

SENATE BILL 819

Q7, B1, P1
SB 995/07 – SRU

8lr0911
CF HB 358

By: **Senators Mooney, Brinkley, Colburn, Greenip, Harris, Jacobs, Muse, Raskin, and Stone**

Introduced and read first time: February 8, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Funding Accountability and Transparency Act of 2008**

3 FOR the purpose of requiring the Department of Budget and Management to develop
4 and operate a specified website that includes specified information for certain
5 State financial assistance and expenditures; specifying certain parameters of
6 the 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)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Finance and Procurement**

2 3–101.

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

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

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

6 **3–207.**

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
8 MEANINGS INDICATED.

9 (2) (I) “ENTITY” MEANS, WHETHER FOR PROFIT OR NOT FOR
10 PROFIT, ANY:

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

14 2. OTHER GRANTEE, CONTRACTOR,
15 SUBCONTRACTOR, OR SUBGRANTEE; OR

16 3. POLITICAL SUBDIVISION.

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

20 (3) “SEARCHABLE WEBSITE” MEANS A WEBSITE THAT ALLOWS
21 THE PUBLIC TO:

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

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

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

27 (4) (I) “STATE AWARD” MEANS ANY STATE FINANCIAL
28 ASSISTANCE OR EXPENDITURES OVER THE AMOUNT OF \$25,000, INCLUDING:

1 1. GRANTS, SUBGRANTS, LOANS, AWARDS,
2 COOPERATIVE AGREEMENTS, AND OTHER FORMS OF FINANCIAL ASSISTANCE;
3 AND

4 2. CONTRACTS, SUBCONTRACTS, PURCHASE
5 ORDERS, AND OTHER PAYMENTS.

6 (II) “STATE AWARD” DOES NOT INCLUDE FUNDS
7 TRANSFERRED FROM ONE AGENCY TO ANOTHER.

8 (B) ON OR BEFORE JANUARY 1, 2009, THE DEPARTMENT SHALL
9 DEVELOP AND OPERATE A SINGLE, SEARCHABLE WEBSITE, ACCESSIBLE BY THE
10 PUBLIC AT NO COST, THAT INCLUDES FOR EACH STATE AWARD:

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

13 (2) THE AMOUNT OF THE AWARD;

14 (3) THE TRANSACTION TYPE;

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

16 (5) THE BUDGET PROGRAM FUND SOURCE;

17 (6) A DESCRIPTIVE PURPOSE OF EACH FUNDING ACTION OR
18 STATE AWARD;

19 (7) THE LOCATION OF THE ENTITY RECEIVING THE AWARD AND
20 THE PRIMARY LOCATION OF PERFORMANCE UNDER THE AWARD; AND

21 (8) ANY OTHER RELEVANT INFORMATION SPECIFIED BY THE
22 DEPARTMENT.

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

25 (1) SEARCH DATA FOR FISCAL YEAR 2009 AND EACH FISCAL YEAR
26 THEREAFTER;

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

1 **(3) PROVIDE INPUT REGARDING THE UTILITY OF THE SITE AND**
2 **RECOMMENDATIONS FOR IMPROVEMENT.**

3 **(D) THE SECRETARY MAY:**

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

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

10 **(E) STATE AGENCIES SHALL:**

11 **(1) COMPLY WITH THE PROVISIONS OF SUBSECTION (D) OF THIS**
12 **SECTION; AND**

13 **(2) PROVIDE APPROPRIATE ASSISTANCE TO THE SECRETARY TO**
14 **ENSURE THE EXISTENCE AND ONGOING OPERATION OF THE SINGLE WEBSITE.**

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

18 **(G) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE**
19 **“MARYLAND FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2008”.**

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