

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 183

(Chair, Budget and Taxation Committee)(By Request -
Departmental - Information Technology)

Budget and Taxation

Health and Government Operations

State Government - Information Technology - Review of Projects and Proposals

This departmental bill clarifies that Executive Branch agencies must advise the Department of Information Technology (DoIT) of any information technology (IT) proposal involving the sale, lease, exchange, or other disposition of communication sites, facilities, or frequencies.

Fiscal Summary

State Effect: None. The bill is clarifying in nature and generally consistent with current practices.

Local Effect: None. The bill applies only to State agencies.

Small Business Effect: DoIT has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law:

Department of Information Technology – Oversight and Responsibilities

DoIT and the Secretary of Information Technology are responsible for:

- developing and enforcing IT policies, procedures, and standards;

- providing technical assistance, advice, and recommendations to any unit of State government;
- reviewing agency project plans to make information and services available to the public over the Internet;
- developing and maintaining a statewide IT master plan, as specified; and
- adopting and enforcing nonvisual access standards to be used in the procurement of IT services, as specified.

While DoIT oversees most State agencies, some agencies, such the Maryland Stadium Authority, University System of Maryland, and Maryland Port Authority, are exempt from DoIT's oversight.

Information Technology Proposals Involving Resource Sharing and State Considerations

Specific to DoIT's project plan review and advisement responsibilities, an agency must generally confer with DoIT on any IT proposal involving resource sharing, the exchange of goods or services, or a gift, contribution, or grant of real or personal property. After being notified by an agency, DoIT must then determine if the value of resources, services, and/or property to be obtained by the State under the terms of the proposal equals or exceeds \$100,000.

If so, and DoIT and the agency agree to proceed with the proposal, the proposal must be (1) advertised for at least 30 days on eMaryland Marketplace and (2) submitted to the Legislative Policy Committee for a 60-day review and comment period during which the committee may recommend the proposal be treated as a procurement contract. Following the committee's comment period, the proposal is subject to approval by the Board of Public Works.

Resource Sharing Agreements

The State's telecommunications resource sharing agreement (RSA) process was established by Chapter 87 of 1996 to allow State agencies to enter into contractual agreements with private companies for the nonexclusive, long-term use of State rights-of-way (land), communications infrastructure (telecommunications towers), and real estate (buildings). Generally, RSAs permit private companies to install, operate, and maintain communications systems on State resources; in exchange, the private companies provide the State with monetary compensation, equipment, or services. DoIT advises that most RSAs do not include direct revenue for the State.

Background: DoIT advises that the bill's expansion of the type of proposals of which a unit of State government must advise the Secretary of Information Technology is clarifying in nature, making this section of law consistent with other similar State law requirements.

Additional Information

Prior Introductions: SB 345 of 2021, a similar bill, passed the Senate and received a hearing in the House Health and Government Operations Committee, but no further action was taken. HB 1573 of 2020, a similar bill, was referred to the House Rules and Executive Nominations Committee, and no further action was taken.

Designated Cross File: None.

Information Source(s): Department of Information Technology; State Department of Assessments and Taxation; Department of Commerce; Board of Public Works; Department of Natural Resources; Maryland Department of Planning; Maryland Department of the Environment; Maryland Institute for Emergency Medical Services Systems; Department of General Services; Maryland Higher Education Commission; Maryland Insurance Administration; Maryland State Lottery and Gaming Control; Maryland Department of Labor; Maryland Department of Emergency Management; Military Department; Department of State Police; Maryland Department of Aging; Department of Veterans Affairs; Department of Legislative Services

Fiscal Note History: First Reader - January 11, 2022
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: State Government - Information Technology - Review of Projects and Proposals

BILL NUMBER: SB0183

PREPARED BY: Patrick Mulford

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS