

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 217

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Investment Fund"; and strike in their entirety lines 3 through 18, inclusive, and substitute:

"FOR the purpose of requiring certain information technology proposals to be subject to a certain process including advertisement, review, comment by the Legislative Policy Committee, and approval by the Board of Public Works; defining certain terms; altering the Information Processing Equipment Replacement Fund to be the Information Technology Investment Fund within the Department of Budget and Fiscal Planning; setting a certain State policy; specifying that the Fund consists of certain moneys under certain conditions; requiring the Comptroller to account for the Fund; making the Fund subject to a certain ceiling; assigning certain powers and responsibilities to the Chief of Information Technology; requiring the Governor to submit certain information; authorizing use of the Fund for certain purposes; requiring that expenditures from the Fund be made in accordance with certain procedures; establishing a certain process for projects to be eligible for certain funding; requiring a certain annual report; requiring the Department of Transportation to establish an information technology program and separate account; requiring the Department to obtain certain approvals for information technology-related projects; requiring the Department to include certain information in the annual Consolidated Transportation Program; for a certain fiscal year, setting a certain limit, requiring certain information on projects, and requiring funding for a certain project; repealing certain provisions; and generally relating to information technology."

AMENDMENT NO. 2

On page 1, after line 18, insert:

"BY repealing and reenacting, without amendments,

(Over)

Article - State Finance and Procurement
Section 2-201, 3-401, 3-403, and 3-404
Annotated Code of Maryland
(1995 Replacement Volume and 1995 Supplement)”;

in line 21, strike “3-412(a)(3)” and substitute “3-402, 3-405,”; in line 26, after “Section” insert “2-103.1(c)(2)(iii) and”; and after line 28, insert:

“BY repealing

Article - State Finance and Procurement
Section 3-412
Annotated Code of Maryland
(1995 Replacement Volume and 1995 Supplement)”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 2 through 4, inclusive, and substitute:

2-201.

(a) In this section, “gift” has the meaning stated in Article 1, § 22 of the Code.

(b) Except as otherwise expressly provided by law, an officer or unit of the State government may not spend any money that derives from a gift until the Governor assents to the acceptance of the gift.

(c) If the Governor assents to the acceptance of a gift by an officer or unit, the officer or unit may use the gift in accordance with its terms. If the gift is money or generates money, the officer or unit may not spend the money until it is appropriated as provided in Title 7.

3-401.

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

(1) the University College of the University of Maryland System for use in University College overseas programs;

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

(3) the Maryland Port Administration.

(b) Notwithstanding any other provision of law, except as provided in subsection (a) of this section, this subtitle applies to all units of the Executive Branch of State government including the University of Maryland System and all other institutions of higher education.

3-402.

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

(b) “Board” means the Information Technology Board.

(c) “Chief” means the Chief of Information Technology.

(d) “Information technology” means all electronic information processing hardware and software, including:

(1) maintenance;

(2) telecommunications; and

(3) associated consulting services.

(e) “Telecommunications” has the meaning provided in § 4-901 of this article.

(F) “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.

3-403.

(a) The Secretary is responsible for developing, maintaining, revising, and enforcing

(Over)

information technology policies and standards.

(b) The Secretary shall develop a statewide information technology master plan.

(c) Except as provided in subsection (d) of this section, in accordance with guidelines established by the Secretary, each unit of the Executive Branch of State government shall develop and submit to the Secretary information technology policies and standards and an information technology plan.

(d) The governing boards of the public institutions of higher education shall develop and submit information technology policies and standards and an information technology plan for their respective institutions or systems to the Secretary.

(e) In the case of the plans, policies, and standards for the public institutions of higher education, the Secretary shall incorporate those submissions into the statewide plan, provided the submissions are consistent with the statewide plan. If the Secretary finds that the submissions are not consistent with the plan, the Secretary shall return the submissions to the governing boards, which shall revise the submissions as appropriate before resubmission to the Secretary.

(f) Before carrying out the powers and duties provided by this section, the Secretary shall consult with the Comptroller.

3-404.

Information technology of each unit of the Executive Branch shall be consistent with the statewide information technology master plan.

3-405.

(a) A unit of the Executive Branch of the State government may not purchase, lease, or rent information technology unless consistent with the statewide information technology master plan.

(b) (1) The Secretary may review any information technology project for consistency with the statewide information technology master plan.

(2) Any information technology project selected for review may not be implemented without the Secretary's approval.

(C) (1) A UNIT OF GOVERNMENT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT SHALL ADVISE THE CHIEF OF ANY INFORMATION TECHNOLOGY PROPOSAL INVOLVING RESOURCE SHARING, THE EXCHANGE OF GOODS OR SERVICES, OR A GIFT, CONTRIBUTION, OR GRANT OF REAL OR PERSONAL PROPERTY.

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

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

(I) ADVERTISED FOR A PERIOD OF AT LEAST 30 DAYS IN THE "CONTRACT WEEKLY", AS PUBLISHED BY THE OFFICE OF THE SECRETARY OF STATE; AND

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

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

(Over)

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

AMENDMENT NO. 4

On page 2, strike in their entirety lines 15 through 17, inclusive; and in line 18, strike “(6)” and substitute “(5)”.

AMENDMENT NO. 5

On page 2, in line 22, after “(C)” insert “(1)”; and in line 26, strike “AS PROVIDED IN SUBSECTION (I) OF THIS SECTION” and substitute “IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.”

(2) IT IS THE POLICY OF THE STATE THAT STATE AGENCIES USE THEIR RESOURCES TO PROMOTE THE ADVANCEMENT OF INFORMATION TECHNOLOGY. IT IS THE INTENT OF THE STATE THAT PRIVATE USE OF A STATE RESOURCE SHOULD FURTHER A LEGITIMATE PUBLIC PURPOSE AND NOT BE USED AS A MEANS TO COMPETE WITH THE PRIVATE SECTOR”.

AMENDMENT NO. 6

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 32 on page 3, inclusive, and substitute:

“(d) (E) [The] EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION AND SUBJECT TO THE LIMITATIONS OF SUBSECTION (H) OF THIS SECTION, THE Fund consists of:

(1) all moneys appropriated in the State budget to the Fund;

(2) [all moneys paid into the Fund as provided in § 3-406 of this article; and

(3) all moneys received upon disposition of information processing equipment purchased from the Fund.] MONIES RECEIVED FROM THE SALE, LEASE, OR EXCHANGE

OF COMMUNICATION SITES OR COMMUNICATION FREQUENCIES FOR INFORMATION TECHNOLOGY PURPOSES AS DETERMINED BY THE CHIEF OF INFORMATION TECHNOLOGY AND AS APPROVED BY THE SECRETARY;

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

(4) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THAT PORTION OF MONEYS EARNED FROM PAY PHONE COMMISSIONS TO THE EXTENT THAT THE COMMISSION RATES EXCEED THOSE IN EFFECT IN DECEMBER 1993; AND

(5) ANY MONEYS RECEIVED AND ACCEPTED AS GIFTS, CONTRIBUTIONS, OR GRANTS AS AUTHORIZED UNDER SUBSECTION (I) OF THIS SECTION.

(F) THE FUND DOES NOT INCLUDE ANY MONEYS:

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

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

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

AMENDMENT NO. 7

On page 3, in line 33, strike “(H)” and substitute “(G)”.

(Over)

AMENDMENT NO. 8

On page 4, strike in their entirety lines 4 through 7, inclusive, and substitute:

“(H) (1) THE FUND IS SUBJECT TO A CEILING ON THE AMOUNT OF MONEYS THAT MAY BE CREDITED TO THE FUND FOR THE FISCAL YEAR FOR WHICH THE BUDGET IS SUBMITTED.

(2) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET A PROPOSED CEILING FOR THE FUND.

(3) THE CEILING ON THE FUND IS SET AS ENACTED IN THE ANNUAL STATE BUDGET BILL.

(4) ANY REVENUES EARNED IN EXCESS OF THE CEILING ON THE AMOUNT OF MONEYS THAT MAY BE CREDITED TO THE FUND IN A FISCAL YEAR SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) THE CHIEF OF INFORMATION TECHNOLOGY:

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

(2) SUBJECT TO THE PROVISIONS OF §§ 2-201 AND 3-405 OF THIS ARTICLE, MAY RECEIVE AND ACCEPT CONTRIBUTIONS, GRANTS, OR GIFTS OF MONEY OR PROPERTY; AND

(3) SHALL BE RESPONSIBLE FOR OVERSEEING THE IMPLEMENTATION OF PROJECTS FUNDED BY MONEYS FROM THE FUND.

(J) THE GOVERNOR SHALL SUBMIT WITH THE BUDGET:

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

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

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

AMENDMENT NO. 9

On page 4, in line 8, strike “(J)” and substitute “(K)(1)”; in the same line, after “only” insert “: (I)”; in line 9, strike “OR” and substitute “; OR (II)”; and in line 11, after “TITLE” insert “, PROVIDED THAT:

1. A BUDGET AMENDMENT IS SUBMITTED FOR ANY PROJECT NOT REQUESTED AS PART OF THE BUDGET SUBMISSION OR FOR ANY PROJECT WHERE THE SCOPE OR COST HAS INCREASED FOR A PROJECT THAT WAS REQUESTED AS PART OF THE BUDGET SUBMISSION; AND

2. THE BUDGET AMENDMENT AND SUPPORTING DOCUMENTATION HAVE BEEN SUBMITTED TO THE BUDGET COMMITTEES ALLOWING A 60-DAY PERIOD FOR THEIR REVIEW AND COMMENT.

(2) THE CEILING IMPOSED ON THE FUND, AS PROVIDED UNDER SUBSECTION (H) OF THIS SECTION, MAY NOT BE INCREASED BY BUDGET AMENDMENT”.

AMENDMENT NO. 10

On page 4, strike in their entirety lines 12 through 14, inclusive, and substitute:

“(L) SUBJECT TO THE PROVISIONS OF SUBSECTION (M) OF THIS SECTION AND EXCEPT FOR THE COST INCURRED IN ADMINISTERING THE FUND, THE FUND MAY BE USED FOR:”;

(Over)

in line 16, after “PROJECTS;” insert “AND”; in line 25, strike “; AND” and substitute a period; and strike line 26 in its entirety.

AMENDMENT NO. 11

After line 26, insert:

“(M) (1) ANY AGENCY OR UNIT OF STATE GOVERNMENT MAY SUBMIT A REQUEST TO THE CHIEF OF INFORMATION TECHNOLOGY TO SUPPORT THE COST OF AN INFORMATION TECHNOLOGY PROJECT WITH MONEYS FROM THE FUND.

“(2) IN CONSULTATION WITH THE INFORMATION TECHNOLOGY BOARD, ESTABLISHED UNDER § 3-406 OF THIS ARTICLE AND SUBJECT TO THE FINAL APPROVAL OF THE SECRETARY, THE CHIEF OF INFORMATION TECHNOLOGY SHALL APPROVE A PROJECT AS ELIGIBLE FOR FUNDING ONLY IF THE PROJECT IS CONSISTENT WITH THE STATE INFORMATION TECHNOLOGY MASTER PLAN.

“(3) AS PART OF THE BUDGET SUBMISSION REQUIRED UNDER SUBSECTION (J) OF THIS SECTION, THE GOVERNOR MAY REQUEST USE OF MONEYS FROM THE FUND TO SUPPORT ANY PROJECT APPROVED IN ACCORDANCE WITH THIS SUBSECTION.”.

AMENDMENT NO. 12

On page 4, strike in their entirety lines 27 through 31, inclusive, and substitute:

“(N) (1) BY NOVEMBER 1 OF EACH YEAR, THE CHIEF OF INFORMATION TECHNOLOGY SHALL REPORT TO THE GOVERNOR AND TO THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY AND SUBMIT A COPY OF THE REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1312 OF THE STATE GOVERNMENT ARTICLE.

(2) THE REPORT SHALL INCLUDE:

(1) THE FINANCIAL STATUS OF THE FUND AND A SUMMARY OF ITS

OPERATIONS FOR THE PRECEDING FISCAL YEAR:

(II) AN ACCOUNTING FOR THE PRECEDING FISCAL YEAR OF ALL MONEYS FROM EACH OF THE REVENUE SOURCES SPECIFIED IN SUBSECTION (E) OF THIS SECTION, INCLUDING ANY REVENUES IN EXCESS OF THE ANNUAL LIMIT THAT ARE CREDITED TO THE GENERAL FUND, AND EXPENDITURES MADE FROM THE FUND; AND

(III) A DESCRIPTION OF INFORMATION TECHNOLOGY PROJECTS RECEIVING MONEYS FROM THE FUND IN THE PRECEDING FISCAL YEAR AND THE STATUS OF EACH PROJECT WITH A COMPARISON OF ESTIMATED AND ACTUAL COSTS AND ANY KNOWN OR ANTICIPATED CHANGES IN SCOPE OR COSTS.”.

AMENDMENT NO. 13

On page 4, after line 32, insert:

“2-103.1.

(c) (2) In addition to the items listed in paragraph (1) of this subsection, the Consolidated Transportation Program shall include:

(III) REFLECTED UNDER THE OFFICE OF THE SECRETARY, ANY TECHNOLOGY-RELATED PROJECT TO BE FUNDED FROM THE ACCOUNT ESTABLISHED UNDER § 2-111 OF THIS ARTICLE, ALONG WITH A DESCRIPTION AND PROJECTED COST OF EACH.”;

after line 33, insert:

“(A) IN THIS SECTION, “INFORMATION TECHNOLOGY” HAS THE MEANING STATED IN §3-402 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”;

in line 34, strike “(A)” and substitute “(B)”; in line 35, strike “AND ACCOUNT” and substitute “IN ACCORDANCE WITH THE STATEWIDE INFORMATION TECHNOLOGY MASTER PLAN,

(Over)

AS ESTABLISHED UNDER § 3-403 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND SHALL MAINTAIN A SEPARATE ACCOUNT WITHIN THE TRANSPORTATION TRUST FUND”; and in line 36, strike “WITHIN THE TRANSPORTATION TRUST FUND”.

On page 5, strike in their entirety lines 1 through 4, inclusive, and substitute:

“(C) (1) BEFORE PROCEEDING WITH ANY INFORMATION TECHNOLOGY-RELATED PROJECT, THE DEPARTMENT SHALL OBTAIN APPROVAL BY THE CHIEF OF INFORMATION TECHNOLOGY OF THE DEPARTMENT OF BUDGET AND FISCAL PLANNING THAT THE PROJECT IS CONSISTENT WITH THE STATE INFORMATION TECHNOLOGY MASTER PLAN.

(2) SUBJECT TO THE FINAL APPROVAL OF THE SECRETARY OF BUDGET AND FISCAL PLANNING, THE CHIEF OF INFORMATION TECHNOLOGY MAY APPROVE AN INFORMATION TECHNOLOGY-RELATED PROJECT ONLY AFTER CONSULTING WITH THE INFORMATION TECHNOLOGY BOARD ESTABLISHED UNDER §3-406 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”.

AMENDMENT NO. 14

On page 5, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That for Fiscal Year 1997, notwithstanding the provisions of Section 1 of this Act:

(1) The ceiling on the moneys that may be credited to the Information Technology Investment Fund from the sources provided under this Act is set at \$4.0 million;

(2) The Chief of Information Technology of the Department of Budget and Fiscal Planning shall submit information on the projects to be funded in Fiscal Year 1997 from the Information Technology Investment Fund to the budget committees of the General Assembly. The committees shall have a period of 60 days for review and comment;

(3) \$100,000 from the Fund shall be used to provide moneys for implementing a

Home-School Linked Technology Demonstration Project; and

(4) \$100,000 shall be credited to the Information Technology Investment Fund resulting from a frequency band relocation agreement involving the Maryland Institute for Emergency Medical Services Systems.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 3-412 of the Finance and Procurement Article of the Annotated Code of Maryland be repealed.”;

and in line 5, strike “2.” and substitute “4.”.