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By: **Delegate Morgan**

Introduced and read first time: February 5, 1998

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Information Technology Reform Act**

3 FOR the purpose of authorizing the Secretary of Budget and Fiscal Planning to  
4 review and implement information technology projects and systems of each unit  
5 of the Executive Branch of the State government, including those of the  
6 Comptroller; authorizing the Secretary to plan long-term information  
7 technology objectives for a certain purpose; requiring the Secretary to develop a  
8 statewide information technology master plan that is consistent with certain  
9 objectives and to perform certain other duties; requiring each unit in the  
10 Executive Branch annually to submit a certain information technology needs  
11 assessment to the Secretary; requiring the Secretary to include a certain  
12 discretionary amount in the annual budget of the Secretary for a certain  
13 purpose; prohibiting a unit in the Executive Branch from purchasing, leasing, or  
14 renting information technology unless the Secretary approves; requiring the  
15 approval of the Secretary to implement certain information technology projects;  
16 repealing certain authority and duties of units in the Executive Branch of State  
17 government; requiring the Secretary of Budget and Management to establish a  
18 technical track for information technology professionals within the State  
19 Personnel Management System for a certain purpose; providing the basis upon  
20 which certain individuals shall be compensated in the new Technical Track; and  
21 generally relating to information technology and information technology  
22 personnel.

23 BY repealing and reenacting, without amendments,  
24 Article - State Finance and Procurement  
25 Section 3-101(a) and (c) and 3-401  
26 Annotated Code of Maryland  
27 (1995 Replacement Volume and 1997 Supplement)

28 BY repealing  
29 Article - State Finance and Procurement  
30 Section 3-404  
31 Annotated Code of Maryland  
32 (1995 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - State Finance and Procurement  
3 Section 3-402, 3-403, and 3-405  
4 Annotated Code of Maryland  
5 (1995 Replacement Volume and 1997 Supplement)

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

8 **Article - State Finance and Procurement**

9 3-101.

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

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

12 3-401.

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

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

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

19 (3) the Maryland Port Administration.

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

24 3-402.

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

26 (b) "Board" means the Information Technology Board.

27 (c) "Chief" means the Chief of Information Technology.

28 (d) "Information technology" means all electronic information processing  
29 hardware and software, including:

30 (1) maintenance;

31 (2) telecommunications; and

1 (3) associated consulting services.

2 (e) "Telecommunications" has the meaning provided in § 3-701 of this article.

3 [(f) "Resource sharing" means the utilization of a State resource by private  
4 industry in exchange for the provision to the State of a communication service or  
5 other consideration.]

6 3-403.

7 (a) The Secretary is responsible for:

8 (1) developing, maintaining, revising, and enforcing information  
9 technology policies and standards;

10 (2) REVIEWING AND IMPLEMENTING ALL INFORMATION TECHNOLOGY  
11 PROJECTS AND SYSTEMS BY EACH UNIT OF THE EXECUTIVE BRANCH OF THE STATE  
12 GOVERNMENT, INCLUDING THOSE PROJECTS AND SYSTEMS REQUIRED BY THE  
13 COMPTROLLER; AND

14 (3) PLANNING LONG-TERM INFORMATION TECHNOLOGY OBJECTIVES  
15 TO DELIVER STATE SERVICES MORE EFFICIENTLY AND TO STREAMLINE  
16 UNNECESSARY STRUCTURES.

17 (b) The Secretary shall:

18 (1) develop a statewide information technology master plan THAT IS  
19 CONSISTENT WITH SUBSECTION (A) OF THIS SECTION;

20 (2) INCLUDE ALL INFORMATION TECHNOLOGY PROJECTS AND SYSTEMS  
21 IN A SINGLE BUDGET UNDER THE CHIEF;

22 (3) ON A STATEWIDE BASIS FOR UNITS IN THE EXECUTIVE BRANCH OF  
23 THE STATE GOVERNMENT THAT ARE SUBJECT TO THIS TITLE:

24 (I) PROCURE ALL INFORMATION TECHNOLOGY THAT THE  
25 SECRETARY APPROVES FROM THE INFORMATION TECHNOLOGY NEEDS  
26 ASSESSMENTS SUBMITTED BY EACH UNIT TO THE SECRETARY;

27 (II) CENTRALIZE DATABASE MANAGEMENT AND NETWORK  
28 MANAGEMENT TO REDUCE OVERALL COSTS;

29 (III) STANDARDIZE DATA FORMATS;

30 (IV) MAINTAIN DATA SECURITY;

31 (V) PROVIDE GENERALLY FOR INFORMATION TECHNOLOGY  
32 MANAGEMENT WITHIN THE STATE GOVERNMENT; AND

33 (VI) PROVIDE UNDER THE CHIEF PERSONNEL NECESSARY TO  
34 IMPLEMENT THIS SUBTITLE.

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

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

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

15 (E) (1) ANNUALLY EACH UNIT OF THE EXECUTIVE BRANCH OF THE STATE  
16 GOVERNMENT SHALL SUBMIT AN INFORMATION TECHNOLOGY NEEDS ASSESSMENT  
17 TO THE SECRETARY THAT:

18 (I) INCLUDES ALL THE REQUIREMENTS AND JUSTIFICATIONS THE  
19 UNIT FINDS NECESSARY TO CARRY OUT ITS FUNCTIONS; AND

20 (II) TO THE GREATEST EXTENT PRACTICABLE, IS CONSISTENT  
21 WITH THE LONG-TERM PLANNING OF THE SECRETARY UNDER § 3-403(A)(3) OF THIS  
22 SUBTITLE.

23 (2) THE SECRETARY SHALL INCLUDE IN THE ANNUAL BUDGET OF THE  
24 SECRETARY AN AMOUNT THE SECRETARY DETERMINES TO BE NECESSARY TO  
25 PROCURE THE INFORMATION TECHNOLOGY SPECIFIED IN THE NEEDS ASSESSMENT  
26 SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

29 [3-404.

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

32 3-405.

33 (a) A unit of the Executive Branch of the State government may not purchase,  
34 lease, or rent information technology unless [consistent with the statewide  
35 information technology master plan] THE SECRETARY APPROVES UNDER  
36 SUBSECTION (B)(II) OF THIS SECTION.

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

- 1           (2)     Any information technology project selected for review:
- 2                   (I)     may not be implemented without the Secretary's approval; AND
- 3                   (II)    UNLESS OTHERWISE DETERMINED BY THE SECRETARY, MAY
- 4 ONLY BE IMPLEMENTED BY THE SECRETARY.

5     (c)     [(1)     A unit of government in the Executive Branch of State government

6 shall advise the Chief of any information technology proposal involving resource

7 sharing, the exchange of goods or services, or a gift, contribution, or grant of real or

8 personal property.

9           (2)     The chief shall determine if the value of the resources, services, and

10 property to be obtained by the State under the terms of any proposal submitted in

11 accordance with the provisions of paragraph (1) of this subsection equals or exceeds

12 \$100,000.

13           (3)] (1) If the value of any proposal submitted in accordance with this

14 subsection equals or exceeds \$100,000 and the Secretary [and unit agree to proceed]

15 PROCEEDS with the proposal, information on the proposal shall be:

16                   (i)     advertised for a period of at least 30 days in the "Contract

17 Weekly", as published by the Office of the Secretary of State; and

18                   (ii)    submitted, simultaneously with the advertisement, to the

19 Legislative Policy Committee for a 60-day review and comment period, during which

20 time the Committee may recommend that the proposal be treated as a procurement

21 contract under Division II of this article.

22           [(4)] (2) Following the period for review and comment by the Legislative

23 Policy Committee under paragraph [(3)] (1)(II) of this subsection, the proposal is

24 subject to approval by the Board of Public Works.

25           [(5)] (3) This subsection may not be construed as authorizing an

26 exception from the requirements of Division II of this article for any contract that

27 otherwise would be subject to the State procurement process.

28     SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Budget

29 and Management shall:

30           (1)     establish a new Technical Track within the State Personnel

31 Management System to attract information technology professionals into State

32 government on a competitive basis with private industry; and

33           (2)     establish a level of compensation for individuals in the new Technical

34 Track that is based on:

35                   (i)     the educational background, professional experience, and

36 supervisor evaluations of the individual;

1 (ii) relevant competitive salaries offered by private sector  
2 employers; and

3 (iii) the overall need of the Secretary of Budget and Fiscal Planning  
4 for information technology professionals.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1998.