b) The Department shall utilize the services of an outside expert to conduct this study.

(c) The Department shall consider the feasibility of including in the searchable website all State awards over the amount of \$25,000 including:

- (1) grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance; and
- (2) contracts, subcontracts, purchase orders, and other payments.

(d) On or before June 30, 2010, the Chief of Information Technology shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2008~~ July 1, 2008. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

**Approved by the Governor, May 22, 2008.**