

of the Executive Branch. During the legislative process, the Department of Public Safety and Correctional Services was exempted from the provisions of the bill by amendment. However, the three-phase consolidation program, which encompasses the Public Safety Data Center, was left intact.

I do not believe that the Department of Budget and Fiscal Planning can effectively meet the requirements of House Bill 948 if a major using agency is excluded from the bill's provisions. The bill was intended to clarify the responsibilities of the Department in connection with its current responsibilities under Article 15A. Many of these responsibilities are duplicative or overlapping in nature, but the Department of Public Safety and Correctional Services is specifically excluded from the responsibilities of the Budget department as set forth in House Bill 948. If House Bill 948 were to be signed, the Department may be required to create two separate and distinct methods for procurement of data processing equipment and services. All State agencies except Public Safety and Correctional Services would be governed by the rules and regulations issued under the authority of House Bill 948, and would be subject to the legislative guidance therein with regard to competition thresholds, lowest responsive bidders, the monitoring of privacy and security of data, the sharing with or the sale or lease of data processing services among governmental agencies, and other criteria. The Department of Public Safety and Correctional Services would come under a separate procedure issued under the authority of Article 15A, Section 23B. However, it is unclear whether the same legislative guidance and criteria could be applied to the procedures that would be applicable to that Department.

The Attorney General, at my request, has specifically addressed this issue and has concluded that the responsibilities of the Department of Budget and Fiscal Planning under the new subtitle created by House Bill 948 are additional to his duties under Article 15A, but do not apply to the Department of Public Safety and Correctional Services. A copy of the Opinion of the Attorney General is attached.

The three-phase reorganization of the State's data processing resources has begun and will proceed. Phase I thereof is now a matter of law. I support the concept and objectives of House Bill 948 as set forth in the legislative declaration of policy, and I recognize the tremendous two-year effort of its sponsors. However, as amended, House Bill 948 will only serve to confuse an area of major State responsibility which requires a cautious consideration of individual State agency priorities and practices. Most important, the procurement procedures mandated by the bill must be uniform for all agencies. House Bill 948, as amended, defeats that objective.