

SENATE BILL 198

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2000 Regular Session
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By: **The President (Administration) and Senators Miller and Hogan**
Introduced and read first time: January 24, 2000
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 3, 2000

CHAPTER _____

1 AN ACT concerning

2 **State Information Technology Board - Membership and Duties**

3 FOR the purpose of altering the membership and duties of the State Information
4 Technology Board; clarifying the appointment and term of certain members;
5 providing for the removal of any member of the Board under certain
6 circumstances; specifying the terms of certain additional members of the Board;
7 and generally relating to the State Information Technology Board.

8 BY repealing and reenacting, without amendments,
9 Article - State Finance and Procurement
10 Section 3-406 and 3-408
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - State Finance and Procurement
15 Section 3-407 and 3-409
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1999 Supplement)

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

1 **Article - State Finance and Procurement**

2 3-406.

3 There is a State Information Technology Board.

4 3-407.

5 (a) (1) The Board consists of [25] ~~29~~ 34 members.

6 (2) Of the members of the Board:

7 (i) [14] ~~12~~ 13 shall be the Secretary or the Secretary's designee of
8 the following departments or agencies, who serve as ex officio members:

9 1. the Department of Budget and Management;

10 2. the Department of General Services;

11 3. the Comptroller of the Treasury;

12 4. the Department of Human Resources;

13 5. the University System of Maryland;

14 6. the Maryland Higher Education Commission;

15 [7. the Maryland Public Broadcasting Commission;]

16 [8.] 7. the Department of Public Safety and Correctional
17 Services;

18 [9.] 8. the Department of Health and Mental Hygiene;

19 [10.] 9. the Department of Transportation;

20 [11. the Department of Business and Economic Development;

21 12.] 10. the Maryland State Department of Education;

22 [13.] 11. the Maryland Office of Planning; ~~and~~23 [14.] 12. the Department of State Police; AND24 13. THE DEPARTMENT OF BUSINESS AND ECONOMIC
25 DEVELOPMENT;26 (ii) [seven] SIX shall be members of the public with significant
27 information technology experience;28 (iii) one shall be a representative of the Maryland Association of
29 Community Colleges, APPOINTED BY THE GOVERNOR;

1 (iv) ~~one~~ TWO shall be ~~a member~~ MEMBERS of the Senate of
2 Maryland, appointed by the President of the Senate;

3 (v) ~~one~~ TWO shall be ~~a member~~ MEMBERS of the Maryland House of
4 Delegates, appointed by the Speaker of the House; [and]

5 (vi) one shall be a representative of the Judicial Branch, appointed
6 by the Chief Judge of the Court of Appeals;

7 (VII) ONE SHALL BE A REPRESENTATIVE OF STATE GOVERNMENT
8 APPOINTED BY THE GOVERNOR;

9 (VIII) ONE SHALL BE THE EXECUTIVE DIRECTOR, OR THE DESIGNEE
10 OF THE EXECUTIVE DIRECTOR, OF THE MARYLAND SCIENCE, ENGINEERING, AND
11 TECHNOLOGY DEVELOPMENT CORPORATION; AND

12 (IX) FIVE SHALL BE REPRESENTATIVES FROM INFORMATION
13 TECHNOLOGY COMPANIES OR ASSOCIATIONS WITH EXPERTISE IN INFORMATION
14 TECHNOLOGY OR ELECTRONIC COMMERCE, APPOINTED BY THE GOVERNOR;

15 (X) ONE SHALL BE A REPRESENTATIVE OF THE MARYLAND
16 INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION, APPOINTED BY THE
17 GOVERNOR; AND

18 (XI) ONE SHALL BE A REPRESENTATIVE OF THE MARYLAND
19 ASSOCIATION OF PUBLIC LIBRARY ADMINISTRATORS, APPOINTED BY THE
20 GOVERNOR.

21 (b) The Governor shall appoint the [public] members SPECIFIED IN
22 SUBSECTION (A)(2)(II) ~~AND~~, (IX), (X), AND (XI) OF THIS SECTION with the advice and
23 consent of the Senate.

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

26 (d) ~~Public members~~ MEMBERS APPOINTED BY THE GOVERNOR may be
27 reappointed, but may not serve more than two consecutive terms.

28 (e) The terms of the ~~public~~ members APPOINTED BY THE GOVERNOR are
29 staggered, as required by the terms provided for members of the Board on July 1,
30 1994 AND JUNE 1, 2000.

31 (f) A ~~public~~ member APPOINTED BY THE GOVERNOR who is appointed after a
32 term has begun serves only for the rest of the term and until a successor is appointed
33 and qualifies.

34 (g) The Governor may remove any member for incompetence ~~or~~, misconduct,
35 OR THE FAILURE TO ATTEND MEETINGS.

1 3-408.

2 (a) The Governor shall appoint the Chairperson of the Board.

3 (b) The Chairperson may appoint subcommittees as necessary to carry out the
4 responsibilities of the Board.

5 3-409.

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

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

11 (2) studying existing and emerging Internet and information technology;

12 (3) developing standards and making recommendations concerning
13 Internet-based commerce, including:

14 (i) advertising on the Internet;

15 (ii) banking transactions on the Internet;

16 (iii) business transactions on the Internet;

17 (iv) taxation of Internet-based commerce; and

18 (v) taxation of Internet services;

19 (4) developing standards and making recommendations concerning
20 Internet user privacy, including:

21 (i) the availability of personal information on the Internet;

22 (ii) the use of unsolicited bulk e-mail;

23 (iii) the use of encryption technology; and

24 (iv) the use of filters to screen out obscene or objectionable material;

25 (5) making recommendations concerning Internet-based crime,
26 including:

27 (i) on-line fraud;

28 (ii) on-line pornography; and

29 (iii) on-line defamation;

1 (6) making recommendations concerning the use of the Internet in the
2 health care industry, including:

3 (i) the use of an on-line database for patient medical history; and

4 (ii) processing payment and insurance transactions on-line; [and]

5 (7) MAKING RECOMMENDATIONS CONCERNING THE DEPLOYMENT OF
6 INTERNET-BASED APPLICATIONS AND SERVICES FOR STATE GOVERNMENT AND
7 EDUCATIONAL INSTITUTIONS; AND

8 (8) providing advice and counsel to the Chief on such other matters as
9 the Chief may request.

10 (b) (1) The Board shall create an annual report detailing its activities and
11 findings.

12 (2) The Board shall present its annual report to the Governor and,
13 subject to § 2-1246 of the State Government Article, to the General Assembly.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
15 additional members of the State Information Technology Board appointed by the
16 Governor under this Act shall expire as follows:

17 (1) 2 members in 2001;

18 (2) 3 members in 2002; and

19 (3) 3 members in 2003.

20 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
21 effect June 1, 2000.