

SENATE BILL 755

F2, P3, P2

9lr2415
CF HB 658

By: **Senator Peters**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2019

CHAPTER _____

1 AN ACT concerning

2 **Interagency Agreements – Historically Black Colleges and Universities – Goals**
3 **Reporting Requirements**

4 FOR the purpose of requiring the Department of Budget and Management to ~~require~~
5 ~~certain agencies and units to establish certain goals related to interagency~~
6 ~~agreements with historically black colleges and universities; authorizing the~~
7 ~~Department to issue a certain waiver under certain circumstances; requiring the~~
8 ~~Department to~~ include certain information in certain reports to certain committees
9 of the General Assembly on or before a certain date each year; defining certain terms;
10 and generally relating to interagency agreements.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 3–207
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2018 Supplement)

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

18 **Article – State Finance and Procurement**

19 3–207.

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 (a) (1) In this section[,“interagency] **THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 (2) **“HISTORICALLY BLACK COLLEGES AND UNIVERSITIES” MEANS**
4 **BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, MORGAN STATE**
5 **UNIVERSITY, AND UNIVERSITY OF MARYLAND EASTERN SHORE.**

6 (3) **“INTERAGENCY agreement”** means an agreement between an agency
7 or unit of the Executive Branch of State government and a public institution of higher
8 education that:

9 [(1)] (I) has a duration of 3 years or more;

10 [(2)] (II) was in place during any part of the immediately preceding
11 fiscal year; and

12 [(3)] (III) has a total value of more than \$750,000.

13 (b) At least once every 3 years, the Department shall review each interagency
14 agreement to determine:

15 (1) whether the agreement is necessary and should continue;

16 (2) whether the services can be provided more cost effectively by the agency
17 or unit or through a competitive procurement; and

18 (3) whether the agreement is being utilized due to the agency’s or unit’s
19 inability to recruit or retain positions and, if so, whether an annual salary review should
20 be conducted to address recruitment or retention issues.

21 (c) The Department shall establish a cycle to review one-third of the interagency
22 agreements each year.

23 (d) ~~(1) THE DEPARTMENT SHALL REQUIRE EACH AGENCY OR UNIT THAT~~
24 ~~USES INTERAGENCY AGREEMENTS TO ESTABLISH A GOAL THAT AT LEAST 5% OF~~
25 ~~EACH AGENCY’S OR UNIT’S TOTAL ANNUAL INTERAGENCY AGREEMENT~~
26 ~~EXPENDITURES BE AWARDED TO THE STATE’S HISTORICALLY BLACK COLLEGES AND~~
27 ~~UNIVERSITIES.~~

28 ~~(2) THE DEPARTMENT MAY ISSUE A WAIVER OF THE GOAL REQUIRED~~
29 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION IF AN AGENCY OR UNIT PROVIDES A~~
30 ~~REASONABLE DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE THE GOAL.~~

31 ~~(E)~~ (1) Subject to paragraphs (2) and (3) of this subsection, on or before
32 December 1 each year, the Department shall report a summary of the findings of the review

1 required under subsection (b) of this section to the Senate Budget and Taxation Committee,
2 the House Appropriations Committee, and the Department of Legislative Services, in
3 accordance with § 2-1246 of the State Government Article.

4 (2) In each report required under paragraph (1) of this subsection, the
5 Department shall provide the following information:

6 (i) the interagency agreements that will continue;

7 (ii) services that will be competitively procured;

8 (iii) services that will be provided by the agency or unit as a result of
9 the review;

10 (iv) services that have been or will be canceled as a result of the
11 review; and

12 (v) actions taken to address recruitment or retention issues
13 identified as a result of the review.

14 (3) IN EACH REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION, THE DEPARTMENT SHALL PROVIDE INFORMATION ON INTERAGENCY
16 AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES,
17 INCLUDING:

18 (I) ~~DETAILED PLANS BY AGENCIES AND UNITS TO MEET THE 5%
19 GOAL ESTABLISHED IN SUBSECTION (D)(1) OF THIS SECTION;~~

20 (II) ~~THE TOTAL PERCENTAGE OF INTERAGENCY CONTRACTS
21 WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, BY AGENCY OR UNIT;
22 AND~~

23 (III) ~~THE NUMBER OF WAIVERS GRANTED UNDER SUBSECTION
24 (D)(2) OF THIS SECTION, THE REASONS FOR THE WAIVERS, AND ANY BARRIERS TO
25 INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK COLLEGES AND
26 UNIVERSITIES; AND~~

27 (IV) (II) ANY RECOMMENDATIONS FOR REGULATORY OR
28 STATUTORY CHANGES NECESSARY TO ~~ENCOURAGE ATTAINMENT OF THE 5% GOAL~~
29 ADDRESS BARRIERS TO INTERAGENCY AGREEMENTS WITH HISTORICALLY BLACK
30 COLLEGES AND UNIVERSITIES.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2019.