

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 684

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “- Commission” and substitute “Board - Membership and Duties”; and strike beginning with “establishing” in line 3 down through “Technology” in line 9 and substitute “altering the membership and duties of the Information Technology Board; and generally relating to the Information Technology Board”.

On page 1, after line 9, insert:

“BY repealing and reenacting, without amendments,

Article - State Finance and Procurement

Section 3-406

Annotated Code of Maryland

(1995 Replacement Volume and 1998 Supplement)”;

in line 10, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 12, strike “3-707” and substitute “3-407 and 3-409”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 23 on page 2 through line 15 on page 5 and substitute:

“3-406.

There is a State Information Technology Board.

3-407.

(Over)

(a) (1) The Board consists of [22] 35 members.

(2) Of the members of the Board:

(i) 14 shall be the Secretary or the Secretary's designee of the following departments or agencies, who serve as ex officio members:

1. the Department of Budget and Management;
2. the Department of General Services;
3. the Comptroller of the Treasury;
4. the Department of Human Resources;
5. the University System of Maryland;
6. the Maryland Higher Education Commission;
7. the Maryland Public Broadcasting Commission;
8. the Department of Public Safety and Correctional Services;
9. the Department of Health and Mental Hygiene;
10. the Department of Transportation;
11. the Department of Business and Economic Development;
12. the Maryland State Department of Education;
13. the Maryland Office of Planning; and
14. the Department of State Police;

(II) ONE SHALL BE THE ASSISTANT SUPERINTENDENT FOR LIBRARIES, OR THE ASSISTANT SUPERINTENDENT'S DESIGNEE, OF THE DIVISION OF

LIBRARY DEVELOPMENT AND SERVICES WITHIN THE MARYLAND STATE DEPARTMENT OF EDUCATION, WHO SERVES AS AN EX OFFICIO MEMBER;

(III) THREE SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(IV) THREE SHALL BE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(V) ONE SHALL BE A REPRESENTATIVE OF THE JUDICIAL BRANCH, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;

[(ii) seven shall be members of the public with significant information technology experience; and

(iii)] (VI) one shall be a representative of the Maryland Association of Community Colleges; AND

(VII) TWELVE SHALL BE MEMBERS OF THE PUBLIC, APPOINTED BY THE GOVERNOR, WITH SIGNIFICANT INFORMATION TECHNOLOGY EXPERIENCE, INCLUDING:

1. A REPRESENTATIVE FROM PRIVATE INDUSTRY WHO REPRESENTS INTERNET SERVICE PROVIDERS;

2. FOUR INDIVIDUALS FROM PRIVATE INDUSTRY WHO REPRESENT BUSINESSES, OTHER THAN INTERNET SERVICE PROVIDERS, THAT ENGAGE IN INTERNET COMMERCE OR OTHER RETAIL OR FINANCIAL SERVICES ACTIVITIES;

3. TWO INDIVIDUALS WHO ARE REPRESENTATIVES FROM THE HEALTH CARE INDUSTRY;

4. A REPRESENTATIVE OF A PUBLIC LIBRARY; AND

5. FOUR INDIVIDUALS WHO ARE INTERNET USERS AND CONSUMERS.

(b) The Governor shall appoint the public members with the advice and consent of the Senate.

(c) The term of a public member is 3 years and until a successor is appointed by the Governor.

(d) Public members may be reappointed, but may not serve more than two consecutive terms.

(e) The terms of the public members are staggered, as required by the terms provided for members of the Board on July 1, 1994.

(f) A public member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(g) The Governor may remove any member for incompetence or misconduct.

3-409.

(A) In addition to any other powers granted and duties imposed by law, and subject to any restrictions imposed by law, the Board has the following powers and duties:

(1) providing advice and counsel to the Chief in the development of the information technology master plan; [and]

(2) STUDYING EXISTING AND EMERGING INTERNET AND INFORMATION TECHNOLOGY;

(3) DEVELOPING STANDARDS AND MAKING RECOMMENDATIONS CONCERNING INTERNET-BASED COMMERCE, INCLUDING:

- (I) ADVERTISING ON THE INTERNET;
 - (II) BANKING TRANSACTIONS ON THE INTERNET;
 - (III) BUSINESS TRANSACTIONS ON THE INTERNET;
 - (IV) TAXATION OF INTERNET-BASED COMMERCE; AND
 - (V) TAXATION OF INTERNET SERVICES;
- (4) DEVELOPING STANDARDS AND MAKING RECOMMENDATIONS CONCERNING INTERNET USER PRIVACY, INCLUDING:
- (I) THE AVAILABILITY OF PERSONAL INFORMATION ON THE INTERNET;
 - (II) THE USE OF UNSOLICITED BULK E-MAIL;
 - (III) THE USE OF ENCRYPTION TECHNOLOGY; AND
 - (IV) THE USE OF FILTERS TO SCREEN OUT OBSCENE OR OBJECTIONABLE MATERIAL;
- (5) MAKING RECOMMENDATIONS CONCERNING INTERNET-BASED CRIME, INCLUDING:
- (I) ON-LINE FRAUD;
 - (II) ON-LINE PORNOGRAPHY; AND
 - (III) ON-LINE DEFAMATION;

(6) MAKING RECOMMENDATIONS CONCERNING THE USE OF THE INTERNET IN THE HEALTH CARE INDUSTRY, INCLUDING:

(I) THE USE OF AN ON-LINE DATABASE FOR PATIENT MEDICAL HISTORY; AND

(II) PROCESSING PAYMENT AND INSURANCE TRANSACTIONS ON-LINE; AND

[(2)] (7) providing advice and counsel to the Chief on such other matters as the Chief may request.

(B) (1) THE BOARD SHALL CREATE AN ANNUAL REPORT DETAILING ITS ACTIVITIES AND FINDINGS.

(2) THE BOARD SHALL PRESENT ITS ANNUAL REPORT TO THE”.