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**By: The President (Administration)**

Introduced and read first time: January 22, 1996

Rule 32(d) suspended

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Information Technology Investment Fund**

3 FOR the purpose of creating the Information Technology Investment Fund within the  
4 Department of Budget and Fiscal Planning; consolidating the Information  
5 Processing Equipment Replacement Fund into the Information Technology  
6 Investment Fund; requiring certain moneys to be credited to the Fund under certain  
7 conditions; requiring that certain savings and revenues be distributed to certain  
8 agencies and the General Fund under certain conditions; providing that the Chief of  
9 Information Technology shall administer the Fund; authorizing the Chief of  
10 Information Technology to accept certain gifts, contributions, and grants under  
11 certain circumstances; requiring that expenditures from the Fund be made in  
12 accordance with certain procedures; authorizing the Fund to be used for certain  
13 purposes; defining certain terms; requiring the Chief of Information Technology to  
14 make a certain report; requiring the Department of Transportation to establish an  
15 information technology investment program and account for certain resources;  
16 requiring the Department to coordinate the expenditure of certain moneys with the  
17 Chief of Information Technology and the State Information Technology Board; and  
18 generally relating to the Information Technology Investment Fund.

19 BY repealing and reenacting, with amendments,  
20 Article - State Finance and Procurement  
21 Section 3-412(a)(3) and 7-316  
22 Annotated Code of Maryland  
23 (1995 Replacement Volume and 1995 Supplement)

24 BY adding to  
25 Article - Transportation  
26 Section 2-111  
27 Annotated Code of Maryland  
28 (1993 Replacement Volume and 1995 Supplement)

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

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1 **Article - State Finance and Procurement**

2 3-412.

3 (a) (3) "Fund" means the Information [Processing Equipment Replacement]  
4 TECHNOLOGY INVESTMENT Fund.

5 7-316.

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

8 (2) "CHIEF OF INFORMATION TECHNOLOGY" MEANS THE CHIEF OF  
9 INFORMATION TECHNOLOGY WITHIN THE DEPARTMENT OF BUDGET AND FISCAL  
10 PLANNING.

11 (3) "FUND" MEANS THE INFORMATION TECHNOLOGY INVESTMENT  
12 FUND.

13 (4) "INFORMATION TECHNOLOGY" HAS THE MEANING PROVIDED IN §  
14 3-402 OF THIS ARTICLE.

15 (5) "RESOURCE SHARING" MEANS THE UTILIZATION OF A STATE  
16 RESOURCE BY PRIVATE INDUSTRY IN EXCHANGE FOR THE PROVISION OF A  
17 COMMUNICATION SERVICE, OR OTHER CONSIDERATION, TO THE STATE.

18 (6) "SECRETARY" MEANS THE SECRETARY OF BUDGET AND FISCAL  
19 PLANNING.

20 [(a)] (B) There is an Information [Processing Equipment Replacement]  
21 TECHNOLOGY INVESTMENT Fund.

22 [(b)] (C) The Fund is established to [provide a fund to finance the purchase of  
23 information processing equipment for units of the Executive Branch of State  
24 government] ENCOURAGE STATE AGENCIES TO BE MORE EFFECTIVE IN THEIR USE  
25 OF INFORMATION TECHNOLOGY AND TO FUND INFORMATION TECHNOLOGY  
26 INITIATIVES AS PROVIDED IN SUBSECTION (I) OF THIS SECTION.

27 [(c)] (D) The Fund is a continuing, nonlapsing special fund that is not subject to  
28 § 7-302 of this subtitle.

29 [(d)] (E) [The] EXCEPT AS PROVIDED IN SUBSECTIONS (F) AND (G) OF THIS  
30 SECTION, THE Fund consists of:

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

32 (2) all moneys paid into the Fund as provided in [§ 3-406] § 3-412 of this  
33 article; [and]

34 (3) all moneys received upon disposition of information processing  
35 equipment [purchased from the fund.] OWNED BY THE STATE;

36 (4) SUBJECT TO THE DETERMINATION OF THE CHIEF OF INFORMATION  
37 TECHNOLOGY, MONEYS RECEIVED FROM THE SALE, LEASE OR EXCHANGE,

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1 INCLUDING RESOURCE SHARING, OF INFORMATION TECHNOLOGY RESOURCES,  
2 INCLUDING:

3 (I) EQUIPMENT;

4 (II) SERVICES;

5 (III) DATA, INCLUDING GEOGRAPHIC INFORMATION SYSTEM DATA;

6 (IV) COMMUNICATION SITES; AND

7 (V) COMMUNICATION FREQUENCIES;

8 (5) FUNDS REALIZED AFTER JULY 1, 1996 FROM SAVINGS ASSOCIATED  
9 WITH INFORMATION TECHNOLOGY CONTRACTS;

10 (6) MONEYS RECEIVED IN REVENUES, COMMISSIONS, DISCOUNTS,  
11 REBATES, OR REFUNDS FROM INFORMATION TECHNOLOGY SERVICES OR  
12 PURCHASES;

13 (7) EXCEPT AS OTHERWISE PROVIDED IN LAW, COMMISSIONS  
14 RECEIVED FROM PAY PHONES LOCATED ON STATE-OWNED PROPERTY; AND

15 (8) ALL MONEYS RECEIVED AND ACCEPTED AS GIFTS, CONTRIBUTIONS,  
16 OR GRANTS UNDER SUBSECTION (I) OF THIS SECTION.

17 (F) (1) MONEYS RECEIVED UNDER SUBSECTION (E)(4) THROUGH (6) OF  
18 THIS SECTION SHALL BE DISTRIBUTED AS FOLLOWS:

19 (I) FOR SAVINGS OR REVENUES GENERATED AT THE INITIATION  
20 OF OR OTHERWISE WITH THE SUBSTANTIAL PARTICIPATION OF A STATE AGENCY:

21 1. ONE-THIRD TO THE AGENCY;

22 2. ONE-THIRD TO THE FUND; AND

23 3. ONE-THIRD TO THE GENERAL FUND; AND

24 (II) FOR ALL OTHER SAVINGS OR REVENUES GENERATED:

25 1. TWO-THIRDS TO THE FUND; AND

26 2. ONE-THIRD TO THE GENERAL FUND.

27 (2) SUBJECT TO THE APPROVAL OF THE SECRETARY, THE CHIEF OF  
28 INFORMATION TECHNOLOGY SHALL DETERMINE WHETHER AN AGENCY IS  
29 ELIGIBLE TO RECEIVE FUNDS UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

30 (G) THE FUND MAY NOT CONSIST OF ANY MONEYS RECEIVED BY THE  
31 DEPARTMENT OF TRANSPORTATION OR THE MARYLAND TRANSPORTATION  
32 AUTHORITY.

33 [(e)] (H) (1) The State Treasurer shall hold and the State Comptroller shall  
34 account for the Fund.

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1 (2) The Fund shall be invested and reinvested in the same manner as other  
2 State funds.

3 (3) Investment earnings shall accrue to the credit of the [General] Fund.

4 (I) THE CHIEF OF INFORMATION TECHNOLOGY SHALL ADMINISTER THE  
5 FUND IN ACCORDANCE WITH THIS SECTION AND MAY RECEIVE AND ACCEPT FROM  
6 ANY SOURCE, CONTRIBUTIONS, GRANTS, OR GIFTS OF MONEY OR PROPERTY IN  
7 ACCORDANCE WITH § 2-201 OF THIS ARTICLE.

8 [(f)] (J) Expenditures from the Fund shall be made only in accordance with an  
9 appropriation approved by the General Assembly in the annual State budget OR  
10 THROUGH AN APPROVED BUDGET AMENDMENT UNDER PART II OF SUBTITLE 2 OF  
11 THIS TITLE.

12 (K) UPON THE RECOMMENDATION OF THE INFORMATION TECHNOLOGY  
13 BOARD AND SUBJECT TO SUBSECTION (J) OF THIS SECTION, THE FUND SHALL BE  
14 USED FOR:

15 (1) EDUCATIONALLY RELATED INFORMATION TECHNOLOGY  
16 PROJECTS;

17 (2) STATE INFORMATION TECHNOLOGY PROJECTS, INCLUDING:

18 (I) PILOTS;

19 (II) PROTOTYPES;

20 (III) KIOSK SYSTEMS;

21 (IV) GRAPHICAL USER INTERFACE FOR CITIZEN ACCESS TO  
22 GOVERNMENTAL SERVICES;

23 (V) DOCUMENT IMAGING SYSTEMS;

24 (VI) STATE AND CAMPUSWIDE NETWORKS; AND

25 (VII) THE MARYLAND ELECTRONIC CAPITAL; AND

26 (3) THE COST INCURRED IN ADMINISTERING THE FUND.

27 (L) THE CHIEF OF INFORMATION TECHNOLOGY SHALL REPORT TO THE  
28 GOVERNOR AND, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO  
29 THE GENERAL ASSEMBLY BY OCTOBER 1 OF EACH YEAR. THE REPORT SHALL  
30 INCLUDE THE FINANCIAL STATUS OF THE FUND AND A SUMMARY OF ITS  
31 OPERATIONS FOR THE PRECEDING FISCAL YEAR.

32 **Article - Transportation**

33 2-111.

34 (A) THE DEPARTMENT SHALL ESTABLISH AN INFORMATION TECHNOLOGY  
35 INVESTMENT PROGRAM AND ACCOUNT FOR INFORMATION  
36 TECHNOLOGY-RELATED RESOURCES WITHIN THE TRANSPORTATION TRUST FUND.

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1 (B) THE DEPARTMENT SHALL COORDINATE INFORMATION TECHNOLOGY  
2 EXPENDITURES, AS APPROPRIATE, WITH THE CHIEF OF INFORMATION  
3 TECHNOLOGY OF THE DEPARTMENT OF BUDGET AND FISCAL PLANNING AND THE  
4 STATE INFORMATION TECHNOLOGY BOARD.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 July 1, 1996.