

# SENATE BILL 982

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CF HB 1188

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By: ~~Senator Hester~~ Senators Hester, M. Washington, Augustine, Watson,  
Lewis Young, Brooks, and Kagan

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment and Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 27, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Information Technology – Modernization of Information Technology Projects**

3 FOR the purpose of altering the duties of the Secretary of Information Technology related  
4 to modernization of information technology systems; altering the authority of the  
5 Board of Public Works over certain information technology projects; ~~establishing the~~  
6 ~~Information Technology Investment Fund as a special, nonlapsing fund and the~~  
7 ~~Technology Investment Board;~~ renaming the Major Information Technology  
8 Development Fund; requiring a certain amount of the Fund to be set aside for certain  
9 projects each fiscal year; altering the ~~duties~~ name, duties, and membership of the  
10 Modernize Maryland Oversight Commission; providing for the terms of certain  
11 Commission members; and generally relating to information technology  
12 modernization.

13 BY repealing and reenacting, with amendments,  
14 Article – State Finance and Procurement  
15 Section ~~3.5-303(a)(4), 3.5-307, 3.5-316, and 12-101~~ 3.5-201, 3.5-301, 3.5-307,  
16 3.5-308, 3.5-309, and 3.5-316  
17 Annotated Code of Maryland  
18 (2021 Replacement Volume and 2023 Supplement)

19 BY adding to  
20 Article – State Finance and Procurement  
21 Section ~~3.5-300.1 and 3.5-300.2~~ 12-101(d)  
22 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2021 Replacement Volume and 2023 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**

3.5–201.

(A) There is a Department of Information Technology established as a principal department of State government.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT RESPONSIBILITY AND OVERSIGHT OF THE INFORMATION TECHNOLOGY PROJECTS FOR UNITS OF STATE GOVERNMENT BE CENTRALIZED AT THE DEPARTMENT AND THAT PRIORITY BE GIVEN TO FUNDING INFORMATION TECHNOLOGY PROJECTS THAT ADDRESS THE GREATEST NEEDS FOR THE PUBLIC HEALTH, EDUCATION, SAFETY, OR FINANCIAL WELL-BEING OF THE RESIDENTS OF MARYLAND.

3.5–301.

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

(b) “Cybersecurity” means processes or capabilities wherein systems, communications, and information are protected and defended against damage, unauthorized use or modification, and exploitation.

(c) “Cybersecurity strategy” means a vision, a plan of action, or guiding principles.

(d) (1) “Development” means all expenditures for a new information technology system or an enhancement to an existing system including system:

(i) planning;

(ii) creation;

(iii) installation;

(iv) testing; and

(v) initial training.

(2) “Development” does not include:

1 (i) ongoing operating costs, software or hardware maintenance,  
2 routine upgrades, or modifications that merely allow for a continuation of the existing level  
3 of functionality; or

4 (ii) expenditures made after a new or enhanced system has been  
5 legally accepted by the user and is being used for the business process for which it was  
6 intended.

7 (e) **“EXPEDITED PROJECT” MEANS A PROJECT THAT IS NOT A MAJOR**  
8 **INFORMATION TECHNOLOGY DEVELOPMENT PROJECT THAT RECEIVES MONEY**  
9 **FROM THE FUND IN A MANNER THAT ALLOWS FOR MODERNIZATION PROJECTS**  
10 **CONSISTENT WITH THE STATE MODERNIZATION PLAN TO MOVE FORWARD IN A**  
11 **NIMBLE AND EXPEDITED MANNER.**

12 (F) **“Fund” means the [Major Information Technology Development Project Fund]**  
13 **INFORMATION TECHNOLOGY INVESTMENT FUND.**

14 [(f)] (G) **“Information technology” means all electronic information processing,**  
15 **including:**

16 (1) maintenance;

17 (2) **NETWORKING;**

18 (3) telecommunications;

19 [(3)] (4) hardware;

20 [(4)] (5) software AND APPLICATIONS; and

21 [(5)] (6) associated services.

22 [(g)] (H) **“Information technology services” means information provided by**  
23 **electronic means by or on behalf of a unit of State government.**

24 (I) **“LEGACY SYSTEM” MEANS A HARDWARE OR SOFTWARE SYSTEM THAT IS**  
25 **OUTMODED OR OBSOLETE.**

26 [(h)] (J) (1) **“Major information technology development project” means any**  
27 **information technology development project that meets one or more of the following**  
28 **criteria:**

29 [(1)] (I) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
30 **SUBSECTION, the estimated total cost of development equals or exceeds [\\$1,000,000]**  
31 **\$5,000,000;**

1            [(2)] (II) the project is undertaken to support a critical business function  
 2 associated with the public health, education, safety, or financial well-being of the [citizens]  
 3 RESIDENTS of Maryland; or

4            [(3)] (III) the Secretary determines that the project requires the special  
 5 attention and consideration given to a major information technology development project  
 6 due to:

7                    [(i)] 1. the significance of the project's potential benefits or risks;

8                    [(ii)] 2. the impact of the project on the public or local  
 9 governments;

10                   [(iii)] 3. the public visibility of the project; or

11                   [(iv)] 4. other reasons as determined by the Secretary.

12                   **(2) "MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT"**  
 13 **DOES NOT INCLUDE:**

14                   **(I) TECHNOLOGY THAT IS REOCCURRING, STANDARD**  
 15 **OPERATING TECHNOLOGY AS DETERMINED BY THE SECRETARY AND SUBMITTED TO**  
 16 **THE LEGISLATIVE POLICY COMMITTEE FOR A 30-DAY REVIEW AND COMMENT**  
 17 **PERIOD; OR**

18                   **(II) A PROJECT WITH AN ESTIMATED TOTAL COST OF**  
 19 **DEVELOPMENT THAT IS:**

20                            **1. LESS THAN \$5,000,000 AND IS FUNDED WITH MONEY**  
 21 **SET ASIDE FOR EXPEDITED PROJECTS IN THE FUND; OR**

22                            **2. MORE THAN \$5,000,000 AND IS FUNDED WITH THE**  
 23 **MONEY SET ASIDE FOR EXPEDITED PROJECTS IN THE FUND IF THE SECRETARY**  
 24 **DETERMINES THAT:**

25                            **A. THE UNIT OF STATE GOVERNMENT HAS SUFFICIENT**  
 26 **IMPLEMENTATION RESOURCES, INCLUDING HUMAN CAPITAL, SUBJECT MATTER**  
 27 **EXPERTISE, AND TECHNOLOGICAL INFRASTRUCTURE, OR HAS THE MEANS TO**  
 28 **OBTAIN THESE RESOURCES BEFORE PROJECT INITIATION;**

29                            **B. THERE IS NO SUFFICIENT ALTERNATIVE WITHIN THE**  
 30 **STATE'S INFORMATION TECHNOLOGY INVENTORY; AND**

**C. THE PROJECT WILL RESULT IN A SINGLE, COMPREHENSIVE SOLUTION DESIGNED TO MEET A COHESIVE SET OF BUSINESS AND TECHNOLOGICAL OBJECTIVES.**

**[(i)] (K)** “Master plan” means the statewide information technology master plan and statewide cybersecurity strategy.

**[(j)] (L)** “Nonvisual access” means the ability, through keyboard control, synthesized speech, Braille, or other methods not requiring sight to receive, use, and manipulate information and operate controls necessary to access information technology in accordance with standards adopted under § 3.5–303(b) of this subtitle.

**(M) (1) SUBJECT TO THE PROVISIONS OF § 3.5–302 OF THIS SUBTITLE, “OVERSIGHT” MEANS THE OBLIGATION TO MONITOR, ASSESS, APPROVE, AND REPORT ON THE IMPLEMENTATION AND FINANCIAL STATUS OF MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS.**

**(2) “OVERSIGHT” DOES NOT INCLUDE CONTINUED PROJECT OR PROGRAM MANAGEMENT SUPPORT OR RESPONSIBILITY OVER PROJECT ACTIVITIES OF A SUCCESSFULLY IMPLEMENTED PROJECT AS DELEGATED BY THE SECRETARY TO A UNIT OF STATE GOVERNMENT UNDER § 3.5–308(E)(2) OF THIS SUBTITLE.**

**[(k)] (N)** “Resource sharing” means the utilization of a State resource by private industry in exchange for the provision to the State of a communication service or other consideration.

**(O) “STATE MODERNIZATION PLAN” MEANS THE PLAN DEVELOPED AND ADOPTED BY THE SECRETARY TO MODERNIZE STATE INFORMATION TECHNOLOGY.**

**[(l)] (P)** “Systems development life cycle plan” means a plan that defines all actions, functions, or activities to be performed by a unit of State government in the definition, planning, acquisition, development, testing, implementation, operation, enhancement, and modification of information technology systems.

~~3.5–303.~~

~~(a) The Secretary is responsible for carrying out the following duties:~~

~~(4) developing and maintaining a statewide information technology master plan that will:~~

~~(i) IN CONSULTATION WITH THE MODERNIZE MARYLAND OVERSIGHT COMMISSION ESTABLISHED UNDER § 3.5–316 OF THIS SUBTITLE, centralize the management and direction of information technology policy within the Executive Branch of State government under the control of the Department;~~

~~(ii) include all aspects of State information technology including telecommunications, security, data processing, and information management;~~

~~(iii) consider interstate transfers as a result of federal legislation and regulation;~~

~~(iv) ensure that the State information technology plan and related policies and standards are consistent with State goals, objectives, and resources, and represent a long range vision for using information technology to improve the overall effectiveness of State government;~~

~~(v) include standards to assure nonvisual access to the information and services made available to the public over the Internet; 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;~~

3.5-307.

(a) (1) A unit of State government may not purchase, lease, or rent information technology unless consistent with the master plan, **AS DETERMINED BY THE SECRETARY.**

(2) A unit of State government other than a public institution of higher education may not make expenditures for major information technology development projects or cybersecurity projects except as provided in § 3.5-308 of this subtitle.

(b) The Secretary may review any information technology project or cybersecurity project for consistency with the master plan.

(c) (1) A unit of State government shall advise the Secretary of any information technology proposal involving:

(i) resource sharing;

(ii) the exchange of goods or services;

(iii) a gift, contribution, or grant of real or personal property; or

(iv) the sale, lease, exchange, or other disposition of communications facilities or communications frequencies.

(2) The Secretary shall determine if the value of the resources, services, property, or other consideration to be obtained by the State under the terms of any proposal submitted in accordance with paragraph (1) of this subsection equals or exceeds \$100,000.

1 (3) If the value of any proposal submitted in accordance with this  
2 subsection equals or exceeds \$100,000 and the Secretary and unit agree to proceed with the  
3 proposal, information on the proposal shall be:

4 (i) advertised for a period of at least 30 days in the eMaryland  
5 Marketplace; and

6 (ii) submitted, simultaneously with the advertisement, to the  
7 Legislative Policy Committee for a 60-day review and comment period, during which time  
8 the Committee may recommend that the proposal be treated as a procurement contract  
9 under Division II of this article.

10 (4) (I) [Following] ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO  
11 SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOLLOWING the period for review and  
12 comment by the Legislative Policy Committee under paragraph (3) of this subsection, the  
13 proposal is subject to approval by the Board of Public Works.

14 (II) ~~A PROPOSAL CONTRACT TO MODERNIZE AN INFORMATION~~  
15 ~~TECHNOLOGY SYSTEM THAT IS AN EXPEDITED PROJECT FUNDED WITH MONEY SET~~  
16 ~~ASIDE FOR EXPEDITED PROJECTS IN THE FUND SHALL BE EXEMPT FROM~~  
17 ~~EXPEDITED FOR APPROVAL BY THE BOARD OF PUBLIC WORKS AS PROVIDED IN §~~  
18 ~~12-101 OF THIS ARTICLE.~~

19 (5) This subsection may not be construed as authorizing an exception from  
20 the requirements of Division II of this article for any contract that otherwise would be  
21 subject to the State procurement process.

22 (6) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT  
23 OF GENERAL SERVICES, SHALL HIRE A ~~CONTRACTOR~~ CONSULTANT TO ASSESS THE  
24 PROCUREMENT PROCESS FOR INFORMATION TECHNOLOGY PROJECTS INVOLVING  
25 MODERNIZATION AND MAKE RECOMMENDATIONS TO INCREASE THE STATE'S  
26 ABILITY TO PROCEED WITH A MODERNIZATION PROJECT IN A RAPID AND  
27 RESPONSIVE MANNER.

28 (7) (I) ON OR BEFORE JANUARY 1, 2025, THE DEPARTMENT SHALL  
29 INVENTORY AND ASSESS THE STATE'S LEGACY SYSTEMS AND PRIORITIZE  
30 MODERNIZATION.

31 (II) ON OR BEFORE JANUARY 1, 2026, AND EACH JANUARY 1  
32 THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH EACH UNIT OF STATE  
33 GOVERNMENT, SHALL SUBMIT A REPORT TO THE GOVERNOR, THE SECRETARY, AND,  
34 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE  
35 GENERAL ASSEMBLY THAT PROVIDES:

1 1. AN ESTIMATE OF THE FUNDING REQUIRED TO  
2 MODERNIZE EACH LEGACY SYSTEM IN THE UNIT; AND

3 2. A 5-YEAR PROJECTION OF FUNDING REQUIRED TO  
4 MODERNIZE EACH LEGACY SYSTEM.

5 3.5-308.

6 (a) This section does not apply to a public institution of higher education.

7 (b) [In] BEFORE submitting its information technology project requests, a unit  
8 of State government shall [designate projects which are major information technology  
9 development projects] SUBMIT INFORMATION IN SUPPORT OF THE REQUEST  
10 REQUIRED BY THE SECRETARY FOR REVIEW AND DETERMINATION CONSISTENT  
11 WITH § 3.5-301(J) OF THIS SUBTITLE.

12 (c) In reviewing information technology project requests, the Secretary may  
13 change a unit's designation of a major information technology development project.

14 (d) The Secretary shall review and, with the advice of the Secretary of Budget and  
15 Management, approve major information technology development projects and  
16 specifications for consistency with all statewide plans, policies, and standards, including a  
17 systems development life cycle plan.

18 (e) (1) The Secretary shall be responsible for [overseeing] THE OVERSIGHT  
19 OF the implementation of major information technology development projects AND  
20 EXPEDITED PROJECTS, regardless of fund source.

21 (2) (I) THE SECRETARY MAY DELEGATE OVERSIGHT OF A  
22 SUCCESSFULLY IMPLEMENTED PROJECT TO A UNIT OF STATE GOVERNMENT IF THE  
23 SECRETARY DETERMINES THE UNIT HAS THE INTERNAL CAPACITY, INCLUDING  
24 HUMAN CAPITAL, SUBJECT MATTER EXPERTISE, AND TECHNICAL  
25 INFRASTRUCTURE, TO ADEQUATELY SUPPORT CONTINUED PROJECT AND PROGRAM  
26 MANAGEMENT AND RESPONSIBILITY OVER PROGRAM ACTIVITIES.

27 (II) THE SECRETARY, INDEPENDENT OF THE REQUIRED  
28 OVERSIGHT, MAY PROVIDE SUPPORT, INCLUDING DESIGN, ENGINEERING, AND  
29 PRODUCT SUPPORT, TO A UNIT OF STATE GOVERNMENT.

30 (III) THE SECRETARY MAY REVOKE THE DELEGATION UNDER  
31 SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE SECRETARY DETERMINES A UNIT  
32 NO LONGER HAS THE CAPACITY TO ADEQUATELY SUPPORT CONTINUED PROJECT OR  
33 PROGRAM MANAGEMENT OR RESPONSIBILITY OVER PROGRAM ACTIVITIES.



1           (f)     With the advice of the Secretary of Budget and Management, expenditures for  
 2 major information technology development projects shall be subject to the approval of the  
 3 Secretary who shall approve expenditures only when those projects are consistent with  
 4 statewide plans, policies, and standards.

5           (g)     (1)   The Secretary shall approve funding for major information technology  
 6 development projects, **EXPEDITED PROJECTS, AND OTHER EXPENDITURES FROM THE**  
 7 **FUND** only when [those]:

8                                **(I)   THE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT**  
 9 **PROJECTS OR THE EXPEDITED PROJECTS ARE IN COMPLIANCE WITH STATEWIDE**  
 10 **PLANS, POLICIES, AND STANDARDS, AS DETERMINED BY THE SECRETARY; AND**

11                               **(II)   THE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT**  
 12 **projects are supported by an approved systems development life cycle plan.**

13                   (2)   An approved systems development life cycle plan shall include  
 14 submission of:

15                               (i)   a project planning request that details initial planning for the  
 16 project, including:

17                                       1.   the project title, appropriation code, and summary;

18                                       2.   a description of:

19   A.   the [needs addressed by the project] **BUSINESS AND**  
 20 **TECHNOLOGY OUTCOMES TO BE ACHIEVED BY THE PROJECT;**

21   B.   **THE FEATURES AVAILABLE TO THE END USER ON**  
 22 **COMPLETION, INCLUDING USER ACCEPTANCE TESTING AND ACCESSIBILITY PLANS;**

23   C.   the potential risks associated with the project;

24   [C.] D.   possible alternatives; and

25   [D.] E.   the scope and complexity of the project; and

26                                       3.   an estimate of:

27   A.   the total costs required to complete through planning; and

28   B.   the fund sources available to support planning costs; and

29                               (ii)   a project implementation request to begin full design,  
 30 development, and implementation of the project after the completion of planning, including:

1           1. the project title, appropriation code, and summary;

2           2. a description of:

3           A. the [needs addressed by the project] BUSINESS AND  
 4 TECHNOLOGY OUTCOMES TO BE ACHIEVED BY THE PROJECT AND THE METRICS BY  
 5 WHICH THE SUCCESS OF THOSE OUTCOMES WILL BE MEASURED;

6           B. THE FEATURES AVAILABLE TO THE END USER ON  
 7 COMPLETION, INCLUDING USER ACCEPTANCE TESTING AND ACCESSIBILITY PLANS;

8           C. the potential risks associated with the project;

9           [C.] D. possible alternatives;

10          [D.] E. the scope and complexity of the project; and

11          [E.] F. how the project meets the goals of the statewide  
 12 master plan; and

13          3. an estimate of:

14          A. the total project cost, BY PHASE; and

15          B. the fund sources [available] TO BE UTILIZED.

16          (3) The Secretary may approve funding incrementally, consistent with the  
 17 systems development life cycle plan.

18          (H) THE DEPARTMENT, IN CONSULTATION WITH THE MODERNIZE  
 19 MARYLAND COMMISSION ESTABLISHED UNDER § 3.5-316 OF THIS ARTICLE, SHALL:

20           (1) DEVELOP STANDARDS FOR UNITS OF STATE GOVERNMENT TO  
 21 ASSIST IN IDENTIFYING LEGACY SYSTEMS THAT REQUIRE MODERNIZATION  
 22 PROJECTS APPROPRIATE TO BE FINANCED AS AN EXPEDITED PROJECT THROUGH  
 23 THE FUND;

24           (2) ADOPT AN INFORMATION TECHNOLOGY INVESTMENT MATURITY  
 25 MODEL THAT INCLUDES:

26           (I) CRITERIA TO INFORM AND PRIORITIZE INVESTMENT  
 27 DECISIONS;

1                    (II) PROCESSES TO DEVELOP THE INFORMATION REQUIRED TO  
2 EVALUATE INVESTMENT PROPOSALS AGAINST THE CRITERIA UNDER ITEM (I) OF  
3 THIS ITEM; AND

4                    (III) MANAGEMENT PROCESSES TO MONITOR THE  
5 IMPLEMENTATION OF APPROVED MODERNIZATION PROJECTS; AND

6                    (3) DEVELOP A STATE MODERNIZATION PLAN.

7 3.5–309.

8                    (a) There is [a Major Information Technology Development Project Fund] AN  
9 INFORMATION TECHNOLOGY INVESTMENT FUND.

10                    (b) The purpose of the Fund is to support major information technology  
11 development projects AND EXPEDITED PROJECTS.

12                    (c) The Secretary:

13                    (1) shall administer the Fund in accordance with this section; and

14                    (2) subject to the provisions of § 2–201 of this article and § 3.5–307 of this  
15 subtitle, may receive and accept contributions, grants, or gifts of money or property.

16                    (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of  
17 this article.

18                    (2) The State Treasurer shall hold the Fund separately and the  
19 Comptroller shall account for the Fund.

20                    (3) The State Treasurer shall invest and reinvest the money of the Fund in  
21 the same manner as other State money may be invested.

22                    (4) Any investment earnings of the Fund shall be paid into the Fund.

23                    (e) Except as provided in subsection (f) of this section, the Fund consists of:

24                    (1) money appropriated in the State budget to the Fund;

25                    (2) as approved by the Secretary, money received from:

26                    (i) the sale, lease, or exchange of communication sites,  
27 communication facilities, or communication frequencies for information technology  
28 purposes; or

1                   (ii) an information technology agreement involving resource  
2 sharing;

3                   (3) that portion of money earned from pay phone commissions to the extent  
4 that the commission rates exceed those in effect in December 1993;

5                   (4) money received and accepted as contributions, grants, or gifts as  
6 authorized under subsection (c) of this section;

7                   (5) general funds appropriated for major information technology  
8 development projects of any unit of State government other than a public institution of  
9 higher education that:

10                   (i) are unencumbered and unexpended at the end of a fiscal year;

11                   (ii) have been abandoned; or

12                   (iii) have been withheld by the General Assembly or the Secretary;

13                   (6) any investment earnings; and

14                   (7) any other money from any source accepted for the benefit of the Fund.

15                   (f) The Fund does not include any money:

16                   (1) received by the Department of Transportation, the Maryland  
17 Transportation Authority, Baltimore City Community College, or the Maryland Public  
18 Broadcasting Commission;

19                   (2) received by the Judicial or Legislative branches of State government; or

20                   (3) generated from pay phone commissions that are credited to other  
21 accounts or funds in accordance with other provisions of law or are authorized for other  
22 purposes in the State budget or through an approved budget amendment.

23                   (g) The Governor shall submit with the State budget:

24                   (1) a summary showing the unencumbered balance in the Fund as of the  
25 close of the prior fiscal year and a listing of any encumbrances;

26                   (2) an estimate of projected revenue from each of the sources specified in  
27 subsection (e) of this section for the fiscal year for which the State budget is submitted;  
28 [and]

29                   (3) a descriptive listing of MAJOR INFORMATION TECHNOLOGY  
30 DEVELOPMENT projects reflecting projected costs for the fiscal year for which the State  
31 budget is submitted and any estimated future year costs; AND

1           **(4) THE AMOUNT PROPOSED TO BE SET ASIDE FOR EXPEDITED**  
2 **PROJECTS.**

3           (h) Expenditures from the Fund shall be made only:

4           (1) in accordance with an appropriation approved by the General Assembly  
5 in the annual State budget; [or]

6           (2) through an approved State budget amendment under Title 7, Subtitle  
7 2, Part II of this article, provided that a State budget amendment for any project not  
8 requested as part of the State budget submission or for any project for which the scope or  
9 cost has increased by more than 5% or \$250,000 shall be submitted to the budget  
10 committees allowing a 30-day period for their review and comment; OR

11           **(3) FOR EXPEDITED PROJECT CONTRACTS APPROVED FOR FUNDING**  
12 **BY THE SECRETARY AND APPROVED BY THE BOARD OF PUBLIC WORKS AS**  
13 **PROVIDED IN § 12-101 OF THIS ARTICLE.**

14           (i) The Fund may be used:

15           (1) for major information technology development projects;

16           (2) as provided in subsections (j) and ~~[(l)] (M)~~ of this section; [or]

17           (3) notwithstanding § 3.5-301(b)(2) of this subtitle, for the costs of the first  
18 12 months of operation and maintenance of a major information technology development  
19 project;

20           **(4) FOR EXPEDITED PROJECTS; OR**

21           **(5) FOR MAJOR INFORMATION TECHNOLOGY DEVELOPMENT**  
22 **PROJECTS AND EXPEDITED PROJECTS THROUGH A REVOLVING LOAN PROCESS**  
23 **THROUGH WHICH AN AGENCY MAY REIMBURSE THE FUND IN FUTURE FISCAL YEARS**  
24 **AS ESTABLISHED BY THE SECRETARY IN REGULATION.**

25           (j) Notwithstanding subsection (b) of this section and except for the cost incurred  
26 in administering the Fund, each fiscal year up to \$1,000,000 of this Fund may be used for:

27           (1) educationally related information technology projects;

28           (2) application service provider initiatives as provided for in Title 9,  
29 Subtitle 22 of the State Government Article; or

30           (3) information technology projects, including:

1 (i) pilots; and

2 (ii) prototypes.

3 (k) A unit of State government or local government may submit a request to the  
4 Secretary to support the cost of an information technology project with money under  
5 subsection (j) of this section.

6 (L) (1) **EACH FISCAL YEAR, AT LEAST 20% OF THE AMOUNT INCLUDED IN**  
7 **THE GOVERNOR'S ALLOWANCE AND APPROPRIATED TO THE FUND SHALL BE SET**  
8 **ASIDE TO BE USED FOR EXPEDITED PROJECTS.**

9 (2) **ANY AMOUNT SET ASIDE UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION THAT IS NOT USED IN THE FISCAL YEAR THAT IT IS SET ASIDE SHALL**  
11 **REMAIN SET ASIDE IN THE FUND AND AVAILABLE TO BE USED FOR FUTURE**  
12 **EXPEDITED PROJECTS.**

13 [(1)] (M) (1) Notwithstanding subsection (b) of this section and in accordance  
14 with paragraph (2) of this subsection, money paid into the Fund under subsection (e)(2) of  
15 this section shall be used to support:

16 (i) the State telecommunication and computer network established  
17 under § 3.5–404 of this title, including program development for these activities; and

18 (ii) the Statewide Public Safety Interoperability Radio System, also  
19 known as Maryland First (first responder interoperable radio system team), under Title 1,  
20 Subtitle 5 of the Public Safety Article.

21 (2) The Secretary may determine the portion of the money paid into the  
22 Fund that shall be allocated to each program described in paragraph (1) of this subsection.

23 [(m)] (N) (1) On or before November 1 of each year, the Secretary shall report  
24 to the Governor[, AND the Secretary of Budget and Management[, and to the budget  
25 committees of the General Assembly and submit a copy of the report to the General  
26 Assembly.] AND, in accordance with § 2–1257 of the State Government Article, TO THE  
27 **SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE COMMITTEE ON**  
28 **EDUCATION, ENERGY, AND THE ENVIRONMENT, THE HOUSE APPROPRIATIONS**  
29 **COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE,**  
30 **AND THE JOINT COMMITTEE ON CYBERSECURITY, INFORMATION TECHNOLOGY,**  
31 **AND BIOTECHNOLOGY.**

32 (2) The report shall include:

33 (i) the financial status of the Fund and a summary of its operations  
34 for the preceding fiscal year;

1                   (ii) an accounting for the preceding fiscal year of all money from each  
 2 of the revenue sources specified in subsection (e) of this section, including any expenditures  
 3 made from the Fund; and

4                   (iii) for each project receiving money from the Fund in the preceding  
 5 fiscal year and for each major information technology development project **OR EXPEDITED**  
 6 **PROJECT** receiving funding from any source other than the Fund in the preceding fiscal  
 7 year:

8                   1. the status of the project **AND PROJECT FUNDING**  
 9 **DECISIONS;**

10                   2. a comparison of estimated and actual costs of the project;

11                   3. any known or anticipated changes in scope or costs of the  
 12 project;

13                   4. an evaluation of whether the project is using best  
 14 practices; and

15                   5. a summary of any monitoring and oversight of the project  
 16 from outside the agency in which the project is being developed, including a description of  
 17 any problems identified by any external review and any corrective actions taken.

18           **[(n)] (O)** On or before January 15 of each year, for each major information  
 19 technology development project **OR EXPEDITED PROJECT** currently in development or for  
 20 which operations and maintenance funding is being provided in accordance with subsection  
 21 (i)(3) of this section, subject to § 2–1257 of the State Government Article, the Secretary  
 22 shall provide a summary report to the Department of Legislative Services with the most  
 23 up-to-date project information including:

24                   (1) project **FUNDING DECISIONS AND PROJECT** status;

25                   (2) any schedule, cost, and scope changes since the last annual report;

26                   (3) a risk assessment including any problems identified by any internal or  
 27 external review and any corrective actions taken; and

28                   (4) any change in the monitoring or oversight status.

29           **(P) (1) THE SECRETARY MAY ADOPT REGULATIONS NECESSARY TO**  
 30 **CARRY OUT THIS SECTION.**

31           **(2) THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO**  
 32 **ESTABLISH A PROCESS FOR UNITS OF STATE GOVERNMENT TO REQUEST AND**

1 RECEIVE FUNDING FOR AN EXPEDITED PROJECT ALIGNED WITH THE STATE  
2 MODERNIZATION PLAN THAT SHALL:

3 (I) ALLOW UNITS OF STATE GOVERNMENT TO APPLY FOR  
4 PROJECT FUNDING BIANNUALLY;

5 (II) BE CONSISTENT WITH THE GOALS AND PREFERENCES  
6 ESTABLISHED UNDER TITLE 14 OF THIS ARTICLE AND ENCOURAGE SMALL AND  
7 MINORITY BUSINESS ENTERPRISE VENDORS; AND

8 (III) PROVIDE MEASURES THAT ENSURE COMPLIANCE WITH THIS  
9 SUBTITLE AND THE DEPARTMENT'S REGULATIONS BY BOTH VENDORS AND UNITS OF  
10 STATE GOVERNMENT.

11 ~~3.5 309.1.~~

12 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
13 ~~INDICATED.~~

14 ~~(2) "FUND" MEANS THE INFORMATION TECHNOLOGY INVESTMENT~~  
15 ~~FUND.~~

16 ~~(3) "LEGACY SYSTEM" MEANS A HARDWARE OR SOFTWARE SYSTEM~~  
17 ~~THAT IS OUTMODED OR OBSOLETE.~~

18 ~~(B) THERE IS AN INFORMATION TECHNOLOGY INVESTMENT FUND.~~

19 ~~(C) (1) THE PURPOSE OF THE FUND IS TO ASSESS AND REPLACE LEGACY~~  
20 ~~SYSTEMS.~~

21 ~~(2) THE DEPARTMENT SHALL HIRE A CONSULTANT TO ASSESS A~~  
22 ~~LEGACY SYSTEM, PRIORITIZED BASED ON THE SECURITY RISK OF THE SYSTEM.~~

23 ~~(D) THE SECRETARY SHALL ADMINISTER THE FUND.~~

24 ~~(E) THE DEPARTMENT, IN CONSULTATION WITH EACH UNIT OF STATE~~  
25 ~~GOVERNMENT, SHALL DETERMINE THE FUNDING REQUIRED TO ASSESS EACH~~  
26 ~~LEGACY SYSTEM IN THE UNIT AND A 5-YEAR PROJECTION OF FUNDING REQUIRED~~  
27 ~~TO MODERNIZE THE LEGACY SYSTEM.~~

28 ~~(F) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~  
29 ~~SUBJECT TO § 7-302 OF THIS ARTICLE.~~



1           ~~(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,~~  
2 ~~AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

3           ~~(G) THE FUND CONSISTS OF:~~

4           ~~(1) TO THE EXTENT PRACTICABLE, MONEY RECEIVED FROM THE SALE~~  
5 ~~OF STATE GENERAL OBLIGATION BONDS; AND~~

6           ~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND.~~

7           ~~(H) THE FUND MAY BE USED FOR LEGACY SYSTEM ASSESSMENTS AND~~  
8 ~~REPLACEMENTS.~~

9           ~~(I) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND~~  
10 ~~IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

11           ~~(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO~~  
12 ~~THE GENERAL FUND OF THE STATE.~~

13           ~~(J) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE~~  
14 ~~WITH THE STATE BUDGET.~~

15           ~~(K) (1) BEGINNING IN FISCAL YEAR 2026 AND EACH FISCAL YEAR~~  
16 ~~THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN~~  
17 ~~APPROPRIATION TO THE FUND ALIGNED WITH THE STATE MODERNIZATION PLAN.~~

18           ~~(2) IN FISCAL YEAR 2026, THE APPROPRIATION MADE UNDER~~  
19 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL BE GREATER THAN THE~~  
20 ~~DEPARTMENT'S BUDGET FOR FISCAL YEAR 2025 FOR MAJOR INFORMATION~~  
21 ~~TECHNOLOGY DEVELOPMENT PROJECTS.~~

22           ~~(L) ON OR BEFORE JANUARY 1, 2028, THE DEPARTMENT SHALL:~~

23           ~~(1) ESTABLISH A PROCESS THROUGH WHICH THE PROCESS TO ASSESS~~  
24 ~~AND REPLACE LEGACY SYSTEMS IS REPLACED WITH THE PROCESS FOR APPROVING~~  
25 ~~AND REVIEWING MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS~~  
26 ~~UNDER § 3.5-308 OF THIS SUBTITLE, INCLUDING GUARDRAILS TO ENSURE~~  
27 ~~COMPLIANCE WITH THE PROCESS; AND~~

28           ~~(2) SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE~~  
29 ~~WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY~~  
30 ~~ON THE PROCESS ESTABLISHED UNDER ITEM (1) OF THIS SUBSECTION.~~

31 ~~3.5-309.2.~~

1       (A) ~~IN THIS SECTION, "BOARD" MEANS THE TECHNOLOGY INVESTMENT~~  
2 ~~BOARD.~~

3       (B) ~~THERE IS A TECHNOLOGY INVESTMENT BOARD IN THE DEPARTMENT.~~

4       (C) ~~THE BOARD CONSISTS OF:~~

5           (1) ~~THE SECRETARY, OR THE SECRETARY'S DESIGNEE;~~

6           (2) ~~THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE;~~

7           (3) ~~THE STATE TREASURER, OR THE STATE TREASURER'S DESIGNEE;~~

8           (4) ~~THE GOVERNOR, OR THE GOVERNOR'S DESIGNEE;~~

9           (5) ~~A MEMBER OF THE PUBLIC, APPOINTED BY THE GOVERNOR; AND~~

10          (6) ~~ANY OTHER MEMBERS THE GOVERNOR DETERMINES ARE~~  
11 ~~APPROPRIATE.~~

12       (D) ~~THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL SERVE AS~~  
13 ~~CHAIR OF THE BOARD.~~

14       (E) ~~THE DEPARTMENT SHALL PROVIDE STAFF FOR THE BOARD.~~

15       (F) ~~THE BOARD SHALL:~~

16           (1) ~~DEVELOP ENTERPRISE ARCHITECTURE STANDARDS FOR UNITS~~  
17 ~~OF STATE GOVERNMENT TO ASSIST IN IDENTIFYING LEGACY SYSTEMS THAT~~  
18 ~~REQUIRE MODERNIZATION;~~

19           (2) ~~BEGINNING JANUARY 1, 2028, EVALUATE AND APPROVE ALL~~  
20 ~~MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS INVOLVING THE~~  
21 ~~MODERNIZATION OF INFORMATION TECHNOLOGY AND LEGACY SYSTEMS; AND~~

22           (3) ~~ADOPT AN INFORMATION TECHNOLOGY INVESTMENT MATURITY~~  
23 ~~MODEL THAT INCLUDES:~~

24                   (I) ~~CRITERIA TO INFORM INVESTMENT DECISIONS;~~

25                   (II) ~~PROCESSES TO DEVELOP THE INFORMATION REQUIRED TO~~  
26 ~~EVALUATE INVESTMENT PROPOSALS AGAINST THE CRITERIA UNDER ITEM (I) OF~~  
27 ~~THIS ITEM; AND~~

~~(H) MANAGEMENT PROCESSES TO MONITOR THE IMPLEMENTATION OF APPROVED MODERNIZATION PROJECTS.~~

~~(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE BOARD SHALL REPORT FUNDING DECISIONS MADE UNDER SUBSECTION (F) OF THIS SECTION TO THE BOARD OF PUBLIC WORKS.~~

3.5-316.

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

(2) "Commission" means the Modernize Maryland ~~Oversight~~ Commission.

(3) "Critical system" means an information technology or cybersecurity system that is severely outdated, as determined by the Department.

~~(4) "LEGACY SYSTEM" HAS THE MEANING STATED IN § 3.5-309.1 OF THIS SUBTITLE.~~

(b) There is an independent Modernize Maryland ~~Oversight~~ Commission.

(c) The purpose of the Commission is to[:

(1) ensure the confidentiality, integrity, and availability of information held by the State concerning State residents; and

(2) advise the Secretary and State Chief Information Security Officer on:

(i) the appropriate information technology and cybersecurity investments and upgrades;

(ii) the funding sources for the appropriate information technology and cybersecurity upgrades; and

(iii) future mechanisms for the procurement of appropriate information technology and cybersecurity upgrades, including ways to increase the efficiency of procurements made for information technology and cybersecurity upgrades] ~~ENSURE RECOMMEND BEST PRACTICES RELATED TO THE MODERNIZATION AND THE REPLACEMENT OF LEGACY SYSTEMS.~~

(d) The Commission consists of the following members:

(1) the Secretary, OR THE SECRETARY'S DESIGNEE;

(2) the State Chief Information Security Officer, OR THE CHIEF INFORMATION SECURITY OFFICER'S DESIGNEE;

1 (3) three chief information security officers representing different units of  
2 State government, appointed by the Governor;

3 (4) one information technology modernization expert with experience in  
4 the private sector, appointed by the Governor;

5 (5) one representative ~~from~~ **RECOMMENDED BY** the Maryland Chamber  
6 of Commerce with knowledge of cybersecurity issues, **APPOINTED BY THE GOVERNOR;**

7 (6) two individuals who are end users of State information technology  
8 systems, appointed by the Governor;

9 (7) one representative ~~from~~ **RECOMMENDED BY** the Cybersecurity  
10 Association of Maryland, **APPOINTED BY THE GOVERNOR;** [and]

11 (8) one individual who is either an instructor or a professional in the  
12 academic field of cybersecurity at a college or university in the State, appointed by the  
13 Governor; **AND**

14 (9) ~~ONE EMPLOYEE OF THE OFFICE OF LEGISLATIVE AUDITS,~~  
15 ~~APPOINTED BY THE LEGISLATIVE AUDITOR~~ **ONE REPRESENTATIVE OF THE**  
16 **INFORMATION TECHNOLOGY INDUSTRY, APPOINTED BY THE GOVERNOR.**

17 (e) The cochairs of the Joint Committee on Cybersecurity, Information  
18 Technology, and Biotechnology shall serve as advisory, nonvoting members of the  
19 Commission.

20 ~~(F) THE UNIVERSITY OF MARYLAND GLOBAL CAMPUS SHALL STAFF THE~~  
21 ~~COMMISSION.~~

22 (F) **A MEMBER OF THE COMMISSION;**

23 (1) **MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
24 **COMMISSION; BUT**

25 (2) **IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
26 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

27 (G) (1) **THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.**

28 (2) **THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE**  
29 **TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JULY 1, 2024.**

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

3           **(H) (1) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT**  
4 **OF LEGISLATIVE SERVICES, SHALL PROVIDE STAFF TO THE COMMISSION.**

5           **(2) THE SECRETARY OR THE SECRETARY'S DESIGNEE IS THE CHAIR**  
6 **OF THE COMMISSION.**

7           **[(f)] ~~(G)~~ (I)** The Commission shall:

8                   **(1)** advise the Secretary on a strategic roadmap with a timeline and budget  
9 that will:

10                           **(i)** require the updates and investments of critical information  
11 technology and cybersecurity systems identified by the Commission in the first  
12 recommendations reported under paragraph (2) of this subsection to be completed on or  
13 before December 31, 2025; and

14                           **(ii)** require all updates and investments of information technology  
15 and cybersecurity to be made on or before December 31, 2030;

16                   **(2)** make periodic recommendations on investments in State information  
17 technology structures based on the assessments completed in accordance with the  
18 framework developed in § 3.5–317 of this subtitle;

19                   **(3)** review and provide recommendations on the Department's basic  
20 security standards for use of the network established under § 3.5–404(b) of this title; and

21                   **(4)** each year, in accordance with § 2–1257 of the State Government Article,  
22 report its findings and recommendations to the Senate Budget and Taxation Committee,  
23 the Senate Education, Health, and Environmental Affairs Committee, the House  
24 Appropriations Committee, the House Health and Government Operations Committee, and  
25 the Joint Committee on Cybersecurity, Information Technology, and Biotechnology.]

26           **(1) IDENTIFY BEST PRACTICES FOR INFORMATION TECHNOLOGY**  
27 **MODERNIZATION AND THE REPLACEMENT OF LEGACY SYSTEMS;**

28           **(2) PROVIDE RECOMMENDATIONS FOR MODERNIZATION OF**  
29 **INFORMATION TECHNOLOGY SYSTEMS TO ~~EACH UNIT OF STATE GOVERNMENT~~ THE**  
30 **GOVERNOR, THE SECRETARY, AND THE GENERAL ASSEMBLY;**

31           **(3) PROVIDE RECOMMENDATIONS TO PROMOTE TRANSPARENCY IN**  
32 **MODERNIZATION EFFORTS IN UNITS OF STATE GOVERNMENT; AND**

1           (4) EACH YEAR, IN ACCORDANCE WITH § 2-1257 OF THE STATE  
 2 GOVERNMENT ARTICLE, REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE  
 3 GOVERNOR, THE SECRETARY, THE SENATE BUDGET AND TAXATION COMMITTEE,  
 4 THE SENATE COMMITTEE ON EDUCATION, ENERGY, AND THE ENVIRONMENT, THE  
 5 HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT  
 6 OPERATIONS COMMITTEE, AND THE JOINT COMMITTEE ON CYBERSECURITY,  
 7 INFORMATION TECHNOLOGY, AND BIOTECHNOLOGY.

8           [(g)] ~~(H)~~ (J) The report submitted under subsection [(f)(4)] (G)(4) of this section  
 9 may not contain information about the security of an information system.

10 ~~12-101.~~

11           (a) ~~(1)~~ This section does not apply to:

12           ~~[(1)] (I) capital expenditures by the Department of Transportation or the~~  
 13 ~~Maryland Transportation Authority, in connection with State roads, bridges, or highways,~~  
 14 ~~as provided in § 12-202 of this title; [or]~~

15           ~~[(2)] (H) procurements by the Department of General Services for the~~  
 16 ~~purpose of modernizing cybersecurity infrastructure for the State valued below \$1,000,000;~~  
 17 ~~OR~~

18           ~~(III) PROCUREMENTS BY THE DEPARTMENT OF INFORMATION~~  
 19 ~~TECHNOLOGY TO MODERNIZE AN INFORMATION TECHNOLOGY SYSTEM.~~

20           ~~(2) THE AMOUNT IN PARAGRAPH (1)(II) OF THIS SUBSECTION MAY BE~~  
 21 ~~ADJUSTED BY THE DEPARTMENT OF INFORMATION TECHNOLOGY EACH YEAR FOR~~  
 22 ~~INFLATION.~~

23           (b) ~~(1) The Board may control procurement by units.~~

24           ~~(2) To implement the provisions of this Division II, the Board may:~~

25                   ~~(i) set policy;~~

26                   ~~(ii) adopt regulations, in accordance with Title 10, Subtitle 1 of the~~  
 27 ~~State Government Article; and~~

28                   ~~(iii) establish internal operational procedures consistent with this~~  
 29 ~~Division II.~~

30           ~~(3) The Board shall ensure that the regulations of the primary~~  
 31 ~~procurement units provide for procedures that are consistent with this Division II and Title~~  
 32 ~~13, Subtitle 4 of the State Personnel and Pensions Article and, to the extent the~~

~~circumstances of a particular type of procurement or a particular unit do not require otherwise, are substantially the same.~~

~~(4) The Board may delegate any of its authority that it determines to be appropriate for delegation and may require prior Board approval for specified procurement actions.~~

~~(5) Except as limited by the Maryland Constitution, the Board may exercise any control authority conferred on a primary procurement unit by this Division II and, to the extent that its action conflicts with the action of the primary procurement unit, the action of the Board shall prevail.~~

~~(e) On or before December 1 each year, the Department of General Services shall submit a report to the Board on procurements made under subsection (a)(2) of this section that shall include for each procurement:~~

~~(1) the purpose of the procurement;~~

~~(2) the name of the contractor;~~

~~(3) the contract amount;~~

~~(4) the method of procurement utilized;~~

~~(5) the number of bidders who bid on the procurement; and~~

~~(6) the contract term.~~

12-101.

**(D) A CONTRACT TO MODERNIZE AN INFORMATION TECHNOLOGY SYSTEM OR TO PROCEED WITH AN EXPEDITED PROJECT AS DEFINED IN § 3.5-101 OF THIS ARTICLE SHALL BE EXPEDITED FOR APPROVAL BY THE BOARD AND PLACED ON THE AGENDA OF THE BOARD AS SOON AS PRACTICABLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2024, the Secretary of Information Technology shall:

(1) develop a State Modernization Plan that includes:

(i) identification of technical debt and legacy systems including their criticality, complexity, and risk to the State;

(ii) designation of priority systems and applications for modernization including rehosting, rebuilding, replacing, or retiring;

1 (iii) in consultation with the Comptroller, specific recommendations  
2 for a process to remove State agencies from the Annapolis Data Center mainframes and  
3 the development of a sunset goal consistent with the January 1, 2029, sunset goal of the  
4 Comptroller; and

5 (iv) high level timeframe and cost estimates;

6 (v) identification of funding sources for the appropriate information  
7 technology and cybersecurity upgrades; and

8 (vi) plans to train and uptrain existing employees to be able to fully  
9 utilize technology as part of a modernization project.

10 (2) develop a strategy for centralization of information technology  
11 management across the Executive Branch of State government under the Department of  
12 Information Technology; ~~and~~

13 (3) identify positions in the Department of Information Technology that  
14 would be suitable for independent salary setting authority or greater flexibility in position  
15 classification to ensure the Department can recruit and retain the necessary staff to meet  
16 the mission of the Department; and

17 (4) submit the strategic plan and centralization strategy to the Governor  
18 and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

19 SECTION 3. AND BE IT FURTHER ENACTED, That, beginning in fiscal year 2026,  
20 the Governor shall include in the annual budget bill two position identification numbers  
21 and an appropriation in an amount sufficient to create two positions within the Department  
22 of Information Technology to carry out duties as follows:

23 (1) one shall assist in administering the process for units of State  
24 government to apply for expedited projects under this Act; and

25 (2) one position shall be a grants administrator responsible for aggressively  
26 seeking all possible federal or private grant funding to support major information  
27 technology projects or expedited projects under this Act.

28 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 1,  
29 2024, the Department of Information Technology shall evaluate how the Information  
30 Technology Investment Fund could be used as a reimbursable fund to assist with State and  
31 local fiber and broadband projects and report on the evaluation and any related  
32 recommendations to the Governor and, in accordance with § 2–1257 of the State  
33 Government Article, the General Assembly, including the Senate Budget and Taxation  
34 Committee, the Senate Committee on Education, Energy, and the Environment, the House  
35 Appropriations Committee, the House Health and Government Operations Committee, and  
36 the Joint Committee on Cybersecurity, Information Technology, and Biotechnology.



1        SECTION 4. 5. AND BE IT FURTHER ENACTED, That the terms of the appointed  
2 members of the Modernize Maryland Commission shall expire as follows:

3            (1)    two members on July 1, 2024, as determined by the Governor;

4            (2)    two members on July 1, 2025, as determined by the Governor; and

5            (3)    the remaining appointed member on July 1, 2026.

6        ~~SECTION 5.~~ SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 July 1, 2024.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.