

HOUSE BILL 362

P1

8lr0240
CF SB 212

By: **The Speaker (By Request – Administration) and Delegate Cardin**

Introduced and read first time: January 25, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2008

CHAPTER _____

1 AN ACT concerning

2 **Reorganization of State Government – Department of Information**
3 **Technology**

4 FOR the purpose of reorganizing State government by establishing a Department of
5 Information Technology as a principal unit of the Executive Branch; providing
6 for the qualifications, appointment, powers, duties, and salary of the Secretary
7 of Information Technology; providing for the duties of the Department of
8 Information Technology; specifying that the Department of Information
9 Technology is responsible for administering the information technology
10 functions of the Executive Branch of State government; transferring the
11 information technology and telecommunications functions of the Executive
12 Branch from the Department of Budget and Management to the Department of
13 Information Technology; transferring the Telecommunications Access of
14 Maryland program from the Department of Budget and Management to the
15 Department of Information Technology; requiring certain shopping facilities to
16 acquire and install certain communications devices; providing that the
17 Department of Information Technology is a primary procurement unit;
18 repealing a certain requirement regarding the adoption of regulations; repealing
19 certain provisions of law rendered inapplicable by provisions of this Act;
20 abolishing the State Information Technology Board; defining certain terms;
21 providing for the transfer of certain employees under certain circumstances;
22 providing for appropriate transitional provisions relating to the continuity of
23 certain departments, boards, commissions, committees, agencies, and other
24 units; providing for the transfer of certain property, records, fixtures,
25 appropriations, credits, assets, liabilities, obligations, rights, and privileges;
26 providing for the continuity of certain laws, rules and regulations, standards

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and guidelines, policies, orders and other directives, permits and licenses,
2 applications, forms, plans, memberships, contracts, property, investigations,
3 and administrative and judicial responsibilities; providing for the continuity of
4 certain transactions, rights, duties, and interests; providing for the continuity of
5 certain persons licensed, registered, permitted, and certified under certain
6 departments, offices, and units; providing for the continuity of certain contracts,
7 agreements, grants, or other obligations; specifying that the publisher of the
8 Annotated Code of Maryland, in consultation with the Department of
9 Legislative Services, shall correct agency names and titles in the Code to
10 conform to the changes that are made by this Act; making technical changes;
11 and generally relating to the reorganization of State government and the
12 establishment of a Department of Information Technology.

13 BY repealing

14 Article – State Finance and Procurement

15 Section 3–401 through 3–413 and the subtitle “Subtitle 4. Information
16 Processing”; 3–701 through 3–706 and the subtitle “Subtitle 7.
17 Telecommunications”; 3–801 through 3–807 and the subtitle “Subtitle 8.
18 Telecommunications Access of Maryland”; and 3–901 through 3–906 and
19 the subtitle “Subtitle 9. Telecommunications Devices and Distribution of
20 Accessible Information for Disabled Individuals”

21 Annotated Code of Maryland

22 (2006 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – State Government

25 Section 8–201

26 Annotated Code of Maryland

27 (2004 Replacement Volume and 2007 Supplement)

28 BY adding to

29 Article – State Finance and Procurement

30 Section 3A–101 through 3A–606 to be under the new title “Title 3A. Department
31 of Information Technology”; and 12–107(b)(7)

32 Annotated Code of Maryland

33 (2006 Replacement Volume and 2007 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article – State Finance and Procurement

36 Section 11–101(1), 12–107(b)(2), (5), and (6), 13–401, 13–402(a), and 14–501(b)

37 Annotated Code of Maryland

38 (2006 Replacement Volume and 2007 Supplement)

39 BY repealing and reenacting, without amendments,

40 Article – State Finance and Procurement

41 Section 14–501(a)

42 Annotated Code of Maryland

43 (2006 Replacement Volume and 2007 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 3–401 through 3–413 and the subtitle “Subtitle 4.
3 Information Processing”; 3–701 through 3–706 and the subtitle “Subtitle 7.
4 Telecommunications”; 3–801 through 3–807 and the subtitle “Subtitle 8.
5 Telecommunications Access of Maryland”; and 3–901 through 3–906 and the subtitle
6 “Subtitle 9. Telecommunications Devices and Distribution of Accessible Information
7 for Disabled Individuals” of Article – State Finance and Procurement of the Annotated
8 Code of Maryland be repealed.

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

11 **Article – State Government**

12 8–201.

13 (a) The Executive Branch of the State government shall have not more than
14 21 principal departments, each of which shall embrace a broad, functional area of that
15 Branch.

16 (b) The principal departments of the Executive Branch of the State
17 government are:

- 18 (1) Aging;
- 19 (2) Agriculture;
- 20 (3) Budget and Management;
- 21 (4) Business and Economic Development;
- 22 (5) Disabilities;
- 23 (6) the Environment;
- 24 (7) General Services;
- 25 (8) Health and Mental Hygiene;
- 26 (9) Housing and Community Development;
- 27 (10) Human Resources;
- 28 **(11) INFORMATION TECHNOLOGY;**
- 29 **[(11)] (12) Juvenile Services;**

- 1 [(12)] **(13)** Labor, Licensing, and Regulation;
2 [(13)] **(14)** Natural Resources;
3 [(14)] **(15)** Planning;
4 [(15)] **(16)** Public Safety and Correctional Services;
5 [(16)] **(17)** State Police;
6 [(17)] **(18)** Transportation; and
7 [(18)] **(19)** Veterans Affairs.

8 **Article – State Finance and Procurement**

9 **TITLE 3A. DEPARTMENT OF INFORMATION TECHNOLOGY.**

10 **SUBTITLE 1. DEFINITIONS.**

11 **3A-101.**

12 (A) IN THIS ~~SUBTITLE~~ TITLE THE FOLLOWING WORDS HAVE THE
13 MEANINGS INDICATED.

14 (B) “DEPARTMENT” MEANS THE DEPARTMENT OF INFORMATION
15 TECHNOLOGY.

16 (C) “SECRETARY” MEANS THE SECRETARY OF INFORMATION
17 TECHNOLOGY.

18 (D) “TELECOMMUNICATION” MEANS THE TRANSMISSION OF
19 INFORMATION, IMAGES, PICTURES, VOICE, OR DATA BY RADIO, VIDEO, OR
20 OTHER ELECTRONIC OR IMPULSE MEANS.

21 (E) “UNIT OF STATE GOVERNMENT” MEANS AN AGENCY OR UNIT OF
22 THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

23 **SUBTITLE 2. ORGANIZATION AND GENERAL AUTHORITY OF THE DEPARTMENT.**

24 **3A-201.**

25 THERE IS A DEPARTMENT OF INFORMATION TECHNOLOGY ESTABLISHED
26 AS A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT.

1 **3A-202.**

2 (A) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF
3 INFORMATION TECHNOLOGY, WHO SHALL BE APPOINTED BY THE GOVERNOR
4 WITH THE ADVICE AND CONSENT OF THE SENATE.

5 (B) THE SECRETARY SHALL HAVE EXPERIENCE IN INFORMATION
6 TECHNOLOGY, DATA PROCESSING, TELECOMMUNICATIONS, AND SYSTEMS
7 PROCUREMENT, PLANNING, AND MANAGEMENT.

8 (C) BEFORE TAKING OFFICE, THE APPOINTEE SHALL TAKE THE OATH
9 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

10 (D) THE SECRETARY SHALL ADVISE THE GOVERNOR ON ALL MATTERS
11 ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE FOR CARRYING OUT THE
12 GOVERNOR'S POLICIES ON THOSE MATTERS.

13 (E) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
14 DEPARTMENT AND MAY ESTABLISH GUIDELINES AND PROCEDURES TO
15 PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE
16 DEPARTMENT.

17 (F) THE SECRETARY MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS
18 OF RESPONSIBILITY IN THE DEPARTMENT NECESSARY TO FULFILL THE DUTIES
19 ASSIGNED TO THE SECRETARY.

20 **3A-203.**

21 (A) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY
22 SHALL APPOINT A DEPUTY SECRETARY.

23 (2) THE DEPUTY SECRETARY:

24 (I) SERVES AT THE PLEASURE OF THE SECRETARY;

25 (II) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
26 BUDGET; AND

27 (III) HAS THE DUTIES PROVIDED BY LAW OR DELEGATED BY
28 THE SECRETARY.

29 (B) EACH ASSISTANT SECRETARY AND PROFESSIONAL CONSULTANT IS
30 IN THE EXECUTIVE SERVICE, MANAGEMENT SERVICE, OR IS A SPECIAL

1 APPOINTMENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM AND IS
2 APPOINTED BY AND SERVES AT THE PLEASURE OF THE SECRETARY.

3 (C) EXCEPT AS PROVIDED IN THIS SECTION OR OTHERWISE BY LAW,
4 THE SECRETARY SHALL APPOINT AND REMOVE ALL OTHER STAFF IN
5 ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND
6 PENSIONS ARTICLE.

7 (D) THE APPOINTMENT OF OR REMOVAL OF STAFF OF ANY UNIT IN THE
8 DEPARTMENT IS SUBJECT TO THE APPROVAL OF THE SECRETARY.

9 **3A-204.**

10 (A) THE ATTORNEY GENERAL IS LEGAL ADVISER TO THE
11 DEPARTMENT.

12 (B) AT THE REQUEST OF THE GOVERNOR, THE ATTORNEY GENERAL
13 SHALL ASSIGN TO THE DEPARTMENT THE NUMBER OF ASSISTANT ATTORNEYS
14 GENERAL AUTHORIZED BY LAW TO BE ASSIGNED TO THE DEPARTMENT.

15 (C) (1) THE ATTORNEY GENERAL SHALL DESIGNATE ONE OF THE
16 ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE DEPARTMENT AS COUNSEL
17 TO THE DEPARTMENT.

18 (2) AFTER THE ATTORNEY GENERAL DESIGNATES THE COUNSEL
19 TO THE DEPARTMENT, THE ATTORNEY GENERAL MAY NOT REASSIGN THE
20 COUNSEL WITHOUT CONSULTING THE SECRETARY.

21 (3) (I) THE COUNSEL MAY HAVE NO OTHER DUTY OTHER THAN
22 TO:

23 1. GIVE THE LEGAL AID, ADVICE, AND COUNSEL
24 REQUIRED BY THE SECRETARY OR ANY OTHER OFFICIAL OF THE DEPARTMENT;

25 2. SUPERVISE THE OTHER ASSISTANT ATTORNEYS
26 GENERAL ASSIGNED TO THE DEPARTMENT; AND

27 3. PERFORM FOR THE DEPARTMENT THE DUTIES
28 THAT THE ATTORNEY GENERAL ASSIGNS.

29 (II) THE COUNSEL SHALL PERFORM THESE DUTIES
30 SUBJECT TO THE CONTROL AND SUPERVISION OF THE ATTORNEY GENERAL.

31 **SUBTITLE 3. INFORMATION PROCESSING.**

1 **3A-301.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) (1) **“DEVELOPMENT”** MEANS ALL EXPENDITURES FOR A NEW
5 INFORMATION TECHNOLOGY SYSTEM OR AN ENHANCEMENT TO AN EXISTING
6 SYSTEM INCLUDING SYSTEM:

7 (I) PLANNING;

8 (II) PROCUREMENT;

9 (III) CREATION;

10 (IV) INSTALLATION;

11 (V) TESTING; AND

12 (VI) INITIAL TRAINING.

13 (2) **“DEVELOPMENT”** DOES NOT INCLUDE:

14 (I) ONGOING OPERATING COSTS, SOFTWARE OR HARDWARE
15 MAINTENANCE, ROUTINE UPGRADES, OR MODIFICATIONS THAT MERELY ALLOW
16 FOR A CONTINUATION OF THE EXISTING LEVEL OF FUNCTIONALITY; OR

17 (II) EXPENDITURES MADE AFTER A NEW OR ENHANCED
18 SYSTEM HAS BEEN LEGALLY ACCEPTED BY THE USER AND IS BEING USED FOR
19 THE BUSINESS PROCESS FOR WHICH IT WAS INTENDED.

20 (C) **“FUND”** MEANS THE MAJOR INFORMATION TECHNOLOGY
21 DEVELOPMENT PROJECT FUND.

22 (D) **“INFORMATION TECHNOLOGY”** MEANS ALL ELECTRONIC
23 INFORMATION PROCESSING HARDWARE AND SOFTWARE, INCLUDING:

24 (1) MAINTENANCE;

25 (2) TELECOMMUNICATIONS; AND

26 (3) ASSOCIATED CONSULTING SERVICES.

1 **(E) “INFORMATION TECHNOLOGY SERVICES” MEANS INFORMATION**
2 **PROVIDED BY ELECTRONIC MEANS BY OR ON BEHALF OF A UNIT OF STATE**
3 **GOVERNMENT.**

4 **(F) “MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT”**
5 **MEANS ANY INFORMATION TECHNOLOGY DEVELOPMENT PROJECT THAT MEETS**
6 **ONE OR MORE OF THE FOLLOWING CRITERIA:**

7 **(1) THE ESTIMATED TOTAL COST OF DEVELOPMENT EQUALS OR**
8 **EXCEEDS \$1,000,000;**

9 **(2) THE PROJECT IS UNDERTAKEN TO SUPPORT A CRITICAL**
10 **BUSINESS FUNCTION ASSOCIATED WITH THE PUBLIC HEALTH, EDUCATION,**
11 **SAFETY, OR FINANCIAL WELL-BEING OF THE CITIZENS OF MARYLAND; OR**

12 **(3) THE SECRETARY DETERMINES THAT THE PROJECT REQUIRES**
13 **THE SPECIAL ATTENTION AND CONSIDERATION GIVEN TO A MAJOR**
14 **INFORMATION TECHNOLOGY DEVELOPMENT PROJECT DUE TO:**

15 **(I) THE SIGNIFICANCE OF THE PROJECT’S POTENTIAL**
16 **BENEFITS OR RISKS;**

17 **(II) THE IMPACT OF THE PROJECT ON THE PUBLIC OR**
18 **LOCAL GOVERNMENTS;**

19 **(III) THE PUBLIC VISIBILITY OF THE PROJECT; OR**

20 **(IV) OTHER REASONS AS DETERMINED BY THE SECRETARY.**

21 **(G) “MASTER PLAN” MEANS THE STATEWIDE INFORMATION**
22 **TECHNOLOGY MASTER PLAN.**

23 **(H) “NONVISUAL ACCESS” MEANS THE ABILITY, THROUGH KEYBOARD**
24 **CONTROL, SYNTHESIZED SPEECH, BRAILLE, OR OTHER METHODS NOT**
25 **REQUIRING SIGHT TO RECEIVE, USE, AND MANIPULATE INFORMATION AND**
26 **OPERATE CONTROLS NECESSARY TO ACCESS INFORMATION TECHNOLOGY.**

27 **(I) “RESOURCE SHARING” MEANS THE UTILIZATION OF A STATE**
28 **RESOURCE BY PRIVATE INDUSTRY IN EXCHANGE FOR THE PROVISION TO THE**
29 **STATE OF A COMMUNICATION SERVICE OR OTHER CONSIDERATION.**

30 **(J) “SYSTEMS DEVELOPMENT LIFE CYCLE PLAN” MEANS A PLAN THAT**
31 **DEFINES ALL ACTIONS, FUNCTIONS, OR ACTIVITIES TO BE PERFORMED BY A**
32 **UNIT OF STATE GOVERNMENT IN THE DEFINITION, PLANNING, ACQUISITION,**

1 DEVELOPMENT, TESTING, IMPLEMENTATION, OPERATION, ENHANCEMENT, AND
2 MODIFICATION OF INFORMATION TECHNOLOGY SYSTEMS.

3 **3A-302.**

4 (A) THIS SUBTITLE DOES NOT APPLY TO CHANGES RELATING TO OR
5 THE PURCHASE, LEASE, OR RENTAL OF INFORMATION TECHNOLOGY BY:

6 (1) PUBLIC INSTITUTIONS OF HIGHER EDUCATION SOLELY FOR
7 ACADEMIC OR RESEARCH PURPOSES;

8 (2) THE MARYLAND PORT ADMINISTRATION;

9 (3) THE UNIVERSITY SYSTEM OF MARYLAND;

10 (4) ST. MARY'S COLLEGE OF MARYLAND; OR

11 (5) MORGAN STATE UNIVERSITY.

12 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT AS
13 PROVIDED IN SUBSECTION (A) OF THIS SECTION AND §§ 3A-307(A)(2), 3A-308,
14 AND 3A-309 OF THIS SUBTITLE, THIS SUBTITLE APPLIES TO ALL UNITS OF THE
15 EXECUTIVE BRANCH OF STATE GOVERNMENT INCLUDING PUBLIC
16 INSTITUTIONS OF HIGHER EDUCATION OTHER THAN MORGAN STATE
17 UNIVERSITY, THE UNIVERSITY SYSTEM OF MARYLAND, AND ST. MARY'S
18 COLLEGE OF MARYLAND.

19 **3A-303.**

20 THE SECRETARY IS RESPONSIBLE FOR CARRYING OUT THE FOLLOWING
21 DUTIES:

22 (1) DEVELOPING, MAINTAINING, REVISING, AND ENFORCING
23 INFORMATION TECHNOLOGY POLICIES, PROCEDURES, AND STANDARDS;

24 (2) PROVIDING TECHNICAL ASSISTANCE, ADVICE, AND
25 RECOMMENDATIONS TO THE GOVERNOR AND ANY UNIT OF STATE
26 GOVERNMENT CONCERNING INFORMATION TECHNOLOGY MATTERS;

27 (3) REVIEWING THE ANNUAL PROJECT PLAN FOR EACH UNIT OF
28 STATE GOVERNMENT TO MAKE INFORMATION AND SERVICES AVAILABLE TO
29 THE PUBLIC OVER THE INTERNET;

30 (4) DEVELOPING AND MAINTAINING A STATEWIDE INFORMATION
31 TECHNOLOGY MASTER PLAN THAT WILL:

1 (I) BE THE BASIS FOR THE MANAGEMENT AND DIRECTION
2 OF INFORMATION TECHNOLOGY WITHIN THE EXECUTIVE BRANCH OF STATE
3 GOVERNMENT;

4 (II) INCLUDE ALL ASPECTS OF STATE INFORMATION
5 TECHNOLOGY INCLUDING TELECOMMUNICATIONS, DATA PROCESSING, AND
6 INFORMATION MANAGEMENT;

7 (III) CONSIDER INTERSTATE TRANSFERS AS A RESULT OF
8 FEDERAL LEGISLATION AND REGULATION;

9 (IV) WORK JOINTLY WITH THE SECRETARY OF BUDGET AND
10 MANAGEMENT TO ENSURE THAT INFORMATION TECHNOLOGY PLANS AND
11 BUDGETS ARE CONSISTENT;

12 (V) ENSURE THAT STATE INFORMATION TECHNOLOGY
13 PLANS, POLICIES, AND STANDARDS ARE CONSISTENT WITH STATE GOALS,
14 OBJECTIVES, AND RESOURCES, AND REPRESENT A LONG-RANGE VISION FOR
15 USING INFORMATION TECHNOLOGY TO IMPROVE THE OVERALL EFFECTIVENESS
16 OF STATE GOVERNMENT; AND

17 (VI) INCLUDE STANDARDS TO ASSURE NONVISUAL ACCESS
18 TO THE INFORMATION AND SERVICES MADE AVAILABLE TO THE PUBLIC OVER
19 THE INTERNET; AND

20 (5) ADOPTING BY REGULATION AND ENFORCING NONVISUAL
21 ACCESS STANDARDS TO BE USED IN THE PROCUREMENT OF INFORMATION
22 TECHNOLOGY SERVICES BY OR ON BEHALF OF UNITS OF STATE GOVERNMENT.

23 **3A-304.**

24 THE SECRETARY SHALL DEVELOP A STATEWIDE INFORMATION
25 TECHNOLOGY MASTER PLAN.

26 **3A-305.**

27 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN
28 ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE SECRETARY, EACH UNIT
29 OF STATE GOVERNMENT SHALL DEVELOP AND SUBMIT TO THE SECRETARY:

30 (1) INFORMATION TECHNOLOGY POLICIES AND STANDARDS;

31 (2) AN INFORMATION TECHNOLOGY PLAN; AND

1 (3) AN ANNUAL PROJECT PLAN OUTLINING THE STATUS OF
2 EFFORTS TO MAKE INFORMATION AND SERVICES AVAILABLE TO THE PUBLIC
3 OVER THE INTERNET.

4 (B) (1) THE GOVERNING BOARDS OF THE PUBLIC INSTITUTIONS OF
5 HIGHER EDUCATION SHALL DEVELOP AND SUBMIT INFORMATION TECHNOLOGY
6 POLICIES AND STANDARDS AND AN INFORMATION TECHNOLOGY PLAN FOR
7 THEIR RESPECTIVE INSTITUTIONS OR SYSTEMS TO THE SECRETARY.

8 (2) IF THE SECRETARY FINDS THAT THE SUBMISSIONS REQUIRED
9 UNDER THIS SUBSECTION ARE CONSISTENT WITH THE MASTER PLAN, THE
10 SECRETARY SHALL INCORPORATE THOSE SUBMISSIONS INTO THE MASTER
11 PLAN.

12 (3) IF THE SECRETARY FINDS THAT THE SUBMISSIONS REQUIRED
13 UNDER THIS SUBSECTION ARE NOT CONSISTENT WITH THE MASTER PLAN:

14 (I) THE SECRETARY SHALL RETURN THE SUBMISSIONS TO
15 THE GOVERNING BOARDS; AND

16 (II) THE GOVERNING BOARDS SHALL REVISE THE
17 SUBMISSIONS AS APPROPRIATE AND SUBMIT THE REVISED POLICIES,
18 STANDARDS, AND PLANS TO THE SECRETARY.

19 **3A-306.**

20 INFORMATION TECHNOLOGY OF EACH UNIT OF STATE GOVERNMENT
21 SHALL BE CONSISTENT WITH THE MASTER PLAN.

22 **3A-307.**

23 (A) (1) A UNIT OF STATE GOVERNMENT MAY NOT PURCHASE, LEASE,
24 OR RENT INFORMATION TECHNOLOGY UNLESS CONSISTENT WITH THE MASTER
25 PLAN.

26 (2) A UNIT OF STATE GOVERNMENT OTHER THAN A PUBLIC
27 INSTITUTION OF HIGHER EDUCATION MAY NOT MAKE EXPENDITURES FOR
28 MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS EXCEPT AS
29 PROVIDED IN § 3A-308 OF THIS SUBTITLE.

30 (B) (1) THE SECRETARY MAY REVIEW ANY INFORMATION
31 TECHNOLOGY PROJECT FOR CONSISTENCY WITH THE MASTER PLAN.

1 (2) ANY INFORMATION TECHNOLOGY PROJECT SELECTED FOR
2 REVIEW MAY NOT BE IMPLEMENTED WITHOUT THE APPROVAL OF THE
3 SECRETARY.

4 (C) (1) A UNIT OF STATE GOVERNMENT SHALL ADVISE THE
5 SECRETARY OF ANY INFORMATION TECHNOLOGY PROPOSAL INVOLVING
6 RESOURCE SHARING, THE EXCHANGE OF GOODS OR SERVICES, OR A GIFT,
7 CONTRIBUTION, OR GRANT OF REAL OR PERSONAL PROPERTY.

8 (2) THE SECRETARY SHALL DETERMINE IF THE VALUE OF THE
9 RESOURCES, SERVICES, AND PROPERTY TO BE OBTAINED BY THE STATE UNDER
10 THE TERMS OF ANY PROPOSAL SUBMITTED IN ACCORDANCE WITH THE
11 PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION EQUALS OR EXCEEDS
12 \$100,000.

13 (3) IF THE VALUE OF ANY PROPOSAL SUBMITTED IN
14 ACCORDANCE WITH THIS SUBSECTION EQUALS OR EXCEEDS \$100,000 AND THE
15 SECRETARY AND UNIT AGREE TO PROCEED WITH THE PROPOSAL, INFORMATION
16 ON THE PROPOSAL SHALL BE:

17 (I) ADVERTISED FOR A PERIOD OF AT LEAST 30 DAYS IN
18 THE ~~MARYLAND~~ MARYLAND MARKETPLACE; AND

19 (II) SUBMITTED, SIMULTANEOUSLY WITH THE
20 ADVERTISEMENT, TO THE LEGISLATIVE POLICY COMMITTEE FOR A 60-DAY
21 REVIEW AND COMMENT PERIOD, DURING WHICH TIME THE COMMITTEE MAY
22 RECOMMEND THAT THE PROPOSAL BE TREATED AS A PROCUREMENT CONTRACT
23 UNDER DIVISION II OF THIS ARTICLE.

24 (4) FOLLOWING THE PERIOD FOR REVIEW AND COMMENT BY THE
25 LEGISLATIVE POLICY COMMITTEE UNDER PARAGRAPH (3) OF THIS
26 SUBSECTION, THE PROPOSAL IS SUBJECT TO APPROVAL BY THE BOARD OF
27 PUBLIC WORKS.

28 (5) THIS SUBSECTION MAY NOT BE CONSTRUED AS AUTHORIZING
29 AN EXCEPTION FROM THE REQUIREMENTS OF DIVISION II OF THIS ARTICLE
30 FOR ANY CONTRACT THAT OTHERWISE WOULD BE SUBJECT TO THE STATE
31 PROCUREMENT PROCESS.

32 **3A-308.**

33 (A) THIS SECTION DOES NOT APPLY TO A PUBLIC INSTITUTION OF
34 HIGHER EDUCATION.

1 (B) IN SUBMITTING ITS INFORMATION TECHNOLOGY PROJECT
2 REQUESTS, A UNIT OF STATE GOVERNMENT SHALL DESIGNATE PROJECTS
3 WHICH ARE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS.

4 (C) IN REVIEWING INFORMATION TECHNOLOGY PROJECT REQUESTS,
5 THE SECRETARY MAY CHANGE A UNIT'S DESIGNATION OF A MAJOR
6 INFORMATION TECHNOLOGY DEVELOPMENT PROJECT.

7 (D) THE SECRETARY SHALL REVIEW AND, WITH THE ADVICE OF THE
8 SECRETARY OF BUDGET AND MANAGEMENT, APPROVE MAJOR INFORMATION
9 TECHNOLOGY DEVELOPMENT PROJECTS AND SPECIFICATIONS FOR
10 CONSISTENCY WITH ALL STATEWIDE PLANS, POLICIES, AND STANDARDS,
11 INCLUDING A SYSTEMS DEVELOPMENT LIFE CYCLE PLAN.

12 (E) THE SECRETARY SHALL BE RESPONSIBLE FOR OVERSEEING THE
13 IMPLEMENTATION OF MAJOR INFORMATION TECHNOLOGY DEVELOPMENT
14 PROJECTS, REGARDLESS OF FUND SOURCE.

15 (F) WITH THE ADVICE OF THE SECRETARY OF BUDGET AND
16 MANAGEMENT, EXPENDITURES FOR MAJOR INFORMATION TECHNOLOGY
17 DEVELOPMENT PROJECTS SHALL BE SUBJECT TO THE APPROVAL OF THE
18 SECRETARY WHO SHALL APPROVE EXPENDITURES ONLY WHEN THOSE
19 PROJECTS ARE CONSISTENT WITH STATEWIDE PLANS, POLICIES, AND
20 STANDARDS.

21 (G) (1) THE SECRETARY SHALL APPROVE FUNDING FOR MAJOR
22 INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS ONLY WHEN THOSE
23 PROJECTS ARE SUPPORTED BY AN APPROVED SYSTEMS DEVELOPMENT LIFE
24 CYCLE PLAN.

25 (2) THE SECRETARY MAY APPROVE FUNDING INCREMENTALLY,
26 CONSISTENT WITH THE SYSTEMS DEVELOPMENT LIFE CYCLE PLAN.

27 **3A-309.**

28 (A) THERE IS A MAJOR INFORMATION TECHNOLOGY DEVELOPMENT
29 PROJECT FUND.

30 (B) THE PURPOSE OF THE FUND IS TO SUPPORT MAJOR INFORMATION
31 TECHNOLOGY DEVELOPMENT PROJECTS.

32 (C) THE SECRETARY:

33 (1) SHALL ADMINISTER THE FUND IN ACCORDANCE WITH THIS
34 SECTION; AND

1 (2) **SUBJECT TO THE PROVISIONS OF § 2-201 OF THIS ARTICLE**
2 **AND 3A-307 OF THIS SUBTITLE, MAY RECEIVE AND ACCEPT CONTRIBUTIONS,**
3 **GRANTS, OR GIFTS OF MONEY OR PROPERTY.**

4 (D) (1) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
5 **SUBJECT TO § 7-302 OF THIS ARTICLE.**

6 (2) **THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY**
7 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

8 (3) **THE STATE TREASURER SHALL INVEST AND REINVEST THE**
9 **MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE**
10 **INVESTED.**

11 (4) **ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**
12 **INTO THE FUND.**

13 (E) **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE**
14 **FUND CONSISTS OF:**

15 (1) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

16 (2) **MONEY RECEIVED FROM THE SALE, LEASE, OR EXCHANGE OF**
17 **COMMUNICATION SITES OR COMMUNICATION FREQUENCIES FOR INFORMATION**
18 **TECHNOLOGY PURPOSES AS APPROVED BY THE SECRETARY;**

19 (3) **MONEY RECEIVED AS COMMISSIONS, REBATES, REFUNDS,**
20 **RATE REDUCTIONS, OR TELECOMMUNICATION BYPASS AGREEMENTS**
21 **RESULTING FROM INFORMATION TECHNOLOGY SERVICES OR PURCHASES;**

22 (4) **THAT PORTION OF MONEYS EARNED FROM PAY PHONE**
23 **COMMISSIONS TO THE EXTENT THAT THE COMMISSION RATES EXCEED THOSE IN**
24 **EFFECT IN DECEMBER 1993;**

25 (5) **MONEY RECEIVED AND ACCEPTED AS CONTRIBUTIONS,**
26 **GRANTS, OR GIFTS AS AUTHORIZED UNDER SUBSECTION (C) OF THIS SECTION;**

27 (6) **GENERAL FUNDS APPROPRIATED FOR MAJOR INFORMATION**
28 **TECHNOLOGY DEVELOPMENT PROJECTS OF ANY UNIT OF STATE GOVERNMENT**
29 **OTHER THAN A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT:**

30 (I) **ARE UNENCUMBERED AND UNEXPENDED AT THE END**
31 **OF A FISCAL YEAR;**

1 (II) HAVE BEEN ABANDONED; OR

2 (III) HAVE BEEN WITHHELD BY THE GENERAL ASSEMBLY OR
3 THE SECRETARY;

4 (7) ANY INVESTMENT EARNINGS; AND

5 (8) ANY OTHER MONEY FROM ANY SOURCE ACCEPTED FOR THE
6 BENEFIT OF THE FUND.

7 (F) THE FUND DOES NOT INCLUDE ANY MONEY:

8 (1) RECEIVED BY THE DEPARTMENT OF TRANSPORTATION,
9 MARYLAND TRANSPORTATION AUTHORITY, OR MARYLAND PUBLIC
10 BROADCASTING COMMISSION;

11 (2) RECEIVED BY THE JUDICIAL OR LEGISLATIVE BRANCHES OF
12 STATE GOVERNMENT; OR

13 (3) GENERATED FROM PAY PHONE COMMISSIONS THAT ARE
14 CREDITED TO OTHER ACCOUNTS OR FUNDS IN ACCORDANCE WITH OTHER
15 PROVISIONS OF LAW OR ARE AUTHORIZED FOR OTHER PURPOSES IN THE STATE
16 BUDGET OR THROUGH AN APPROVED BUDGET AMENDMENT.

17 (G) THE GOVERNOR SHALL SUBMIT WITH THE STATE BUDGET:

18 (1) A SUMMARY SHOWING THE UNENCUMBERED BALANCE IN THE
19 FUND AS OF THE CLOSE OF THE PRIOR FISCAL YEAR AND A LISTING OF ANY
20 ENCUMBRANCES;

21 (2) AN ESTIMATE OF PROJECTED REVENUE FROM EACH OF THE
22 SOURCES SPECIFIED IN SUBSECTION (E) OF THIS SECTION FOR THE FISCAL
23 YEAR FOR WHICH THE STATE BUDGET IS SUBMITTED; AND

24 (3) A DESCRIPTIVE LISTING OF PROJECTS REFLECTING
25 PROJECTED COSTS FOR THE FISCAL YEAR FOR WHICH THE STATE BUDGET IS
26 SUBMITTED AND ANY ESTIMATED FUTURE YEAR COSTS.

27 (H) EXPENDITURES FROM THE FUND SHALL BE MADE ONLY:

28 (1) IN ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE
29 GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET; OR

30 (2) THROUGH AN APPROVED STATE BUDGET AMENDMENT UNDER
31 TITLE 7, SUBTITLE 2, PART II OF THIS ARTICLE, PROVIDED THAT A STATE

1 BUDGET AMENDMENT FOR ANY PROJECT NOT REQUESTED AS PART OF THE
2 STATE BUDGET SUBMISSION OR FOR ANY PROJECT FOR WHICH THE SCOPE OR
3 COST HAS INCREASED BY MORE THAN 5% OR \$250,000 SHALL BE SUBMITTED TO
4 THE BUDGET COMMITTEES ALLOWING A 30-DAY PERIOD FOR THEIR REVIEW
5 AND COMMENT.

6 (I) THE FUND MAY BE USED:

7 (1) FOR MAJOR INFORMATION TECHNOLOGY DEVELOPMENT
8 PROJECTS;

9 (2) AS PROVIDED IN SUBSECTION (J) OF THIS SECTION; OR

10 (3) NOTWITHSTANDING ~~§ 3A-302(B)(2)~~ § 3A-301(B)(2) OF THIS
11 SUBTITLE, FOR THE COSTS OF THE FIRST 12 MONTHS OF OPERATION AND
12 MAINTENANCE OF A MAJOR INFORMATION TECHNOLOGY DEVELOPMENT
13 PROJECT.

14 (J) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION AND EXCEPT
15 FOR THE COST INCURRED IN ADMINISTERING THE FUND, EACH FISCAL YEAR UP
16 TO \$1,000,000 OF THIS FUND MAY BE USED FOR:

17 (1) EDUCATIONALLY RELATED INFORMATION TECHNOLOGY
18 PROJECTS;

19 (2) APPLICATION SERVICE PROVIDER INITIATIVES AS PROVIDED
20 FOR IN TITLE 9, SUBTITLE 22 OF THE STATE GOVERNMENT ARTICLE; OR

21 (3) INFORMATION TECHNOLOGY PROJECTS, INCLUDING:

22 (I) PILOTS; AND

23 (II) PROTOTYPES.

24 (K) A UNIT OF STATE GOVERNMENT OR LOCAL GOVERNMENT MAY
25 SUBMIT A REQUEST TO THE SECRETARY TO SUPPORT THE COST OF AN
26 INFORMATION TECHNOLOGY PROJECT WITH MONEYS UNDER SUBSECTION (J)
27 OF THIS SECTION.

28 (L) (1) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE SECRETARY
29 SHALL REPORT TO THE GOVERNOR, THE SECRETARY OF BUDGET AND
30 MANAGEMENT, AND TO THE BUDGET COMMITTEES OF THE GENERAL ASSEMBLY
31 AND SUBMIT A COPY OF THE REPORT TO THE GENERAL ASSEMBLY, IN
32 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

1 **(2) THE REPORT SHALL INCLUDE:**

2 **(I) THE FINANCIAL STATUS OF THE FUND AND A SUMMARY**
3 **OF ITS OPERATIONS FOR THE PRECEDING FISCAL YEAR;**

4 **(II) AN ACCOUNTING FOR THE PRECEDING FISCAL YEAR OF**
5 **ALL MONEYS FROM EACH OF THE REVENUE SOURCES SPECIFIED IN SUBSECTION**
6 **(E) OF THIS SECTION, INCLUDING ANY EXPENDITURES MADE FROM THE FUND;**
7 **AND**

8 **(III) FOR EACH PROJECT RECEIVING MONEYS FROM THE**
9 **FUND IN THE PRECEDING FISCAL YEAR AND FOR EACH MAJOR INFORMATION**
10 **TECHNOLOGY DEVELOPMENT PROJECT RECEIVING FUNDING FROM ANY**
11 **SOURCE OTHER THAN THE FUND IN THE PRECEDING FISCAL YEAR:**

12 **1. THE STATUS OF THE PROJECT;**

13 **2. A COMPARISON OF ESTIMATED AND ACTUAL**
14 **COSTS OF THE PROJECT;**

15 **3. ANY KNOWN OR ANTICIPATED CHANGES IN SCOPE**
16 **OR COSTS OF THE PROJECT;**

17 **4. AN EVALUATION OF WHETHER THE PROJECT IS**
18 **USING BEST PRACTICES; AND**

19 **5. A SUMMARY OF ANY MONITORING AND**
20 **OVERSIGHT OF THE PROJECT FROM OUTSIDE THE AGENCY IN WHICH THE**
21 **PROJECT IS BEING DEVELOPED, INCLUDING A DESCRIPTION OF ANY PROBLEMS**
22 **IDENTIFIED BY ANY EXTERNAL REVIEW AND ANY CORRECTIVE ACTIONS TAKEN.**

23 **3A-310.**

24 **THIS SUBTITLE MAY NOT BE CONSTRUED TO GIVE THE SECRETARY**
25 **AUTHORITY OVER:**

26 **(1) THE CONTENT OF EDUCATIONAL APPLICATIONS OR**
27 **CURRICULUM AT THE STATE OR LOCAL LEVEL; OR**

28 **(2) THE ENTITIES THAT MAY PARTICIPATE IN SUCH**
29 **EDUCATIONAL PROGRAMS.**

30 **3A-311.**

1 **(A) THE SECRETARY, IN CONSULTATION WITH OTHER UNITS OF STATE**
2 **GOVERNMENT, AND AFTER PUBLIC COMMENT, SHALL DEVELOP A NONVISUAL**
3 **ACCESS CLAUSE FOR USE IN THE PROCUREMENT OF INFORMATION**
4 **TECHNOLOGY AND INFORMATION TECHNOLOGY SERVICES THAT SPECIFIES**
5 **THAT THE TECHNOLOGY AND SERVICES:**

6 **(1) MUST PROVIDE EQUIVALENT ACCESS FOR EFFECTIVE USE BY**
7 **BOTH VISUAL AND NONVISUAL MEANS;**

8 **(2) WILL PRESENT INFORMATION, INCLUDING PROMPTS USED**
9 **FOR INTERACTIVE COMMUNICATIONS, IN FORMATS INTENDED FOR BOTH**
10 **VISUAL AND NONVISUAL USE;**

11 **(3) CAN BE INTEGRATED INTO NETWORKS FOR OBTAINING,**
12 **RETRIEVING, AND DISSEMINATING INFORMATION USED BY INDIVIDUALS WHO**
13 **ARE NOT BLIND OR VISUALLY IMPAIRED; AND**

14 **(4) SHALL BE OBTAINED, WHENEVER POSSIBLE, WITHOUT**
15 **MODIFICATION FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR**
16 **NONVISUAL ACCESS.**

17 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
18 **SUBSECTION, THE NONVISUAL ACCESS CLAUSE REQUIRED UNDER SUBSECTION**
19 **(A) OF THIS SECTION SHALL BE INCLUDED IN EACH INVITATION FOR BIDS OR**
20 **REQUEST FOR PROPOSALS AND IN EACH PROCUREMENT CONTRACT OR**
21 **MODIFICATION OF A CONTRACT ISSUED UNDER TITLE 13 OF THIS ARTICLE,**
22 **WITHOUT REGARD TO THE METHOD CHOSEN UNDER TITLE 13, SUBTITLE 1 OF**
23 **THIS ARTICLE FOR THE PURCHASE OF NEW OR UPGRADED INFORMATION**
24 **TECHNOLOGY AND INFORMATION TECHNOLOGY SERVICES.**

25 **(2) EXCEPT AS PROVIDED IN SUBSECTION (A)(4) OF THIS**
26 **SECTION, THE NONVISUAL ACCESS CLAUSE REQUIRED UNDER PARAGRAPH (1)**
27 **OF THIS SUBSECTION IS NOT REQUIRED IF:**

28 **(I) THE INFORMATION TECHNOLOGY IS NOT AVAILABLE**
29 **WITH NONVISUAL ACCESS BECAUSE THE ESSENTIAL ELEMENTS OF THE**
30 **INFORMATION TECHNOLOGY ARE VISUAL AND NONVISUAL EQUIVALENCE**
31 **CANNOT BE DEVELOPED; OR**

32 **(II) THE COST OF MODIFYING THE INFORMATION**
33 **TECHNOLOGY FOR COMPATIBILITY WITH SOFTWARE AND HARDWARE FOR**
34 **NONVISUAL ACCESS WOULD INCREASE THE PRICE OF THE PROCUREMENT BY**
35 **MORE THAN 5%.**

1 **THE SECRETARY MAY DELEGATE THE DUTIES SET FORTH IN THIS**
2 **SUBTITLE TO CARRY OUT ITS PURPOSES.**

3 **SUBTITLE 4. TELECOMMUNICATIONS.**

4 **3A-401.**

5 **(A) THE DEPARTMENT SHALL:**

6 **(1) COORDINATE THE DEVELOPMENT, PROCUREMENT,**
7 **MANAGEMENT, AND OPERATION OF TELECOMMUNICATION EQUIPMENT,**
8 **SYSTEMS, AND SERVICES BY STATE GOVERNMENT;**

9 **(2) ACQUIRE AND MANAGE COMMON USER TELECOMMUNICATION**
10 **EQUIPMENT, SYSTEMS, OR SERVICES AND CHARGE UNITS OF STATE**
11 **GOVERNMENT FOR THEIR PROPORTIONATE SHARE OF THE COSTS OF**
12 **INSTALLATION, MAINTENANCE, AND OPERATION OF THE COMMON USER**
13 **TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES;**

14 **(3) PROMOTE COMPATIBILITY OF TELECOMMUNICATION**
15 **SYSTEMS BY DEVELOPING POLICIES, PROCEDURES, AND STANDARDS FOR THE**
16 **ACQUISITION AND USE OF TELECOMMUNICATION EQUIPMENT, SYSTEMS, AND**
17 **SERVICES BY UNITS OF STATE GOVERNMENT;**

18 **(4) COORDINATE STATE GOVERNMENT TELECOMMUNICATION**
19 **SYSTEMS AND SERVICES BY REVIEWING REQUESTS BY UNITS OF STATE**
20 **GOVERNMENT FOR TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES;**

21 **(5) ADVISE UNITS OF STATE GOVERNMENT ABOUT PLANNING,**
22 **ACQUISITION, AND OPERATION OF TELECOMMUNICATION EQUIPMENT,**
23 **SYSTEMS, OR SERVICES; AND**

24 **(6) PROVIDE RADIO FREQUENCY COORDINATION FOR STATE AND**
25 **LOCAL GOVERNMENTS IN ACCORDANCE WITH REGULATIONS OF THE FEDERAL**
26 **COMMUNICATIONS COMMISSION.**

27 **(B) THE DEPARTMENT MAY MAKE ARRANGEMENT FOR A USER OTHER**
28 **THAN A UNIT OF STATE GOVERNMENT TO HAVE ACCESS TO AND USE OF STATE**
29 **TELECOMMUNICATION EQUIPMENT, SYSTEMS, AND SERVICES AND SHALL**
30 **CHARGE THE USER ANY APPROPRIATE AMOUNT TO COVER THE COST OF**
31 **INSTALLATION, MAINTENANCE, AND OPERATION OF THE TELECOMMUNICATION**
32 **EQUIPMENT, SYSTEM, OR SERVICE PROVIDED.**

33 **3A-402.**

1 (A) THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A
2 TELECOMMUNICATION SYSTEM OR SERVICE THAT IS OWNED OR OPERATED BY
3 THE UNIVERSITY SYSTEM OF MARYLAND, MORGAN STATE UNIVERSITY, OR A
4 UNIT OF THE LEGISLATIVE OR JUDICIAL BRANCH.

5 (B) THE PROVISIONS OF THIS SUBTITLE DO NOT PREEMPT THE
6 AUTHORITY OF THE MARYLAND PUBLIC BROADCASTING COMMISSION TO OWN,
7 OPERATE, OR MANAGE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR
8 SERVICES.

9 **3A-403.**

10 TELECOMMUNICATIONS, INCLUDING THOSE OF THE MARYLAND PUBLIC
11 BROADCASTING SYSTEM, SHALL BE CONSISTENT WITH STATEWIDE
12 INFORMATION TECHNOLOGY POLICIES AND STANDARDS AND THE STATEWIDE
13 INFORMATION TECHNOLOGY MASTER PLAN.

14 **3A-404.**

15 (A) THE GENERAL ASSEMBLY DECLARES THAT:

16 (1) IT IS THE POLICY OF THE STATE TO FOSTER
17 TELECOMMUNICATION AND COMPUTER NETWORKING AMONG STATE AND
18 LOCAL GOVERNMENTS, THEIR AGENCIES, AND EDUCATIONAL INSTITUTIONS IN
19 THE STATE;

20 (2) THERE IS A NEED TO IMPROVE ACCESS, ESPECIALLY IN RURAL
21 AREAS, TO EFFICIENT TELECOMMUNICATION AND COMPUTER NETWORK
22 CONNECTIONS;

23 (3) IMPROVEMENT OF TELECOMMUNICATION AND COMPUTER
24 NETWORKING FOR STATE AND LOCAL GOVERNMENTS AND EDUCATIONAL
25 INSTITUTIONS PROMOTES ECONOMIC DEVELOPMENT, EDUCATIONAL RESOURCE
26 USE AND DEVELOPMENT, AND EFFICIENCY IN STATE AND LOCAL
27 ADMINISTRATION;

28 (4) RATES FOR THE INTRASTATE INTER-LATA TELEPHONE
29 COMMUNICATIONS NEEDED FOR EFFECTIVE INTEGRATION OF
30 TELECOMMUNICATION AND COMPUTER RESOURCES ARE PROHIBITIVE FOR
31 MANY SMALLER GOVERNMENTS, AGENCIES, AND INSTITUTIONS; AND

32 (5) THE USE OF IMPROVED STATE TELECOMMUNICATION AND
33 COMPUTER NETWORKING UNDER THIS SECTION IS INTENDED NOT TO COMPETE
34 WITH COMMERCIAL ACCESS TO ADVANCED NETWORK TECHNOLOGY, BUT

1 RATHER TO FOSTER FUNDAMENTAL EFFICIENCIES IN GOVERNMENT AND
2 EDUCATION FOR THE PUBLIC GOOD.

3 (B) (1) THE DEPARTMENT SHALL ESTABLISH A
4 TELECOMMUNICATION AND COMPUTER NETWORK IN THE STATE.

5 (2) THE NETWORK SHALL CONSIST OF:

6 (I) ONE OR MORE CONNECTION FACILITIES FOR
7 TELECOMMUNICATION AND COMPUTER CONNECTION IN EACH LOCAL ACCESS
8 TRANSPORT AREA (LATA) IN THE STATE; AND

9 (II) FACILITIES, AUXILIARY EQUIPMENT, AND SERVICES
10 REQUIRED TO SUPPORT THE NETWORK IN A RELIABLE AND SECURE MANNER.

11 (C) THE NETWORK SHALL BE ACCESSIBLE THROUGH DIRECT
12 CONNECTION AND THROUGH LOCAL INTRA-LATA TELECOMMUNICATIONS TO
13 STATE AND LOCAL GOVERNMENTS AND PUBLIC AND PRIVATE EDUCATIONAL
14 INSTITUTIONS IN THE STATE.

15 **SUBTITLE 5. TELECOMMUNICATIONS ACCESS OF MARYLAND.**

16 **3A-501.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "BOARD" MEANS THE GOVERNOR'S ADVISORY BOARD FOR
20 TELECOMMUNICATIONS RELAY.

21 (C) "DUAL PARTY TELEPHONE RELAY PROGRAM" MEANS A SERVICE
22 THAT PROVIDES FULL AND SIMULTANEOUS COMMUNICATION BETWEEN A
23 PERSON OR PERSONS WITH A DISABILITY THAT PREVENTS THEM FROM USING A
24 STANDARD TELEPHONE AND A PERSON OR PERSONS WITHOUT THAT DISABILITY
25 USING CONVENTIONAL TELEPHONE EQUIPMENT OR OTHER TECHNOLOGY OR
26 EQUIPMENT, WHEREBY THE DISABLED PERSON OR PERSONS HAVE THEIR
27 MESSAGE RELAYED THROUGH AN INTERMEDIARY PARTY USING SPECIALIZED
28 TELECOMMUNICATIONS EQUIPMENT.

29 (D) "PROGRAM" MEANS THE DUAL PARTY TELEPHONE RELAY
30 PROGRAM.

31 (E) "PROGRAM PARTICIPANT" MEANS A RESIDENT OF THE STATE WHO
32 USES THE DUAL PARTY TELEPHONE RELAY PROGRAM.

1 (F) "TELECOMMUNICATIONS DEVICE FOR THE DEAF" OR
2 "TDD/TT/TTY" MEANS ALL TYPES OF MECHANICAL DEVICES THAT ENABLE
3 DISABLED INDIVIDUALS TO COMMUNICATE THROUGH MESSAGES SENT AND
4 RECEIVED THROUGH A TELEPHONE OR WIRELESS NETWORK.

5 (G) (1) "SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT" MEANS
6 ANY COMMUNICATIONS DEVICE THAT ENABLES OR ASSISTS A PERSON WITH A
7 DISABILITY TO COMMUNICATE WITH OTHERS BY MEANS OF THE PUBLIC
8 SWITCHED TELEPHONE NETWORK OR INTERNET PROTOCOL-ENABLED VOICE
9 COMMUNICATIONS SERVICE.

10 (2) "SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT"
11 INCLUDES:

12 (I) TDD/TT/TTY;

13 (II) AMPLIFIERS;

14 (III) CAPTIONED TELEPHONES;

15 (IV) VRS EQUIPMENT;

16 (V) CELL PHONES;

17 (VI) PAGERS;

18 (VII) PUFF BLOW DEVICES;

19 (VIII) BRAILLE-TTY DEVICES; AND

20 (IX) EQUIPMENT FOR THE MOBILITY DISABLED.

21 **3A-502.**

22 THERE IS A GOVERNOR'S ADVISORY BOARD FOR TELECOMMUNICATIONS
23 RELAY IN THE DEPARTMENT.

24 **3A-503.**

25 ~~THE DEPARTMENT IN CONSULTATION WITH THE BOARD SHALL~~
26 ~~ESTABLISH AND ADMINISTER A PROGRAM TO PROVIDE COST EFFICIENT,~~
27 ~~24 HOUR, DUAL PARTY RELAY SERVICE TO PROGRAM PARTICIPANTS AT A~~
28 ~~COMPARABLE LEVEL OF ACCESS AND QUALITY THAT A STANDARD~~
29 ~~TELECOMMUNICATION SERVICE PROVIDES TO A PERSON WITHOUT A HEARING~~
30 ~~OR SPEECH DISABILITY.~~

1 ~~3A-504.~~

2 (A) THE BOARD SHALL BE COMPOSED OF 12 INDIVIDUALS APPOINTED
3 BY THE GOVERNOR, WHO SHALL DESIGNATE THE CHAIR, INCLUDING:

4 (1) FIVE REPRESENTATIVES OF THE DEAF OR HARD OF HEARING
5 COMMUNITY;

6 (2) ONE REPRESENTATIVE OF THE MOBILITY-IMPAIRED
7 COMMUNITY WHO REQUIRES THE USE OF SPECIALIZED CUSTOMER TELEPHONE
8 EQUIPMENT;

9 (3) ONE REPRESENTATIVE OF THE SPEECH-IMPAIRED
10 COMMUNITY WHO REQUIRES THE USE OF SPECIALIZED CUSTOMER TELEPHONE
11 EQUIPMENT;

12 (4) ONE REPRESENTATIVE OF THE SENIOR CITIZEN COMMUNITY
13 WHO REQUIRES THE USE OF SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT;

14 (5) ONE REPRESENTATIVE OF THE DEAF-BLIND COMMUNITY; AND

15 (6) THREE REPRESENTATIVES OF GOVERNMENT, ONE OF WHOM
16 IS A REPRESENTATIVE OF THE PUBLIC SERVICE COMMISSION.

17 (B) (1) THE TERM OF A MEMBER IS 3 YEARS.

18 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
19 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JUNE 30, 2008.

20 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
21 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

22 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
23 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
24 APPOINTED AND QUALIFIES.

25 (5) THE GOVERNOR MAY REMOVE A MEMBER FOR
26 INCOMPETENCE OR MISCONDUCT.

27 (C) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT
28 COMPENSATION, BUT SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES
29 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

1 (D) BY JANUARY 1 OF EACH YEAR, THE BOARD SHALL FILE AN ANNUAL
2 REPORT ON ITS ACTIVITIES TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH
3 § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

4 (E) THE BOARD SHALL ADVISE THE DEPARTMENT WITH REGARD TO
5 THE PROGRAM'S:

6 (1) LEVEL OF ACCESS TO PROGRAM PARTICIPANTS; AND

7 (2) QUALITY OF SERVICE.

8 ~~3A-505.~~ 3A-504.

9 (A) THE DEPARTMENT IN CONSULTATION WITH THE BOARD SHALL:

10 (1) ESTABLISH AND ADMINISTER A PROGRAM TO PROVIDE
11 COST-EFFICIENT, 24-HOUR, DUAL PARTY RELAY SERVICE TO PROGRAM
12 PARTICIPANTS AT A COMPARABLE LEVEL OF ACCESS AND QUALITY THAT A
13 STANDARD TELECOMMUNICATION SERVICE PROVIDES TO A PERSON WITHOUT A
14 HEARING OR SPEECH DISABILITY;

15 ~~(1)~~ (2) DEVELOP THE PROGRAM IN COLLABORATION WITH
16 STATE PROGRAMS CURRENTLY SERVING DISABLED INDIVIDUALS AND WITH
17 COMMUNITY AGENCIES OR OTHER ORGANIZATIONS THAT HAVE ESTABLISHED
18 RELAY PROGRAMS; AND

19 ~~(2)~~ (3) MAINTAIN AN INFORMATION AND REFERRAL SERVICE
20 TO PROVIDE INFORMATION ABOUT THE AVAILABILITY OF THE RELAY SERVICE.

21 (B) THE DEPARTMENT IN CONSULTATION WITH THE BOARD MAY:

22 (1) CONTRACT WITH A PRIVATE VENDOR OR NONPROFIT
23 ORGANIZATION TO PROVIDE THE INFORMATION AND REFERRAL SERVICE
24 REQUIRED UNDER SUBSECTION ~~(A)(2)~~ (A)(3) OF THIS SECTION; AND

25 (2) PROVIDE APPROPRIATE STAFF ASSISTANCE FROM THE
26 DEPARTMENT TO ASSIST THE BOARD IN CARRYING OUT ITS DUTIES UNDER THIS
27 SUBTITLE.

28 ~~3A-506.~~ 3A-505.

29 THE DEPARTMENT IN CONSULTATION WITH THE BOARD SHALL ADOPT
30 REGULATIONS TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.

31 ~~3A-507.~~ 3A-506.

1 (A) THE PROGRAMS UNDER ~~§ 3A-503~~ § 3A-504(A) OF THIS SUBTITLE
2 AND § 3A-602(A) OF THIS TITLE SHALL BE FUNDED AS PROVIDED IN THE STATE
3 BUDGET.

4 (B) THERE IS A UNIVERSAL SERVICE TRUST FUND CREATED FOR THE
5 PURPOSE OF PAYING THE COSTS OF MAINTAINING AND OPERATING THE
6 PROGRAM UNDER ~~§ 3A-503~~ § 3A-504(A) OF THIS SUBTITLE SUBJECT TO THE
7 LIMITATIONS AND CONTROLS PROVIDED IN THIS SUBTITLE, AND THE PROGRAM
8 UNDER § 3A-602(A) OF THIS TITLE SUBJECT TO THE LIMITATIONS AND
9 CONTROLS PROVIDED IN SUBTITLE 6 OF THIS TITLE. MONEYS IN THE
10 UNIVERSAL SERVICE TRUST FUND SHALL BE HELD IN THE STATE TREASURY.

11 (C) (1) THE COSTS OF THE PROGRAMS UNDER ~~§ 3A-503~~ § 3A-504(A)
12 OF THIS SUBTITLE AND § 3A-602(A) OF THIS TITLE SHALL BE FUNDED BY
13 REVENUES GENERATED BY A SURCHARGE TO BE PAID BY THE SUBSCRIBERS TO
14 SWITCHED LOCAL EXCHANGE ACCESS SERVICE AND BY OTHER FUNDS AS THE
15 BUDGET MAY PROVIDE.

16 (2) THE SURCHARGE MAY NOT EXCEED 45 CENTS PER MONTH
17 AND SHALL BE APPLIED TO ALL CURRENT BILLS RENDERED FOR SWITCHED
18 LOCAL EXCHANGE ACCESS SERVICE IN THE STATE. THE SURCHARGE IS
19 PAYABLE AT THE TIME THE BILLS FOR TELEPHONE SERVICE ARE DUE.

20 (D) (1) THE SECRETARY SHALL ANNUALLY CERTIFY TO THE PUBLIC
21 SERVICE COMMISSION THE COSTS OF THE PROGRAMS UNDER ~~§ 3A-503~~
22 § 3A-504(A) OF THIS SUBTITLE AND § 3A-602(A) OF THIS TITLE TO BE PAID BY
23 THE UNIVERSAL SERVICE TRUST FUND.

24 (2) THE PUBLIC SERVICE COMMISSION SHALL DETERMINE THE
25 SURCHARGE NECESSARY TO FUND THE PROGRAMS UNDER ~~§ 3A-503~~
26 § 3A-504(A) OF THIS SUBTITLE AND § 3A-602(A) OF THIS TITLE AND SHALL, ON
27 60 DAYS' NOTICE, DIRECT THE AFFECTED TELEPHONE COMPANIES TO ADD THE
28 SURCHARGE TO ALL CURRENT BILLS RENDERED FOR SWITCHED LOCAL
29 EXCHANGE ACCESS SERVICE IN THE STATE.

30 (E) (1) THE AFFECTED TELEPHONE COMPANIES SHALL ACT AS
31 COLLECTION AGENTS FOR THE UNIVERSAL SERVICE TRUST FUND AND SHALL
32 REMIT ALL PROCEEDS MONTHLY TO THE COMPTROLLER FOR DEPOSIT TO THE
33 UNIVERSAL SERVICE TRUST FUND.

34 (2) THE TELEPHONE COMPANIES SHALL BE ENTITLED TO CREDIT
35 AGAINST THESE PROCEEDS IN AN AMOUNT EQUAL TO 1 1/2 PERCENT OF THESE

1 PROCEEDS TO COVER THE EXPENSES OF BILLING, COLLECTING, AND
2 REMITTING THE SURCHARGE AND ANY ADDITIONAL CHARGES.

3 (F) (1) THE SECRETARY SHALL ADMINISTER THE UNIVERSAL
4 SERVICE TRUST FUND.

5 (2) THE INCOME DERIVED FROM INVESTMENT OF MONEY IN THE
6 FUND SHALL ACCRUE TO THE FUND.

7 (G) (1) THE LEGISLATIVE AUDITOR SHALL CONDUCT POSTAUDITS OF
8 A FISCAL AND COMPLIANCE NATURE OF THE UNIVERSAL SERVICE TRUST FUND
9 AND THE EXPENDITURES MADE FOR PURPOSES OF ~~§ 3A-503~~ § 3A-504(A) OF
10 THIS SUBTITLE AND § 3A-602(A) OF THIS TITLE.

11 (2) THE COST OF THE FISCAL PORTION OF THE POSTAUDIT
12 EXAMINATION SHALL BE PAID FROM THE UNIVERSAL SERVICE TRUST FUND AS
13 AN ADMINISTRATIVE COST.

14 **SUBTITLE 6. TELECOMMUNICATIONS DEVICES AND DISTRIBUTION OF**
15 **ACCESSIBLE INFORMATION FOR DISABLED INDIVIDUALS.**

16 **3A-601.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "BOARD" MEANS THE GOVERNOR'S ADVISORY BOARD FOR
20 TELECOMMUNICATIONS RELAY ESTABLISHED IN SUBTITLE 5 OF THIS TITLE.

21 (C) "PROGRAM" MEANS THE PROGRAM DEVELOPED AND
22 ADMINISTERED BY THE DEPARTMENT IN CONSULTATION WITH THE BOARD AND
23 THE DEPARTMENT OF DISABILITIES TO PROVIDE FINANCIAL ASSISTANCE FOR
24 THE PURCHASE OF SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT BY
25 ELIGIBLE PROGRAM PARTICIPANTS.

26 (D) "PROGRAM PARTICIPANT" MEANS A PERSON WHO:

27 (1) IS A RESIDENT OF THE STATE;

28 (2) IS CERTIFIED BY A LICENSED PROFESSIONAL AS HAVING A
29 DISABILITY WHICH SERIOUSLY LIMITS OR PROHIBITS THE USE OF THE
30 TELEPHONE OR WIRELESS NETWORK WITHOUT SPECIALIZED CUSTOMER
31 TELEPHONE EQUIPMENT;

1 (3) IS CERTIFIED BY A LICENSED PROFESSIONAL AS BEING ABLE
2 TO USE SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT FOR WHICH
3 APPLICATION IS MADE;

4 (4) MEETS THE FINANCIAL ELIGIBILITY REQUIREMENTS
5 ESTABLISHED BY THE DEPARTMENT IN CONSULTATION WITH THE
6 DEPARTMENT OF DISABILITIES AS A RECIPIENT OF:

7 (I) TRANSITIONAL EMERGENCY MEDICAL AND HOUSING
8 ASSISTANCE (TEMHA);

9 (II) SUPPLEMENTAL SECURITY INCOME (SSI);

10 (III) SOCIAL SECURITY DISABILITY INCOME (SSDI); OR

11 (IV) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
12 (TANF); AND

13 (5) AT THE TIME OF APPLICATION IS NOT RECEIVING SIMILAR
14 SERVICES WHICH ARE AVAILABLE AND CAN BE PROVIDED IN A TIMELY MANNER
15 THROUGH ANOTHER PROGRAM.

16 (E) “QUALIFIED ENTITY” MEANS A NONPROFIT ORGANIZATION THAT:

17 (1) PRODUCES AUDIO EDITIONS OF DAILY NEWSPAPERS,
18 AVAILABLE FOR INTERSTATE DISTRIBUTION USING HIGH-SPEED COMPUTER
19 AND TELECOMMUNICATIONS TECHNOLOGY; AND

20 (2) PROVIDES A MEANS OF PROGRAM ADMINISTRATION AND
21 READER REGISTRATION ON THE INTERNET.

22 (F) “SPECIALIZED CUSTOMER TELEPHONE EQUIPMENT” OR
23 “EQUIPMENT” MEANS ANY COMMUNICATIONS DEVICE DESIGNED TO ASSIST
24 PROGRAM PARTICIPANTS IN USING A TELEPHONE OR WIRELESS SERVICE
25 PROVIDER’S NETWORK.

26 (G) “SYSTEM” MEANS THE METHOD WHICH THE DEPARTMENT SHALL
27 USE TO PROVIDE EQUIPMENT TO ELIGIBLE PROGRAM PARTICIPANTS.

28 **3A-602.**

29 (A) IN ACCORDANCE WITH THE STATE BUDGET AND ~~§ 3A-507~~ **§ 3A-506**
30 OF THIS TITLE, THE DEPARTMENT, IN CONSULTATION WITH THE BOARD AND
31 THE DEPARTMENT OF DISABILITIES, SHALL ESTABLISH AND ADMINISTER A
32 PROGRAM:

1 (1) TO PROVIDE SPECIALIZED CUSTOMER TELEPHONE
2 EQUIPMENT TO ELIGIBLE PROGRAM PARTICIPANTS; AND

3 (2) TO PROVIDE REIMBURSEMENT OF COSTS UNDER § 3A-606 OF
4 THIS SUBTITLE.

5 (B) (1) IN THIS SUBSECTION, "SHOPPING FACILITY" MEANS AN
6 OUTDOOR OR INDOOR RETAIL FACILITY WITH A COMMON PEDESTRIAN AREA
7 HOUSING MORE THAN FIVE SALES OR RENTAL ESTABLISHMENTS IN WHICH A
8 MAJORITY OF THE TENANTS HAVE A MAIN ENTRANCE FROM THE COMMON
9 PEDESTRIAN AREA.

10 (2) THIS SUBSECTION APPLIES TO A SHOPPING FACILITY THAT:

11 (I) PROVIDES A TOTAL NUMBER OF FOUR OR MORE PUBLIC
12 PAY TELEPHONES AT THE FACILITY OF WHICH AT LEAST ONE IS LOCATED IN
13 THE COMMON PEDESTRIAN AREA; AND

14 (II) IS LARGER THAN 500,000 SQUARE FEET.

15 (3) IN ACCORDANCE WITH THE STANDARDS AND REGULATIONS
16 ESTABLISHED BY THE DEPARTMENT, THE OWNER, OPERATOR, MANAGER, OR
17 OTHER PERSON HAVING CONTROL OF A SHOPPING FACILITY SHALL ACQUIRE
18 AND INSTALL AT LEAST ONE SPECIALIZED COMMUNICATIONS DEVICE DESIGNED
19 TO ENABLE CUSTOMERS WITH HEARING OR SPEECH DISABILITIES TO ACCESS A
20 TELEPHONE OR WIRELESS SERVICE PROVIDERS NETWORK.

21 **3A-603.**

22 (A) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD AND THE
23 DEPARTMENT OF DISABILITIES, SHALL:

24 (1) PROVIDE A SYSTEM FOR ELIGIBLE PROGRAM PARTICIPANTS
25 TO OBTAIN EQUIPMENT, BUT NO SINGLE ELIGIBLE PARTICIPANT SHALL
26 RECEIVE MORE THAN \$6,000;

27 (2) ESTABLISH AN INFORMATION AND REFERRAL SERVICE,
28 INCLUDING THE TOLL-FREE NUMBERS FOR THE VARIOUS ACCESS MODES FOR
29 THE MARYLAND RELAY SERVICE AND PROVIDE INFORMATION ABOUT THE
30 AVAILABILITY OF THE EQUIPMENT;

31 (3) CONTRACT WITH PRIVATE VENDORS OR NONPROFIT
32 ORGANIZATIONS TO PROVIDE THE INFORMATION AND REFERRAL SERVICE AND
33 OTHER AUXILIARY SERVICES;

1 (4) AS NECESSARY, ESTABLISH INTERAGENCY AGREEMENTS WITH
2 OTHER STATE AGENCIES THAT PROVIDE TECHNICAL ASSISTANCE FOR
3 DISABLED INDIVIDUALS TO PREVENT DUPLICATIVE PROGRAMS; AND

4 (5) APPOINT APPROPRIATE STAFF TO ASSIST THE BOARD IN
5 CARRYING OUT ITS ACTIVITIES UNDER THIS SUBTITLE.

6 (B) THE BOARD AND THE DEPARTMENT OF DISABILITIES SHALL:

7 (1) ASSIST THE DEPARTMENT IN THE DEVELOPMENT OF
8 REGULATIONS;

9 (2) DEVELOP AND IMPLEMENT EDUCATIONAL OUTREACH
10 PROGRAMS;

11 (3) REVIEW AND MONITOR THE PROGRAM; AND

12 (4) ADVISE THE DEPARTMENT ON UNUSUAL HARDSHIP CASES.

13 **3A-604.**

14 THIS SUBTITLE MAY NOT BE CONSTRUED TO ESTABLISH AN ENTITLEMENT
15 PROGRAM.

16 **3A-605.**

17 THE DEPARTMENT IN CONSULTATION WITH THE BOARD AND THE
18 DEPARTMENT OF DISABILITIES SHALL ADOPT REGULATIONS TO CARRY OUT
19 THE PURPOSES OF THIS SUBTITLE.

20 **3A-606.**

21 (A) THE DEPARTMENT IN CONSULTATION WITH THE BOARD AND THE
22 DEPARTMENT OF DISABILITIES SHALL ENTER INTO AN AGREEMENT WITH THE
23 STATE DEPARTMENT OF EDUCATION, DIVISION OF LIBRARY DEVELOPMENT
24 AND SERVICES, PROVIDING FOR AN ANNUAL PAYMENT TO BE MADE TO THE
25 DIVISION IN AN AMOUNT EQUAL TO THE COST INCURRED FOR THE
26 DISTRIBUTION OF NEWSPAPERS IN A COMPUTERIZED AUDIO FORMAT.

27 (B) UNDER THE AGREEMENT, THE DIVISION OF LIBRARY
28 DEVELOPMENT AND SERVICES SHALL PROVIDE ELIGIBLE BLIND AND DISABLED
29 INDIVIDUALS WITH ACCESS TO NEWSPAPERS IN A COMPUTERIZED AUDIO
30 FORMAT BY A QUALIFIED ENTITY.

1 11-101.

2 (1) "Primary procurement units" means:

3 (1) the State Treasurer;

4 (2) the Department of Budget and Management;

5 (3) the Department of General Services;

6 (4) the Department of Transportation;

7 **(5) THE DEPARTMENT OF INFORMATION TECHNOLOGY;**

8 ~~[(5)]~~ **(6)** the University System of Maryland;

9 ~~[(6)]~~ **(7)** the Maryland Port Commission;

10 ~~[(7)]~~ **(8)** the Department of Public Safety and Correctional Services;

11 ~~[(8)]~~ **(9)** the Morgan State University; and

12 ~~[(9)]~~ **(10)** the St. Mary's College of Maryland.

13 12-107.

14 (b) Subject to the authority of the Board, jurisdiction over procurement is as
15 follows:

16 (2) the Department of Budget and Management may control
17 procurement of:

18 (i) [information processing equipment and associated services,
19 as provided in Title 3, Subtitle 4 of this article;

20 (ii) services by a unit, subject to any limitation in this Division
21 II; and

22 ~~[(iii)]~~ **(II)** leases of motor vehicles, as provided in Title 3,
23 Subtitle 5 of this article;

24 (5) the Maryland Port Commission, without the approval of any of the
25 other primary procurement units, may engage in the procurement of:

26 (i) supplies for port related activities, including motor vehicles
27 and information processing supplies, but excluding:

1 1. supplies funded by the proceeds from State general
2 obligation bonds; and

3 2. insurance;

4 (ii) services for port related activities, including information
5 processing services, but excluding banking and financial services under the authority
6 of the State Treasurer under item (1) of this subsection;

7 (iii) construction and construction related services for a port
8 facility as defined in § 6–101(e) of the Transportation Article;

9 (iv) port related architectural and engineering services under
10 Title 13, Subtitle 3 of this article; and

11 (v) leases of real property for port related activities unless the
12 lease payments are from the General Fund of the State; [and]

13 (6) the Department of Public Safety and Correctional Services may,
14 without the approval of any of the other primary procurement units:

15 (i) engage in the procurement of construction and construction
16 related services for State correctional facilities; and

17 (ii) engage in the procurement of supplies, materials, and
18 equipment in support of construction and construction related services for State
19 correctional facilities in accordance with this Division II and Title 2 and Title 10,
20 Subtitle 1 of the Correctional Services Article; AND

21 **(7) THE DEPARTMENT OF INFORMATION TECHNOLOGY MAY**
22 **CONTROL PROCUREMENT OF:**

23 **(I) INFORMATION PROCESSING EQUIPMENT AND**
24 **ASSOCIATED SERVICES, AS PROVIDED IN TITLE 3A, SUBTITLE 3 OF THIS**
25 **ARTICLE; AND**

26 **(II) TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR**
27 **SERVICES, AS PROVIDED IN TITLE 3A, SUBTITLE 4 OF THIS ARTICLE.**

28 13–401.

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

30 (b) “Information technology” has the meaning stated in [§ 3–402] ~~§ 3A–302~~
31 § 3A–301 of this article.

1 (c) "Secretary" means the Secretary of [Budget and Management]
2 **INFORMATION TECHNOLOGY.**

3 13-402.

4 (a) [By regulation, the] **THE** Secretary shall adopt a streamlined
5 procurement process for procurement of information technology services that provides
6 for the qualification of an offeror in one or more categories of information technology
7 services.

8 14-501.

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

10 (b) "Designated procurement unit" means:

11 (1) the State Treasurer;

12 (2) the Department of [Budget and Management] **INFORMATION**
13 **TECHNOLOGY;**

14 (3) the Department of Business and Economic Development;

15 (4) the Department of the Environment;

16 (5) the Department of General Services;

17 (6) the Department of Health and Mental Hygiene;

18 (7) the Department of Housing and Community Development;

19 (8) the Department of Human Resources;

20 (9) the Department of Juvenile Services;

21 (10) the Department of Labor, Licensing, and Regulation;

22 (11) the Department of Natural Resources;

23 (12) the State Department of Education;

24 (13) the Department of State Police;

25 (14) the Department of Public Safety and Correctional Services;

26 (15) the Department of Transportation;

- 1 (16) the University System of Maryland;
- 2 (17) the Maryland Port Commission;
- 3 (18) the State Retirement Agency;
- 4 (19) the Maryland Insurance Administration;
- 5 (20) the Maryland Stadium Authority;
- 6 (21) the State Lottery Agency; and
- 7 (22) the Morgan State University.

8 SECTION 3. AND BE IT FURTHER ENACTED, That, on July 1, 2008, all the
9 functions, powers, duties, equipment, assets, liabilities, and employees of the Office of
10 Information Technology in the Department of Budget and Management shall be
11 transferred to the Department of Information Technology.

12 SECTION 4. AND BE IT FURTHER ENACTED, That all appropriations,
13 including State and federal funds, held by the Department of Budget and Management
14 to carry out the functions and programs transferred under this Act shall be
15 transferred to the Department of Information Technology on the effective date of this
16 Act.

17 SECTION 5. AND BE IT FURTHER ENACTED, That an employee transferred
18 under this Act shall be appointed without further examination or qualification. The
19 employee shall be placed in a classification that is comparable in duties and
20 responsibilities to the employee's former position. The employee may not suffer a
21 diminution of salary or wages, accrued leave, whether earned or granted, or seniority
22 rights.

23 SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act
24 affects the terms of office of an appointed or elected member of any division, board,
25 commission, authority, council, committee, office, or unit. An individual who is a
26 member of a division, board, commission, authority, council, committee, office, or unit
27 on the effective date of this Act shall remain a member for the balance of the term to
28 which the member is appointed or elected, unless the member sooner dies, resigns, or
29 is removed under provisions of law.

30 SECTION 7. AND BE IT FURTHER ENACTED, That, except as expressly
31 provided to the contrary in this Act, any transaction affected by or flowing from any
32 statute here amended, repealed, or transferred, and validly entered into before the
33 effective date of this Act, and every right, duty, or interest following from the
34 transaction, remains valid after the effective date of this Act and may be terminated,
35 completed, consummated, or enforced pursuant to law.

1 SECTION 8. AND BE IT FURTHER ENACTED, That the publisher of the
2 Annotated Code of Maryland, in consultation with and subject to the approval of the
3 Department of Legislative Services, shall correct, with no further action required by
4 the General Assembly, cross-references and terminology rendered incorrect by this
5 Act or by any other Act of the General Assembly of 2008 that affects provisions
6 enacted by this Act. The publishers shall adequately describe any such correction in an
7 editor's note following the section affected.

8 SECTION 9. AND BE IT FURTHER ENACTED, That, except as otherwise
9 provided by law, all existing laws, rules and regulations, proposed rules and
10 regulations, standards and guidelines, policies, orders and other directives, forms,
11 plans, memberships, contracts, property, investigations, administrative and judicial
12 responsibilities, rights to sue and be sued, and all other duties and responsibilities
13 associated with the functions of the Department of Budget and Management's Office of
14 Information Technology prior to the effective date of this Act shall continue in effect
15 under the Department of Information Technology until completed, withdrawn,
16 canceled, modified, or otherwise changed pursuant to law.

17 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.