

HOUSE BILL 1205

S2, P1, S1

2lr1777
CF SB 811

By: **Delegates P. Young, Kerr, Feldmark, Bartlett, Kelly, Kipke, and McIntosh**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Information Technology and Cybersecurity–Related**
3 **Infrastructure**
4 **(Modernize Maryland Act of 2022)**

5 FOR the purpose of authorizing the Maryland Stadium Authority to issue bonds and, in
6 consultation with the Department of Information Technology, finance projects
7 related to information technology and cybersecurity–related State government
8 infrastructure; establishing an Information Technology and Cybersecurity
9 Infrastructure Fund as a special, nonlapsing fund; requiring interest earnings of the
10 Fund to be credited to the Fund; altering the duties of the Secretary of Information
11 Technology; establishing a Statewide Reporting Framework and Oversight
12 Commission in the Department; requiring the Department to hire an independent
13 contractor to develop a framework for investments in technology and annually assess
14 the cybersecurity and information technology systems in each unit of State
15 government; specifying the use of proceeds from certain bonds; establishing that the
16 Department is a primary procurement unit and authorizing the Department to
17 engage in or control certain procurements; authorizing a certain independent
18 contractor to issue a certain change order; and generally relating to the development,
19 financing, and procurement of information technology and cybersecurity–related
20 State government infrastructure projects.

21 BY repealing and reenacting, with amendments,
22 Article – Economic Development
23 Section 10–628(a)
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2021 Supplement)

26 BY adding to
27 Article – Economic Development
28 Section 10–628(d), 10–650.1, and 10–657.5
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2018 Replacement Volume and 2021 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article – State Finance and Procurement
 4 Section 3A–303(a)(7) and (8), 6–226(a)(2)(ii)144. and 145., 11–101(m),
 5 12–107(b)(2)(i)9. through 11., (3)(vi), and (4)(v), and 15–112(a)(1)(i)
 6 Annotated Code of Maryland
 7 (2021 Replacement Volume)

8 BY adding to
 9 Article – State Finance and Procurement
 10 Section 3A–303(a)(9), 3A–315 through 3A–317, 6–226(a)(2)(ii)146., 12–107(b)(5), and
 11 15–112(b)(4)
 12 Annotated Code of Maryland
 13 (2021 Replacement Volume)

14 BY repealing and reenacting, without amendments,
 15 Article – State Finance and Procurement
 16 Section 6–226(a)(2)(i), 11–101(a), and 15–112(b)(3)
 17 Annotated Code of Maryland
 18 (2021 Replacement Volume)

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

21 **Article – Economic Development**

22 10–628.

23 (a) Except as provided in subsections (b) [and], (c), AND (D) of this section and
 24 subject to the prior approval of the Board of Public Works, the Authority may issue bonds
 25 at any time for any corporate purpose of the Authority, including the establishment of
 26 reserves and the payment of interest.

27 (D) UNLESS AUTHORIZED BY THE GENERAL ASSEMBLY, THE BOARD OF
 28 PUBLIC WORKS MAY NOT APPROVE AN ISSUANCE BY THE AUTHORITY OF BONDS,
 29 WHETHER TAXABLE OR TAX EXEMPT, THAT CONSTITUTE TAX SUPPORTED DEBT OR
 30 NONTAX SUPPORTED DEBT IF, AFTER ISSUANCE, THERE WOULD BE OUTSTANDING
 31 AND UNPAID \$1,500,000,000 FACE AMOUNTS OF THE BONDS FOR THE PURPOSE OF
 32 FINANCING RESEARCH INTO, ACQUISITION OF, INSTALLATION OF, MAINTENANCE
 33 OF, AND RELATED EXPENSES FOR UPGRADES TO INFORMATION TECHNOLOGY AND
 34 CYBERSECURITY–RELATED STATE GOVERNMENT INFRASTRUCTURE.

35 10–650.1.

1 (A) THE AUTHORITY AND THE DEPARTMENT OF INFORMATION
2 TECHNOLOGY SHALL COMPLY WITH THIS SECTION TO FINANCE PROJECTS TO
3 RESEARCH, ACQUIRE, INSTALL, MAINTAIN, AND UPGRADE INFORMATION
4 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
5 INFRASTRUCTURE.

6 (B) THE AUTHORITY SHALL TRANSFER TO THE DEPARTMENT OF
7 INFORMATION TECHNOLOGY THE PROCEEDS OF BONDS ISSUED UNDER THIS
8 SUBTITLE FOR FINANCING INFORMATION TECHNOLOGY AND
9 CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE PROJECTS.

10 (C) AT LEAST 90 DAYS BEFORE PROVIDING THE WRITTEN NOTICE TO THE
11 FISCAL COMMITTEES OF THE GENERAL ASSEMBLY REQUIRED UNDER SUBSECTION
12 (D) OF THIS SECTION, THE AUTHORITY SHALL CONSULT WITH THE DEPARTMENT OF
13 INFORMATION TECHNOLOGY TO DETERMINE THE AMOUNT OF FUNDS NEEDED FOR
14 INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
15 INFRASTRUCTURE PROJECTS TO BE FINANCED WITH THE PROPOSED BONDS.

16 (D) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF
17 PUBLIC WORKS FOR EACH BOND ISSUE RELATED TO INFORMATION TECHNOLOGY
18 AND CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE, THE
19 AUTHORITY SHALL PROVIDE TO THE FISCAL COMMITTEES OF THE GENERAL
20 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,
21 WRITTEN NOTICE OF:

22 (1) THE AGGREGATE AMOUNT OF FUNDS NEEDED FOR INFORMATION
23 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
24 INFRASTRUCTURE PROJECTS TO BE FINANCED WITH THE PROPOSED BONDS;

25 (2) THE ANTICIPATED TOTAL DEBT SERVICE FOR THE PROPOSED
26 BOND ISSUE; AND

27 (3) THE ANTICIPATED TOTAL DEBT SERVICE WHEN COMBINED WITH
28 THE DEBT SERVICE FOR ALL PRIOR OUTSTANDING BOND ISSUES FOR INFORMATION
29 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
30 INFRASTRUCTURE PROJECTS.

31 (E) BEFORE EACH ISSUANCE OF BONDS TO FINANCE INFORMATION
32 TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT
33 INFRASTRUCTURE PROJECTS, THE AUTHORITY SHALL OBTAIN THE APPROVAL OF
34 THE BOARD OF PUBLIC WORKS OF THE AGGREGATE AMOUNT OF THE PROPOSED
35 BOND ISSUE.

1 **(F) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, UNTIL**
2 **THE BONDS THAT HAVE BEEN ISSUED TO FINANCE INFORMATION TECHNOLOGY AND**
3 **CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE PROJECTS ARE**
4 **NO LONGER OUTSTANDING AND UNPAID, THE GOVERNOR SHALL INCLUDE IN THE**
5 **ANNUAL BUDGET BILL AN APPROPRIATION TO THE INFORMATION TECHNOLOGY**
6 **AND CYBERSECURITY INFRASTRUCTURE FUND IN AN AMOUNT SUFFICIENT TO**
7 **COVER THE PROJECTED DEBT SERVICE REQUIREMENTS FOR THE UPCOMING FISCAL**
8 **YEAR.**

9 **10-657.5.**

10 **(A) IN THIS SECTION, “FUND” MEANS THE INFORMATION TECHNOLOGY**
11 **AND CYBERSECURITY INFRASTRUCTURE FUND.**

12 **(B) THERE IS AN INFORMATION TECHNOLOGY AND CYBERSECURITY**
13 **INFRASTRUCTURE FUND.**

14 **(C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
15 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND**
16 **THAT SHALL BE AVAILABLE IN PERPETUITY TO IMPLEMENT THIS SUBTITLE**
17 **RELATED TO UPGRADES TO INFORMATION TECHNOLOGY AND**
18 **CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE.**

19 **(2) THE AUTHORITY SHALL:**

20 **(I) USE THE FUND AS A REVOLVING FUND FOR CARRYING OUT**
21 **THE PROVISIONS OF THIS SUBTITLE RELATED TO UPGRADES TO INFORMATION**
22 **TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT**
23 **INFRASTRUCTURE; AND**

24 **(II) PAY ANY AND ALL EXPENSES FROM THE FUND THAT ARE**
25 **INCURRED BY THE AUTHORITY OR THE DEPARTMENT OF INFORMATION**
26 **TECHNOLOGY RELATED TO UPGRADES TO INFORMATION TECHNOLOGY AND**
27 **CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE.**

28 **(D) THE FUND CONSISTS OF:**

29 **(1) FUNDS APPROPRIATED FOR DEPOSIT TO THE FUND;**

30 **(2) PROCEEDS FROM THE SALE OF BONDS RELATED TO UPGRADES TO**
31 **INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT**
32 **INFRASTRUCTURE PROJECTS;**

1 **(3) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER**
2 **THIS SUBTITLE RELATED TO UPGRADES TO INFORMATION TECHNOLOGY AND**
3 **CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE PROJECTS;**

4 **(4) INTEREST EARNINGS; AND**

5 **(5) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC OR**
6 **PRIVATE SOURCE FOR THE PURPOSES ESTABLISHED FOR THE FUND.**

7 **(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
8 **IN THE SAME MANNER AS OTHER STATE FUNDS.**

9 **(2) ANY INVESTMENT EARNINGS SHALL BE CREDITED TO THE FUND.**

10 **(3) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO THE**
11 **GENERAL FUND OF THE STATE OR ANY SPECIAL FUND OF THE STATE.**

12 **Article – State Finance and Procurement**

13 **3A-303.**

14 (a) The Secretary is responsible for carrying out the following duties:

15 (7) advising and consulting with the Legislative and Judicial branches of
16 State government regarding a cybersecurity strategy; [and]

17 (8) in consultation with the Attorney General, developing guidance on
18 consistent cybersecurity strategies for counties, municipal corporations, school systems,
19 and all other political subdivisions of the State; AND

20 **(9) UPGRADING INFORMATION TECHNOLOGY AND**
21 **CYBERSECURITY-RELATED STATE GOVERNMENT INFRASTRUCTURE.**

22 **3A-315.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

25 **(2) “CITIZEN ADVOCACY GROUP” MEANS AN ORGANIZATION WHOSE**
26 **MISSION IS TO PROVIDE SUPPORT FOR INFORMATION TECHNOLOGY AND**
27 **CYBERSECURITY POLICIES.**

28 **(3) “COMMISSION” MEANS THE STATEWIDE REPORTING**
29 **FRAMEWORK AND OVERSIGHT COMMISSION.**

1 **(4) "CRITICAL SYSTEM" MEANS AN INFORMATION TECHNOLOGY OR**
2 **CYBERSECURITY SYSTEM THAT IS SEVERELY OUTDATED.**

3 **(B) THERE IS A STATEWIDE REPORTING FRAMEWORK AND OVERSIGHT**
4 **COMMISSION IN THE DEPARTMENT.**

5 **(C) THE PURPOSE OF THE COMMISSION IS TO:**

6 **(1) ENSURE THE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY**
7 **OF INFORMATION HELD BY THE STATE CONCERNING STATE RESIDENTS; AND**

8 **(2) DETERMINE THE APPROPRIATE INFORMATION TECHNOLOGY AND**
9 **CYBERSECURITY INVESTMENTS AND UPGRADES.**

10 **(D) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

11 **(1) THE SECRETARY;**

12 **(2) THE STATE CHIEF INFORMATION SECURITY OFFICER;**

13 **(3) THE STATE TREASURER;**

14 **(4) THE COCHAIRS OF THE JOINT COMMITTEE ON CYBERSECURITY,**
15 **INFORMATION TECHNOLOGY, AND BIOTECHNOLOGY;**

16 **(5) THREE CHIEF INFORMATION SECURITY OFFICERS REPRESENTING**
17 **DIFFERENT UNITS OF STATE GOVERNMENT, APPOINTED BY THE GOVERNOR;**

18 **(6) FOUR INFORMATION TECHNOLOGY EXPERTS IN THE PRIVATE**
19 **SECTOR, APPOINTED BY THE GOVERNOR;**

20 **(7) ONE REPRESENTATIVE FROM THE MARYLAND CHAMBER OF**
21 **COMMERCE;**

22 **(8) TWO REPRESENTATIVES FROM CITIZEN ADVOCACY GROUPS IN**
23 **THE STATE;**

24 **(9) ONE CHIEF INFORMATION SECURITY OFFICER FROM THE PRIVATE**
25 **SECTOR WHO HAS COMPLETED INFORMATION TECHNOLOGY AND CYBERSECURITY**
26 **UPGRADES FOR A BUSINESS WITH OVER 100 INFORMATION TECHNOLOGY SYSTEMS;**
27 **AND**

1 **(10) ONE CHIEF INFORMATION SECURITY OFFICER FROM THE**
2 **EDUCATION SECTOR WHO HAS COMPLETED INFORMATION TECHNOLOGY AND**
3 **CYBERSECURITY UPGRADES FOR AN EDUCATIONAL INSTITUTION WITH OVER 100**
4 **INFORMATION TECHNOLOGY SYSTEMS.**

5 **(E) THE COMMISSION SHALL:**

6 **(1) DEVELOP A STRATEGIC ROADMAP WITH A TIMELINE AND BUDGET**
7 **THAT WILL:**

8 **(I) REQUIRE THE UPDATES AND INVESTMENTS OF CRITICAL**
9 **INFORMATION TECHNOLOGY AND CYBERSECURITY SYSTEMS TO BE COMPLETED ON**
10 **OR BEFORE DECEMBER 31, 2025; AND**

11 **(II) REQUIRE ALL UPDATES AND INVESTMENTS OF**
12 **INFORMATION TECHNOLOGY AND CYBERSECURITY TO BE MADE ON OR BEFORE**
13 **DECEMBER 31, 2030;**

14 **(2) MAKE PERIODIC RECOMMENDATIONS ON INVESTMENTS IN STATE**
15 **INFORMATION TECHNOLOGY STRUCTURES BASED ON THE ASSESSMENTS**
16 **COMPLETED IN ACCORDANCE WITH THE FRAMEWORK DEVELOPED IN § 3A-316 OF**
17 **THIS SUBTITLE; AND**

18 **(3) EACH YEAR, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
19 **GOVERNMENT ARTICLE, REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE**
20 **SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS**
21 **COMMITTEE, AND THE JOINT COMMITTEE ON CYBERSECURITY, INFORMATION**
22 **TECHNOLOGY, AND BIOTECHNOLOGY.**

23 **3A-316.**

24 **(A) (1) THE DEPARTMENT SHALL HIRE AN INDEPENDENT CONTRACTOR**
25 **TO:**

26 **(I) DEVELOP A FRAMEWORK FOR INVESTMENTS IN**
27 **TECHNOLOGY; AND**

28 **(II) IN ACCORDANCE WITH THE FRAMEWORK, ANNUALLY**
29 **ASSESS THE CYBERSECURITY AND INFORMATION TECHNOLOGY SYSTEMS IN EACH**
30 **UNIT OF STATE GOVERNMENT.**

31 **(2) THE FRAMEWORK SHALL INCLUDE THE FOLLOWING CRITERIA:**

1 (I) SECURITY RISKS TO THE SYSTEM;

2 (II) SYSTEM PERFORMANCE;

3 (III) THE SYSTEM'S DEPENDENCE ON OTHER INFORMATION
4 TECHNOLOGY OR CYBERSECURITY SYSTEMS AND DATA;

5 (IV) THE SYSTEM'S ABILITY TO CREATE AN EFFICIENT AND
6 SEAMLESS EXPERIENCE FOR USERS;

7 (V) THE SYSTEM'S EFFECTIVENESS IN ACHIEVING UNIT
8 OBJECTIVES;

9 (VI) THE SYSTEM'S EFFECTIVENESS IN MEETING THE NEEDS OF
10 CITIZENS AND CUSTOMERS;

11 (VII) THE COSTS TO MAINTAIN AND OPERATE THE SYSTEM;

12 (VIII) THE SPEED OF GOVERNMENT RESPONSE TIME;

13 (IX) THE EFFECTIVENESS OF THE SYSTEM IN REGARD TO THE
14 UNIT'S OBJECTIVES;

15 (X) IMPROVEMENTS TO THE UNIT'S RELATIVE AUDIT FINDINGS
16 ATTRIBUTABLE TO THE SYSTEM; AND

17 (XI) AN ASSESSMENT OF THE SYSTEM USING THE NATIONAL
18 INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY FRAMEWORK.

19 (B) EACH UNIT SHALL PROMPTLY PROVIDE THE CONTRACTOR WITH THE
20 INFORMATION NECESSARY TO PERFORM THE ASSESSMENTS.

21 (C) EACH YEAR, THE CONTRACTOR SHALL PROVIDE THE RESULTS OF THE
22 ASSESSMENTS TO THE STATEWIDE REPORTING FRAMEWORK AND OVERSIGHT
23 COMMISSION ESTABLISHED UNDER § 3A-315 OF THIS SUBTITLE.

24 (D) THE DEPARTMENT MAY USE FUNDS AVAILABLE FROM THE ISSUANCE OF
25 BONDS IN ACCORDANCE WITH § 10-650.1 OF THE ECONOMIC DEVELOPMENT
26 ARTICLE TO PAY FOR THE INDEPENDENT CONTRACTOR REQUIRED UNDER THIS
27 SECTION.

28 3A-317.

1 **(A) THE DEPARTMENT SHALL CONSULT WITH THE MARYLAND STADIUM**
2 **AUTHORITY REGARDING THE ISSUANCE OF BONDS FOR UPGRADES TO**
3 **INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE GOVERNMENT**
4 **INFRASTRUCTURE IN ACCORDANCE WITH § 10-650.1 OF THE ECONOMIC**
5 **DEVELOPMENT ARTICLE.**

6 **(B) THE DEPARTMENT MAY USE THE PROCEEDS FROM BONDS ISSUED FOR**
7 **UPGRADES TO INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED STATE**
8 **GOVERNMENT INFRASTRUCTURE UNDER § 10-650.1 OF THE ECONOMIC**
9 **DEVELOPMENT ARTICLE ONLY FOR PROJECTS THAT RELATE TO RESEARCH INTO,**
10 **ACQUISITION OF, INSTALLATION OF, MAINTENANCE OF, AND RELATED EXPENSES**
11 **FOR UPGRADES TO INFORMATION TECHNOLOGY AND CYBERSECURITY-RELATED**
12 **STATE GOVERNMENT INFRASTRUCTURE.**

13 6-226.

14 (a) (2) (i) Notwithstanding any other provision of law, and unless
15 inconsistent with a federal law, grant agreement, or other federal requirement or with the
16 terms of a gift or settlement agreement, net interest on all State money allocated by the
17 State Treasurer under this section to special funds or accounts, and otherwise entitled to
18 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
19 Fund of the State.

20 (ii) The provisions of subparagraph (i) of this paragraph do not apply
21 to the following funds:

22 144. the Health Equity Resource Community Reserve Fund;

23 [and]

24 145. the Access to Counsel in Evictions Special Fund; AND

25 **146. THE INFORMATION TECHNOLOGY AND**
26 **CYBERSECURITY INFRASTRUCTURE FUND.**

27 11-101.

28 (a) In this Division II the following words have the meanings indicated unless:

29 (1) the context clearly requires a different meaning; or

30 (2) a different definition is provided for a particular title or provision.

31 (m) “Primary procurement units” means:

32 (1) the State Treasurer;

- 1 (2) the Department of General Services;
- 2 (3) the Department of Transportation;
- 3 (4) the University System of Maryland;
- 4 (5) the Maryland Port Commission;
- 5 (6) the Morgan State University; [and]
- 6 (7) the St. Mary's College of Maryland; AND
- 7 **(8) THE DEPARTMENT OF INFORMATION TECHNOLOGY.**

8 12–107.

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

11 (2) the Department of General Services may:

12 (i) engage in or control procurement of:

13 9. supplies, materials, and equipment in support of
14 construction and construction-related services for State correctional facilities in
15 accordance with this Division II and Title 2 and Title 10, Subtitle 1 of the Correctional
16 Services Article; AND

17 10. [information processing equipment and associated
18 services, as provided in Title 3A, Subtitle 3 of this article; and

19 11.] telecommunication equipment, systems, or services, as
20 provided in Title 3A, Subtitle 4 of this article;

21 (3) the Department of Transportation and the Maryland Transportation
22 Authority, without the approval of any of the other primary procurement units, may engage
23 in the procurement of:

24 (vi) services for aeronautics related activities, including information
25 processing services, but excluding banking and financial services under the authority of the
26 State Treasurer under item (1) of this subsection; [and]

27 (4) the Maryland Port Commission, without the approval of any of the
28 other primary procurement units, may engage in the procurement of:

1 (v) leases of real property for port related activities unless the lease
2 payments are from the General Fund of the State; AND

3 **(5) THE DEPARTMENT OF INFORMATION TECHNOLOGY, WITHOUT**
4 **THE APPROVAL OF ANY OTHER PRIMARY PROCUREMENT UNIT, MAY ENGAGE IN OR**
5 **CONTROL PROCUREMENT OF:**

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

8 **(II) INFORMATION TECHNOLOGY SYSTEM AND CYBERSECURITY**
9 **UPGRADES AND MODERNIZATION, AS PROVIDED IN TITLE 3A, SUBTITLE 3 OF THIS**
10 **ARTICLE.**

11 15–112.

12 (a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this
13 section applies to State procurement contracts for:

14 1. construction;

15 2. **INFORMATION PROCESSING EQUIPMENT AND**
16 **ASSOCIATED SERVICES; AND**

17 3. **IN ACCORDANCE WITH TITLE 3A, SUBTITLE 3 OF THIS**
18 **ARTICLE, INFORMATION TECHNOLOGY SYSTEM AND CYBERSECURITY UPGRADES**
19 **AND MODERNIZATION.**

20 (b) (3) (i) If a unit is to pay for a contract or a part of a contract using a
21 unit price methodology, a change order may not be required for work to continue and be
22 completed beyond the estimated quantities in the contract.

23 (ii) After work is completed, a unit shall:

24 1. determine the actual quantity used to complete the
25 contract; and

26 2. if necessary, issue a final adjustment change order to the
27 contractor.

28 **(4) AN INDEPENDENT CONTRACTOR WHO PERFORMS AN**
29 **ASSESSMENT UNDER § 3A–316 OF THIS ARTICLE MAY ISSUE A CHANGE ORDER ON**
30 **THE ORIGINAL ASSESSMENT CONTRACT FOR ANY SUBSEQUENT CYBERSECURITY**
31 **UPGRADES.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2022.