

HOUSE BILL 7

P1, B1
HB 1252/07 – HGO

8lr4522
CF SB 9

By: **Delegates Miller, Aumann, Bates, Beitzel, Boteler, Dwyer, Elliott, Frank, George, Glassman, Haddaway, Jennings, Kach, King, Kipke, McComas, McConkey, McDonough, Myers, O'Donnell, Schuh, Shewell, Smigiel, Stull, and Weldon**

Introduced and read first time: October 29, 2007

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Funding Accountability and Transparency Act**

3 FOR the purpose of requiring the Department of Budget and Management to develop
4 and operate a certain website that includes certain information for certain State
5 financial assistance and expenditures; specifying certain parameters of the
6 website; authorizing the Secretary of Budget and Management to designate
7 certain agencies to participate in the development, operation, or support of the
8 website; authorizing the Secretary to determine the best and most appropriate
9 data sources for the website; defining certain terms; providing that certain
10 provisions of law may not be construed to require the disclosure of certain
11 confidential information; and generally relating to a searchable website to be
12 developed and operated by the Department of Budget and Management to
13 provide information to the public on State financial assistance and
14 expenditures.

15 BY repealing and reenacting, without amendments,
16 Article – State Finance and Procurement
17 Section 3–101
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2007 Supplement)

20 BY adding to
21 Article – State Finance and Procurement
22 Section 3–207
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Finance and Procurement**

4 3–101.

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

6 (b) “Department” means the Department of Budget and Management.

7 (c) “Secretary” means the Secretary of Budget and Management.

8 **3–207.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
10 MEANINGS INDICATED.

11 (2) (I) “ENTITY” MEANS, WHETHER FOR PROFIT OR
12 NONPROFIT, ANY:

13 1. CORPORATION, ASSOCIATION, PARTNERSHIP,
14 LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, SOLE
15 PROPRIETORSHIP, OR OTHER LEGAL BUSINESS ENTITY;

16 2. OTHER GRANTEE, CONTRACTOR,
17 SUBCONTRACTOR, OR SUBGRANTEE; OR

18 3. POLITICAL SUBDIVISION.

19 (II) “ENTITY” DOES NOT INCLUDE AN INDIVIDUAL WHO IS
20 THE RECIPIENT OF STATE OR FEDERAL ASSISTANCE PAYMENTS OR A STATE
21 EMPLOYEE WHO IS THE RECIPIENT OF STATE SALARY OR WAGES.

22 (3) (I) “STATE AWARD” MEANS ANY STATE FINANCIAL
23 ASSISTANCE OR EXPENDITURES OVER THE AMOUNT OF \$5,000, INCLUDING:

24 1. GRANTS, SUBGRANTS, LOANS, AWARDS,
25 COOPERATIVE AGREEMENTS, AND OTHER FORMS OF FINANCIAL ASSISTANCE;
26 AND

27 2. CONTRACTS, SUBCONTRACTS, PURCHASE
28 ORDERS, AND OTHER PAYMENTS.

1 (II) "STATE AWARD" DOES NOT INCLUDE FUNDS
2 TRANSFERRED FROM ONE AGENCY TO ANOTHER.

3 (4) "SEARCHABLE WEBSITE" MEANS A WEBSITE THAT ALLOWS
4 THE PUBLIC TO:

5 (I) SEARCH AND AGGREGATE STATE FUNDING BY ANY
6 ELEMENT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION;

7 (II) ASCERTAIN THROUGH A SINGLE SEARCH THE TOTAL
8 AMOUNT OF STATE FUNDING AWARDED TO AN ENTITY BY A STATE AWARD; AND

9 (III) DOWNLOAD DATA THAT RESULTS FROM A SEARCH.

10 (B) ON OR BEFORE OCTOBER 1, 2008, THE DEPARTMENT SHALL
11 DEVELOP AND OPERATE A SINGLE, SEARCHABLE WEBSITE, ACCESSIBLE BY THE
12 PUBLIC AT NO COST, THAT INCLUDES FOR EACH STATE AWARD:

13 (1) THE NAME OF THE ENTITY RECEIVING THE AWARD AND, IF
14 APPLICABLE, THE PARENT ENTITY OF THE RECIPIENT;

15 (2) THE AMOUNT OF THE AWARD;

16 (3) THE TRANSACTION TYPE;

17 (4) THE NAME OF THE AGENCY MAKING THE AWARD;

18 (5) THE BUDGET PROGRAM FUND SOURCE;

19 (6) A DESCRIPTIVE PURPOSE OF EACH FUNDING ACTION OR
20 STATE AWARD;

21 (7) THE LOCATION OF THE ENTITY RECEIVING THE AWARD AND
22 THE PRIMARY LOCATION OF PERFORMANCE UNDER THE AWARD; AND

23 (8) ANY OTHER RELEVANT INFORMATION SPECIFIED BY THE
24 DEPARTMENT.

25 (C) THE SINGLE WEBSITE PROVIDED FOR IN SUBSECTION (B) OF THIS
26 SECTION SHALL ALLOW THE USER TO:

27 (1) SEARCH DATA FOR FISCAL YEAR 2008 AND EACH FISCAL YEAR
28 THEREAFTER;

1 (2) SEARCH ELECTRONICALLY BY FIELD IN A SINGLE SEARCH;
2 AND

3 (3) PROVIDE INPUT REGARDING THE UTILITY OF THE SITE AND
4 RECOMMENDATIONS FOR IMPROVEMENT.

5 (D) THE SECRETARY MAY:

6 (1) DESIGNATE ONE OR MORE STATE AGENCIES TO PARTICIPATE
7 IN THE DEVELOPMENT, OPERATION, OR SUPPORT OF THE SINGLE WEBSITE AND
8 SPECIFY THE SCOPE OF RESPONSIBILITIES OF THOSE AGENCIES; AND

9 (2) DETERMINE THE BEST AND MOST APPROPRIATE DATA
10 SOURCE OR SOURCES FOR DEVELOPMENT AND OPERATION OF THE SINGLE
11 WEBSITE.

12 (E) STATE AGENCIES SHALL COMPLY WITH THE PROVISIONS OF
13 SUBSECTION (D) OF THIS SECTION AND SHALL PROVIDE APPROPRIATE
14 ASSISTANCE TO THE SECRETARY TO ENSURE THE EXISTENCE AND OPERATION
15 OF THE SINGLE WEBSITE.

16 (F) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE
17 DISCLOSURE OF INFORMATION THAT IS CONSIDERED CONFIDENTIAL BY STATE
18 OR FEDERAL LAW.

19 (G) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
20 “MARYLAND FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT”.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2008.