
By: **Senators Teitelbaum, Della, Exum, Forehand, Kelley, and Munson**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Department of Technology - Creation and Duties**

3 FOR the purpose of creating the Department of Technology as a principal department
4 of State government; creating the office of Secretary of Technology; specifying
5 the duties and powers of the Secretary of Technology; changing the composition
6 of the membership of the State Information Technology Board; requiring the
7 Secretary to submit a certain annual report; repealing certain provisions
8 relating to the Chief of Information Technology in the Department of Budget
9 and Management; defining certain terms; and generally relating to the creation
10 of the Department of Technology.

11 BY transferring

12 Article - State Finance and Procurement
13 Section 3-406 through 3-409, 3-411, and 3-412, respectively
14 Annotated Code of Maryland
15 (2001 Replacement Volume)
16 to be
17 Article - State Government
18 Section 20-108 through 20-113, respectively
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2001 Supplement)

21 BY adding to

22 Article - State Government
23 Section 20-101 through 20-107, inclusive, to be under the new title "Title
24 20. Technology"
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2001 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article - State Government
29 Section 20-108 and 20-110

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2001 Supplement)
3 (As enacted by Section 1 of this Act)

4 BY repealing and reenacting, with amendments,
5 Article - State Government
6 Section 20-109, 20-111, 20-112, and 20-113
7 Annotated Code of Maryland
8 (1999 Replacement Volume and 2001 Supplement)
9 (As enacted by Section 1 of this Act)

10 BY repealing
11 Article - State Finance and Procurement
12 Section 3-410 and 3-413
13 Annotated Code of Maryland
14 (2001 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That Section(s) 3-406 through 3-409, 3-411, and 3-412, respectively, of
17 Article - State Finance and Procurement of the Annotated Code of Maryland be
18 transferred to be Section(s) 20-108 through 20-113, respectively, of Article - State
19 Government of the Annotated Code of Maryland.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
21 read as follows:

22 **Article - State Government**

23 **TITLE 10. TECHNOLOGY.**

24 20-101.

25 (A) IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

26 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF TECHNOLOGY.

27 (C) "INFORMATION TECHNOLOGY" INCLUDES:

28 (1) TELECOMMUNICATIONS;

29 (2) AUTOMATED DATA PROCESSING;

30 (3) WORD PROCESSING;

31 (4) THE GLOBAL INFORMATION SYSTEM KNOWN AS THE INTERNET;

32 (5) MANAGEMENT INFORMATION SYSTEMS; AND

1 (6) RELATED INFORMATION, EQUIPMENT, GOODS, AND SERVICES.

2 (D) "SECRETARY" MEANS THE SECRETARY OF TECHNOLOGY.

3 20-102.

4 THERE IS A DEPARTMENT OF TECHNOLOGY, ESTABLISHED AS A PRINCIPAL
5 DEPARTMENT OF STATE GOVERNMENT.

6 20-103.

7 (A) THE HEAD OF THE DEPARTMENT OF TECHNOLOGY IS THE SECRETARY OF
8 TECHNOLOGY, WHO SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE
9 AND CONSENT OF THE SENATE.

10 (B) THE SECRETARY:

11 (1) SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED BY THE
12 GOVERNOR;

13 (2) IS ENTITLED THE SALARY PROVIDED IN THE STATE BUDGET; AND

14 (3) SHALL DEVOTE FULL TIME TO THE DUTIES ASSIGNED TO THE
15 SECRETARY.

16 20-104.

17 THE SECRETARY SHALL EMPLOY A STAFF AND ENGAGE OTHER STAFF AND
18 CONSULTANT SERVICES AS MAY BE REQUIRED TO PERFORM THE POWERS AND
19 DUTIES CONFERRED UPON THE SECRETARY BY STATUTE OR EXECUTIVE ORDER IN
20 ACCORDANCE WITH THE STATE BUDGET.

21 20-105.

22 THE SECRETARY SHALL:

23 (1) DIRECT THE FORMULATION OF A COMPREHENSIVE TECHNOLOGY
24 PROGRAM BUDGET;

25 (2) HOLD AGENCY HEADS ACCOUNTABLE FOR THEIR ADMINISTRATIVE,
26 FISCAL, AND PROGRAM ACTIONS IN THE CONDUCT OF THE RESPECTIVE
27 INFORMATION TECHNOLOGY POWERS AND DUTIES OF THE AGENCIES;

28 (3) DIRECT THE DEVELOPMENT, MAINTENANCE, AND ENFORCEMENT
29 OF STATEWIDE INFORMATION TECHNOLOGY STANDARDS, POLICIES, AND
30 PROCEDURES;

31 (4) MONITOR TRENDS AND ADVANCES IN FUNDAMENTAL
32 TECHNOLOGIES OF INTEREST AND IMPORTANCE TO THE ECONOMY OF MARYLAND;

1 (5) DIRECT AND APPROVE A STAKEHOLDER-DRIVEN TECHNOLOGY
2 STRATEGY DEVELOPMENT PROCESS FOR A COMPREHENSIVE AND COORDINATED
3 VIEW OF RESEARCH AND DEVELOPMENT GOALS FOR INDUSTRY, ACADEMIA, AND
4 GOVERNMENT;

5 (6) WORK CLOSELY WITH THE APPROPRIATE FEDERAL RESEARCH AND
6 DEVELOPMENT AGENCIES TO MAXIMIZE THE PARTICIPATION OF THE STATE'S
7 INDUSTRIES AND UNIVERSITIES;

8 (7) DIRECT THE DEVELOPMENT PLANS AND PROGRAMS FOR
9 STRENGTHENING THE TECHNOLOGY RESOURCES OF MARYLAND'S HIGH
10 TECHNOLOGY INDUSTRY SECTORS AND ASSIST IN THE STRENGTHENING AND
11 DEVELOPMENT OF THE STATE'S REGIONAL TECHNOLOGY COUNCILS;

12 (8) DIRECT THE DEVELOPMENT OF PLANS AND PROGRAMS FOR
13 IMPROVING ACCESS TO CAPITAL FOR TECHNOLOGY-BASED ENTREPRENEURS;

14 (9) REVIEW MAJOR INFORMATION TECHNOLOGY PROJECTS FOR
15 CONSISTENCY WITH STATEWIDE PLANS, POLICIES, AND STANDARDS;

16 (10) REVIEW EACH UNIT'S ANNUAL PROJECT PLAN TO MAKE
17 INFORMATION AND SERVICES AVAILABLE TO THE PUBLIC OVER THE INTERNET; AND

18 (11) DEVELOP AND MAINTAIN A STATEWIDE INFORMATION TECHNOLOGY
19 MASTER PLAN THAT WILL:

20 (I) BE THE BASIS FOR THE MANAGEMENT AND DIRECTION OF
21 INFORMATION TECHNOLOGY WITHIN THE EXECUTIVE BRANCH OF STATE
22 GOVERNMENT;

23 (II) INCLUDE ALL ASPECTS OF STATE INFORMATION TECHNOLOGY
24 INCLUDING TELECOMMUNICATIONS, DATA PROCESSING, AND INFORMATION
25 MANAGEMENT;

26 (III) CONSIDER INTERSTATE TRANSFERS RESULTING FROM
27 FEDERAL LEGISLATION AND REGULATION;

28 (IV) ENSURE THAT INFORMATION TECHNOLOGY PLANS AND
29 BUDGET APPROPRIATIONS OF UNITS OF STATE GOVERNMENT ARE CONSISTENT;

30 (V) ENSURE THAT STATE INFORMATION TECHNOLOGY PLANS,
31 POLICIES, AND STANDARDS ARE CONSISTENT WITH STATE GOALS, OBJECTIVES, AND
32 RESOURCES, AND REPRESENT A LONG-RANGE VISION FOR USING INFORMATION
33 TECHNOLOGY TO IMPROVE THE OVERALL EFFECTIVENESS OF STATE GOVERNMENT;
34 AND

35 (VI) INCLUDE STANDARDS TO ASSURE NONVISUAL ACCESS TO THE
36 INFORMATION AND SERVICES MADE AVAILABLE TO THE PUBLIC THROUGH THE
37 INTERNET.

1 20-106.

2 IN ADDITION TO OTHER POWERS PROVIDED IN THIS TITLE, THE SECRETARY
3 MAY:

4 (1) MAKE AND ENTER INTO CONTRACTS AND AGREEMENTS NECESSARY
5 TO THE PERFORMANCE OF THE DUTIES OF THE SECRETARY;

6 (2) ACCEPT GRANTS FROM THE FEDERAL GOVERNMENT AND OTHER
7 AGENCIES AND SOURCES;

8 (3) EXERCISE THE POWERS AND DUTIES IMPOSED ON OR REQUIRED BY
9 THE SECRETARY BY LAW OR BY THE GOVERNOR;

10 (4) DELEGATE THE DUTIES SET FORTH IN THIS TITLE;

11 (5) ADOPT REGULATIONS NECESSARY FOR THE PERFORMANCE OF THE
12 DUTIES OF THE DEPARTMENT; AND

13 (6) ADOPT BY REGULATION NONVISUAL ACCESS ENFORCEMENT
14 STANDARDS TO BE USED IN THE PROCUREMENT OF INFORMATION TECHNOLOGY
15 AND THE PROVISION OF INFORMATION TECHNOLOGY SERVICES BY OR ON BEHALF
16 OF UNITS OF STATE GOVERNMENT.

17 20-107.

18 SUBJECT TO § 2-1246 OF THIS ARTICLE, THE SECRETARY SHALL SUBMIT TO THE
19 GENERAL ASSEMBLY AND THE JOINT TECHNOLOGY OVERSIGHT COMMITTEE
20 ESTABLISHED UNDER CHAPTER 11 OF THE ACTS OF THE GENERAL ASSEMBLY OF
21 2000, AN ANNUAL REPORT THAT INCLUDES THE STATUS AND PROBLEMS OF
22 TECHNOLOGY PROGRAMS BEING DEVELOPED.

23 20-108.

24 There is a State Information Technology Board.

25 20-109.

26 (a) (1) The Board consists of [34] 35 members.

27 (2) Of the members of the Board:

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

30 1. the Department of Budget and Management;

31 2. the Department of General Services;

32 3. the Comptroller of the Treasury;

- 1 4. the Department of Human Resources;
- 2 5. the University System of Maryland;
- 3 6. the Maryland Higher Education Commission;
- 4 7. the Department of Public Safety and Correctional
5 Services;
- 6 8. the Department of Health and Mental Hygiene;
- 7 9. the Department of Transportation;
- 8 10. the Maryland State Department of Education;
- 9 11. the Department of Planning;
- 10 12. the Department of State Police; [and]
- 11 13. the Department of Business and Economic Development;
- 12 AND
- 13 14. THE DEPARTMENT OF TECHNOLOGY;
- 14 (ii) six shall be members of the public with significant information
15 technology experience;
- 16 (iii) one shall be a representative of the Maryland Association of
17 Community Colleges, appointed by the Governor;
- 18 (iv) two shall be members of the Senate of Maryland, appointed by
19 the President of the Senate;
- 20 (v) two shall be members of the Maryland House of Delegates,
21 appointed by the Speaker of the House;
- 22 (vi) one shall be a representative of the Judicial Branch, appointed
23 by the Chief Judge of the Court of Appeals;
- 24 (vii) one shall be a representative of State government appointed by
25 the Governor;
- 26 (viii) one shall be the Executive Director, or the designee of the
27 Executive Director, of the Maryland Technology Development Corporation;
- 28 (ix) five shall be representatives from information technology
29 companies or associations with expertise in information technology or electronic
30 commerce, appointed by the Governor;
- 31 (x) one shall be a representative of the Maryland Independent
32 College and University Association, appointed by the Governor; and

1 (xi) one shall be a representative of the Maryland Association of
2 Public Library Administrators, appointed by the Governor.

3 (b) The Governor shall appoint the members specified in subsection (a)(2)(ii),
4 (ix), (x), and (xi) of this section with the advice and consent of the Senate.

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

7 (d) Members appointed by the Governor may be reappointed, but may not
8 serve more than two consecutive terms.

9 (e) The terms of the members appointed by the Governor are staggered, as
10 required by the terms provided for members of the Board on July 1, 1994 and June 1,
11 2000.

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

15 (g) The Governor may remove any member for incompetence, misconduct, or
16 the failure to attend meetings.

17 20-110.

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

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

21 20-111.

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

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

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

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

30 (i) advertising on the Internet;

31 (ii) banking transactions on the Internet;

32 (iii) business transactions on the Internet;

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

- 1 (v) taxation of Internet services;
- 2 (4) developing standards and making recommendations concerning
3 Internet user privacy, including:
- 4 (i) the availability of personal information on the Internet;
- 5 (ii) the use of unsolicited bulk e-mail;
- 6 (iii) the use of encryption technology; and
- 7 (iv) the use of filters to screen out obscene or objectionable material;
- 8 (5) making recommendations concerning Internet-based crime,
9 including:
- 10 (i) on-line fraud;
- 11 (ii) on-line pornography; and
- 12 (iii) on-line defamation;
- 13 (6) making recommendations concerning the use of the Internet in the
14 health care industry, including:
- 15 (i) the use of an on-line database for patient medical history; and
- 16 (ii) processing payment and insurance transactions on-line;
- 17 (7) making recommendations concerning the deployment of
18 Internet-based applications and services for State government and educational
19 institutions; and
- 20 (8) providing advice and counsel to the [Chief] SECRETARY on such
21 other matters as the [Chief] SECRETARY may request.
- 22 (b) (1) The Board shall create an annual report detailing its activities and
23 findings.
- 24 (2) The Board shall present its annual report to the Governor and,
25 subject to § 2-1246 of [the State Government Article] THIS ARTICLE, to the General
26 Assembly.
- 27 20-112.
- 28 This subtitle may not be construed to give the [Chief of Information
29 Technology] SECRETARY or the Information Technology Board authority over:
- 30 (1) the content of educational applications or curriculum at the State or
31 local level; or

1 (2) which entities may participate in such educational programs.

2 20-113.

3 (a) The [Chief] SECRETARY and the Board, in consultation with other units of
4 State government, and after public comment, shall develop a nonvisual access clause
5 for use in the procurement of information technology and information technology
6 services which specifies that the technology and services:

7 (1) must provide equivalent access for effective use by both visual and
8 nonvisual means;

9 (2) will present information, including prompts used for interactive
10 communications, in formats intended for both visual and nonvisual use;

11 (3) can be integrated into networks for obtaining, retrieving, and
12 disseminating information used by individuals who are not blind or visually impaired;
13 and

14 (4) shall be obtained, whenever possible, without modification for
15 compatibility with software and hardware for nonvisual access.

16 (b) (1) Except as provided in paragraph (2) of this subsection, the nonvisual
17 access clause required under subsection (a) of this section shall be included in each
18 invitation for bids or request for proposals and in each procurement contract or
19 modification of a contract issued under Title 13 of [this article] THE STATE FINANCE
20 AND PROCUREMENT ARTICLE, without regard to the method chosen under Title 13,
21 Subtitle 1 of [this article] THE STATE FINANCE AND PROCUREMENT ARTICLE for the
22 purchase of new or upgraded information technology and information technology
23 services.

24 (2) Except as provided in subsection (a)(4) of this section, the nonvisual
25 access clause required under paragraph (1) of this subsection is not required if:

26 (i) the information technology is not available with nonvisual
27 access because the essential elements of the information technology are visual and
28 nonvisual equivalence cannot be developed; or

29 (ii) the cost of modifying the information technology for
30 compatibility with software and hardware for nonvisual access would increase the
31 price of the procurement by more than 5 percent.

32 **Article - State Finance and Procurement**

33 [3-410.

34 (a) The Chief of Information Technology is established within the Department.

35 (b) The Chief shall be appointed by the Secretary and serves at the Secretary's
36 pleasure.

1 (c) The Chief shall be provided appropriate professional and administrative
2 staff by the Secretary as provided in the budget.

3 (d) The Chief is responsible to the Secretary in carrying out the following
4 duties:

5 (1) developing, maintaining, and enforcing statewide information
6 technology standards, policies, and procedures;

7 (2) providing technical assistance, advice, and recommendations to the
8 Secretary concerning information technology matters;

9 (3) reviewing major information technology projects for consistency with
10 statewide plans, policies, and standards;

11 (4) reviewing each unit's annual project plan to make information and
12 services available to the public over the Internet;

13 (5) developing and maintaining a statewide information technology
14 master plan that will:

15 (i) be the basis for the management and direction of information
16 technology within the Executive Branch of State government;

17 (ii) include all aspects of State information technology including
18 telecommunications, data processing, and information management;

19 (iii) consider interstate transfers due to federal legislation and
20 regulation;

21 (iv) ensure that information technology plans and budgets are
22 consistent;

23 (v) ensure that State information technology plans, policies, and
24 standards are consistent with State goals, objectives, and resources, and represent a
25 long-range vision for using information technology to improve the overall
26 effectiveness of State government; and

27 (vi) include standards to assure nonvisual access to the information
28 and services made available to the public over the Internet; and

29 (6) adopting by regulation and enforcing nonvisual access standards to
30 be used in the procurement of information technology and the provision of
31 information technology services by or on behalf of units of State government.]

32 [3-413.

33 The Secretary may delegate the duties set forth in this subtitle and may adopt
34 regulations necessary to carry out its purpose.]

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2003.