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Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Government Innovation and Cooperation**

3 FOR the purpose of establishing the Board of Government Innovation and Cooperation;
4 establishing the membership of the Board; establishing certain powers and duties of
5 the Board; authorizing certain local government units and certain State agencies to
6 apply to the Board for waivers of certain rules; establishing certain procedures for
7 handling waiver requests; authorizing the Board to award certain grants to certain
8 local government units and organizations for certain purposes; establishing certain
9 procedures for awarding certain grants; and generally relating to State government.

10 BY adding to

11 Article - State Government
12 Section 9-1901 through 9-1912, inclusive, to be under the new subtitle "Subtitle 19.
13 Board of Government Innovation and Cooperation"
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1996 Supplement)

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

18 **Article - State Government**

19 SUBTITLE 19. BOARD OF GOVERNMENT INNOVATION AND COOPERATION.

20 9-1901.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (B) "AGENCY" MEANS A DEPARTMENT, AGENCY, BOARD, OR OTHER
24 INSTRUMENTALITY OF STATE GOVERNMENT THAT HAS JURISDICTION OVER AN
25 ADMINISTRATIVE RULE OR LAW FROM WHICH A WAIVER IS SOUGHT UNDER THIS
26 SUBTITLE.

27 (C) "BOARD" MEANS THE BOARD OF GOVERNMENT INNOVATION AND
28 COOPERATION.

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1 (D) "LOCAL GOVERNMENT UNIT" MEANS A COUNTY OR A MUNICIPAL
2 CORPORATION.

3 9-1902.

4 (A) THERE IS A BOARD OF GOVERNMENT INNOVATION AND COOPERATION
5 IN THE DEPARTMENT OF MANAGEMENT AND BUDGET.

6 (B) THE MEMBERSHIP OF THE BOARD CONSISTS OF:

7 (1) THREE MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY
8 THE PRESIDENT OF SENATE;

9 (2) THREE MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY
10 THE SPEAKER OF THE HOUSE;

11 (3) TWO ADMINISTRATIVE LAW JUDGES APPOINTED BY THE CHIEF
12 ADMINISTRATIVE LAW JUDGE;

13 (4) THE STATE COMPTROLLER;

14 (5) THE STATE TREASURER; AND

15 (6) THE SECRETARY OF MANAGEMENT AND BUDGET.

16 (C) THE STATE COMPTROLLER, THE STATE TREASURER, AND THE
17 SECRETARY OF MANAGEMENT AND BUDGET MAY EACH DESIGNATE ONE STAFF
18 MEMBER TO SERVE IN THE OFFICIAL'S PLACE.

19 (D) THE MEMBERS OF THE GENERAL ASSEMBLY SERVE AS NONVOTING
20 MEMBERS.

21 (E) THE BOARD MAY HIRE STAFF OR CONSULTANTS AS NECESSARY TO
22 PERFORM ITS DUTIES.

23 (F) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR
24 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN
25 THE STATE BUDGET.

26 9-1903.

27 (A) THE BOARD SHALL:

28 (1) ACCEPT APPLICATIONS FROM LOCAL GOVERNMENT UNITS FOR
29 WAIVERS OF ADMINISTRATIVE RULES AND TEMPORARY, LIMITED EXEMPTIONS
30 FROM ENFORCEMENT OF PROCEDURAL REQUIREMENTS IN STATE LAW AS
31 PROVIDED IN §§ 9-1904 THROUGH 9-1906 OF THIS SUBTITLE AND DETERMINE
32 WHETHER TO APPROVE, MODIFY, OR REJECT THE APPLICATION;

33 (2) ACCEPT APPLICATIONS FOR GRANTS TO LOCAL GOVERNMENT
34 UNITS AND RELATED ORGANIZATIONS PROPOSING TO DESIGN MODELS OR PLANS
35 FOR INNOVATIVE SERVICE DELIVERY AND MANAGEMENT AS PROVIDED IN § 9-1908
36 OF THIS SUBTITLE AND DETERMINE WHETHER TO APPROVE, MODIFY, OR REJECT
37 THE APPLICATION;

1 (3) ACCEPT APPLICATIONS FROM LOCAL GOVERNMENT UNITS FOR
2 FINANCIAL ASSISTANCE TO ENABLE THEM TO PLAN FOR COOPERATIVE EFFORTS AS
3 PROVIDED IN § 9-1910 OF THIS SUBTITLE AND DETERMINE WHETHER TO APPROVE,
4 MODIFY, OR REJECT THE APPLICATION;

5 (4) ACCEPT APPLICATIONS FROM ELIGIBLE LOCAL GOVERNMENT
6 UNITS FOR SERVICE-SHARING GRANTS AS PROVIDED IN § 9-1911 OF THIS SUBTITLE
7 AND DETERMINE WHETHER TO APPROVE, MODIFY, OR REJECT THE APPLICATIONS;

8 (5) MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR THE
9 AUTHORIZATION OF PILOT PROJECTS FOR THE IMPLEMENTATION OF INNOVATIVE
10 SERVICE DELIVERY ACTIVITIES THAT REQUIRE STATUTORY AUTHORIZATION;

11 (6) MAKE RECOMMENDATIONS TO THE LEGISLATURE REGARDING THE
12 ELIMINATION OF STATE MANDATES THAT INHIBIT LOCAL GOVERNMENT
13 EFFICIENCY, INNOVATION, AND COOPERATION BY PRESCRIBING SPECIFIC
14 PROCESSES FOR ACHIEVING A DESIRED OUTCOME;

15 (7) IDENTIFY RELEVANT UNFUNDED STATE MANDATES;

16 (8) INVESTIGATE AND REVIEW THE ROLE OF UNFUNDED STATE
17 MANDATES IN INTERGOVERNMENTAL RELATIONS AND ASSESS THEIR IMPACT ON
18 STATE AND LOCAL GOVERNMENT OBJECTIVES AND RESPONSIBILITIES; AND

19 (9) MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE
20 LEGISLATURE REGARDING:

21 (I) ALLOWING FLEXIBILITY FOR LOCAL UNITS OF GOVERNMENT
22 IN COMPLYING WITH SPECIFIC UNFUNDED STATE MANDATES FOR WHICH TERMS OF
23 COMPLIANCE ARE UNNECESSARILY RIGID OR COMPLEX;

24 (II) RECONCILING ANY TWO OR MORE UNFUNDED STATE
25 MANDATES THAT IMPOSE CONTRADICTORY OR INCONSISTENT REQUIREMENTS;

26 (III) TERMINATING UNFUNDED STATE MANDATES THAT ARE
27 DUPLICATIVE, OBSOLETE, OR LACKING IN PRACTICAL UTILITY;

28 (IV) SUSPENDING, ON A TEMPORARY BASIS, UNFUNDED STATE
29 MANDATES THAT ARE NOT VITAL TO PUBLIC HEALTH AND SAFETY AND THAT
30 COMPOUND THE FISCAL DIFFICULTIES OF LOCAL UNITS OF GOVERNMENT,
31 INCLUDING RECOMMENDATIONS FOR INITIATING THE SUSPENSIONS;

32 (V) CONSOLIDATING OR SIMPLIFYING UNFUNDED STATE
33 MANDATES OR THE PLANNING OR REPORTING REQUIREMENTS OF THE MANDATES,
34 IN ORDER TO REDUCE DUPLICATION AND FACILITATE COMPLIANCE BY LOCAL
35 UNITS OF GOVERNMENT WITH THOSE MANDATES; AND

36 (VI) ESTABLISHING COMMON STATE DEFINITIONS OR STANDARDS
37 TO BE USED BY LOCAL UNITS OF GOVERNMENT IN COMPLYING WITH UNFUNDED
38 STATE MANDATES THAT USE DIFFERENT DEFINITIONS OR STANDARDS FOR THE
39 SAME TERMS OR PRINCIPLES.

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1 (B) THE DUTIES IMPOSED UNDER SUBSECTION (A)(7), (8), AND (9) OF THIS
2 SECTION SHALL BE PERFORMED TO THE EXTENT POSSIBLE GIVEN EXISTING
3 RESOURCES. EACH RECOMMENDATION UNDER SUBSECTION (A)(8) OF THIS SECTION
4 SHALL, TO THE EXTENT PRACTICABLE, IDENTIFY THE SPECIFIC UNFUNDED STATE
5 MANDATES TO WHICH THE RECOMMENDATION APPLIES.

6 (C) THE HEADS OF STATE DEPARTMENTS OR AGENCIES RESPONSIBLE FOR
7 THE PROMULGATION OR ENFORCEMENT OF THE UNFUNDED MANDATES
8 ADDRESSED IN SUBSECTION (A)(6) THROUGH (9) OF THIS SECTION SHALL ASSIGN
9 STAFF TO ASSIST THE BOARD IN CARRYING OUT THE BOARD'S DUTIES UNDER THIS
10 SECTION.

11 9-1904.

12 (A) (1) A LOCAL GOVERNMENTAL UNIT MAY REQUEST THE BOARD TO
13 GRANT A WAIVER FROM ONE OR MORE ADMINISTRATIVE RULES OR A TEMPORARY,
14 LIMITED EXEMPTION FROM ENFORCEMENT OF STATE PROCEDURAL LAWS
15 GOVERNING DELIVERY OF SERVICES BY THE LOCAL GOVERNMENT UNIT.

16 (2) TWO OR MORE LOCAL GOVERNMENT UNITS MAY SUBMIT A JOINT
17 APPLICATION FOR A WAIVER OR EXEMPTION UNDER THIS SECTION IF THEY
18 PROPOSE TO COOPERATE IN PROVIDING A SERVICE OR PROGRAM THAT IS SUBJECT
19 TO THE RULE OR LAW.

20 (B) BEFORE SUBMITTING AN APPLICATION TO THE BOARD, THE GOVERNING
21 BODY OF THE LOCAL GOVERNMENT UNIT MUST APPROVE, IN CONCEPT, THE
22 PROPOSED WAIVER OR EXEMPTION AT A PUBLIC MEETING.

23 (C) (1) A LOCAL GOVERNMENT UNIT OF TWO OR MORE UNITS ACTING
24 JOINTLY MAY APPLY FOR A WAIVER OR EXEMPTION ON BEHALF OF A NONPROFIT
25 ORGANIZATION PROVIDING SERVICES TO CLIENTS WHOSE COSTS ARE PAID BY THE
26 UNIT OR UNITS.

27 (2) A WAIVER OR EXEMPTION GRANTED TO A NONPROFIT
28 ORGANIZATION UNDER THIS SECTION APPLIES TO SERVICES PROVIDED TO ALL THE
29 ORGANIZATION'S CLIENTS.

30 (D) (1) A LOCAL GOVERNMENT UNIT REQUESTING A WAIVER OF A RULE
31 OR EXEMPTION FROM ENFORCEMENT OF A LAW UNDER THIS SECTION SHALL
32 PRESENT A WRITTEN APPLICATION TO THE BOARD.

33 (2) THE APPLICATION MUST INCLUDE:

34 (I) IDENTIFICATION OF THE SERVICE OR PROGRAM AT ISSUE;

35 (II) IDENTIFICATION OF THE ADMINISTRATIVE RULE OR THE LAW
36 IMPOSING A PROCEDURAL REQUIREMENT WITH RESPECT TO WHICH THE WAIVER
37 OR EXEMPTION IS SOUGHT; AND

38 (III) A DESCRIPTION OF THE IMPROVED SERVICE OUTCOME
39 SOUGHT, INCLUDING AN EXPLANATION OF THE EFFECT OF THE WAIVER OR
40 EXEMPTION IN ACCOMPLISHING THAT OUTCOME.

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1 (E) A COPY OF THE APPLICATION MUST BE PROVIDED BY THE REQUESTING
2 LOCAL GOVERNMENT UNIT TO THE EXCLUSIVE REPRESENTATIVE CERTIFIED TO
3 REPRESENT EMPLOYEES WHO PROVIDE THE SERVICE OR PROGRAM AFFECTED BY
4 THE REQUESTED WAIVER OR EXEMPTION.

5 9-1905.

6 (A) (1) UPON RECEIPT OF AN APPLICATION FROM A LOCAL GOVERNMENT
7 UNIT, THE BOARD SHALL REVIEW THE APPLICATION.

8 (2) THE BOARD SHALL DISMISS AN APPLICATION IF IT FINDS THAT THE
9 APPLICATION PROPOSES A WAIVER OF RULES OR EXEMPTION FROM ENFORCEMENT
10 OF LAWS THAT WOULD RESULT IN DUE PROCESS VIOLATIONS, VIOLATIONS OF
11 FEDERAL LAW OR THE STATE OR FEDERAL CONSTITUTION, OR THE LOSS OF
12 SERVICES TO PEOPLE WHO ARE ENTITLED TO THEM.

13 (B) (1) THE BOARD SHALL DETERMINE WHETHER A LAW FROM WHICH AN
14 EXEMPTION FOR ENFORCEMENT IS SOUGHT IS A PROCEDURAL LAW, SPECIFYING
15 HOW A LOCAL GOVERNMENT UNIT IS TO ACHIEVE AN OUTCOME, RATHER THAN A
16 SUBSTANTIVE LAW PRESCRIBING THE OUTCOME OR OTHERWISE ESTABLISHING
17 POLICY.

18 (2) IN MAKING ITS DETERMINATION, THE BOARD SHALL CONSIDER
19 WHETHER THE LAW SPECIFIES SUCH REQUIREMENTS AS:

20 (I) WHO MUST DELIVER A SERVICE;

21 (II) WHERE THE SERVICE MUST BE DELIVERED;

22 (III) TO WHOM AND IN WHAT FORM REPORTS REGARDING THE
23 SERVICE MUST BE MADE; AND

24 (IV) HOW LONG OR HOW OFTEN THE SERVICE MUST BE MADE
25 AVAILABLE TO A GIVEN RECIPIENT.

26 (C) (1) IF THE STATE COMPTROLLER, THE SECRETARY OF MANAGEMENT
27 AND BUDGET, OR THE STATE TREASURER HAS JURISDICTION OVER A RULE OR LAW
28 AFFECTED BY AN APPLICATION, THE CHIEF ADMINISTRATIVE LAW JUDGE, AS SOON
29 AS PRACTICABLE AFTER RECEIPT OF THE APPLICATION, SHALL DESIGNATE A THIRD
30 ADMINISTRATIVE LAW JUDGE TO SERVE AS A MEMBER OF THE BOARD IN PLACE OF
31 THAT OFFICIAL WHILE THE BOARD IS DECIDING WHETHER TO GRANT THE WAIVER
32 OR EXEMPTION.

33 (2) WITHIN 15 DAYS AFTER RECEIPT OF THE APPLICATION, THE BOARD
34 SHALL TRANSMIT A COPY OF IT TO THE COMMISSIONER OF EACH AGENCY HAVING
35 JURISDICTION OVER A RULE OR LAW FROM WHICH A WAIVER OR EXEMPTION IS
36 SOUGHT.

37 (3) IF NO AGENCY HAS JURISDICTION OVER THE RULE OR LAW, THE
38 BOARD SHALL TRANSMIT A COPY OF THE APPLICATION TO THE ATTORNEY
39 GENERAL.

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1 (D) (1) THE AGENCY SHALL INFORM THE BOARD OF ITS AGREEMENT WITH
2 OR OBJECTION TO AND GROUNDS FOR OBJECTION TO THE WAIVER OR EXEMPTION
3 REQUEST WITHIN 60 DAYS OF THE DATE WHEN THE APPLICATION WAS
4 TRANSMITTED TO IT.

5 (2) AN AGENCY'S FAILURE TO DO SO IS CONSIDERED AGREEMENT TO
6 THE WAIVER OR EXEMPTION.

7 (3) THE BOARD SHALL DECIDE WHETHER TO GRANT A WAIVER OR
8 EXEMPTION AT ITS NEXT REGULARLY SCHEDULED MEETING FOLLOWING ITS
9 RECEIPT OF AN AGENCY'S RESPONSE OR THE END OF THE 60-DAY RESPONSE
10 PERIOD.

11 (4) INTERESTED PERSONS MAY SUBMIT WRITTEN COMMENTS TO THE
12 BOARD ON THE WAIVER OR EXEMPTION REQUEST UP TO THE TIME OF ITS VOTE.

13 (E) IF THE EXCLUSIVE REPRESENTATIVE OF THE AFFECTED EMPLOYEES OF
14 THE REQUESTING LOCAL GOVERNMENT UNIT OBJECTS TO THE WAIVER OR
15 EXEMPTION REQUEST IT MAY INFORM THE BOARD OF THE OBJECTION TO AND THE
16 GROUNDS FOR THE OBJECTION TO THE WAIVER OR EXEMPTION REQUEST WITHIN
17 60 DAYS OF THE RECEIPT OF THE APPLICATION.

18 9-1906.

19 (A) (1) IF THE AGENCY OR THE EXCLUSIVE REPRESENTATIVE DOES NOT
20 AGREE WITH THE WAIVER OR EXEMPTION REQUEST UNDER § 9-1904 OF THIS
21 SUBTITLE, THE BOARD SHALL SET A DATE FOR A HEARING ON THE APPLICATION.

22 (2) THE HEARING SHALL BE CONDUCTED INFORMALLY.

23 (3) PERSONS REPRESENTING THE LOCAL GOVERNMENT UNIT SHALL
24 PRESENT THEIR CASE FOR THE WAIVER OR EXEMPTION, AND PERSONS
25 REPRESENTING THE AGENCY SHALL EXPLAIN THE AGENCY'S OBJECTION TO IT.

26 (4) THE BOARD MAY:

27 (I) REQUEST ADDITIONAL INFORMATION FROM EITHER PARTY;
28 AND

29 (II) REQUEST, EITHER BEFORE OR AT THE HEARING,
30 INFORMATION OR COMMENTS FROM REPRESENTATIVES OF BUSINESS, LABOR,
31 LOCAL GOVERNMENTS, STATE AGENCIES, AND CONSULTANTS AND MEMBERS OF
32 THE PUBLIC.

33 (5) A WAIVER OR EXEMPTION MUST BE GRANTED BY A VOTE OF A
34 MAJORITY OF THE BOARD MEMBERS.

35 (6) THE BOARD MAY MODIFY THE TERMS OF THE WAIVER OR
36 EXEMPTION REQUEST IN ARRIVING AT THE AGREEMENT REQUIRED UNDER
37 SUBSECTION (B) OF THIS SECTION.

38 (B) (1) IF THE BOARD GRANTS A REQUEST FOR A WAIVER OR EXEMPTION,
39 THE BOARD AND THE LOCAL GOVERNMENT UNIT SHALL ENTER INTO AN

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1 AGREEMENT PROVIDING FOR THE DELIVERY OF THE SERVICE OR PROGRAM THAT
2 IS THE SUBJECT OF THE APPLICATION.

3 (2) THE AGREEMENT MUST SPECIFY DESIRED OUTCOMES AND THE
4 MEANS OF MEASUREMENT BY WHICH THE BOARD WILL DETERMINE WHETHER THE
5 OUTCOMES SPECIFIED IN THE AGREEMENT HAVE BEEN MET.

6 (3) (I) THE AGREEMENT MUST SPECIFY THE DURATION OF THE
7 WAIVER OR EXEMPTION.

8 (II) THE DURATION OF A WAIVER FROM AN ADMINISTRATIVE
9 RULE MAY BE FOR NO LESS THAN 2 YEARS AND NO MORE THAN 4 YEARS, SUBJECT
10 TO RENEWAL IF BOTH PARTIES AGREE.

11 (4) AN EXEMPTION FROM ENFORCEMENT OF A LAW TERMINATES 10
12 DAYS AFTER ADJOURNMENT OF THE REGULAR LEGISLATIVE SESSION HELD
13 DURING THE CALENDAR YEAR FOLLOWING THE YEAR WHEN THE EXEMPTION IS
14 GRANTED, UNLESS THE GENERAL ASSEMBLY HAS ACTED TO EXTEND OR MAKE
15 PERMANENT THE EXEMPTION.

16 (C) IF THE BOARD GRANTS A WAIVER OR EXEMPTION, WITHIN 30 DAYS IT
17 MUST REPORT THE WAIVER OR EXEMPTION TO THE GENERAL ASSEMBLY, IN
18 ACCORDANCE WITH § 2-312 OF THE STATE GOVERNMENT ARTICLE, AND THE
19 GOVERNOR.

20 (D) (1) THE BOARD MAY RECONSIDER OR RENEGOTIATE THE AGREEMENT
21 IF THE RULE OR LAW AFFECTED BY THE WAIVER OR EXEMPTION IS AMENDED OR
22 REPEALED DURING THE TERM OF THE ORIGINAL AGREEMENT.

23 (2) A LOCAL UNIT OF GOVERNMENT THAT IS GRANTED AN EXEMPTION
24 FROM ENFORCEMENT OF A PROCEDURAL REQUIREMENT IN STATE LAW UNDER
25 THIS SECTION IS EXEMPT FROM THAT LAW FOR THE DURATION OF THE EXEMPTION.

26 (3) THE BOARD MAY REQUIRE PERIODIC REPORTS FROM THE LOCAL
27 GOVERNMENT UNIT, OR CONDUCT INVESTIGATIONS OF THE SERVICE OR PROGRAM.

28 (E) (1) IF THE BOARD FINDS THAT THE LOCAL GOVERNMENT UNIT IS
29 FAILING TO COMPLY WITH THE TERMS OF THE AGREEMENT UNDER THIS SECTION,
30 IT MAY RESCIND THE AGREEMENT.

31 (2) UPON THE RESCISSION, THE LOCAL UNIT OF GOVERNMENT
32 BECOMES SUBJECT TO THE RULES AND LAWS COVERED BY THE AGREEMENT.

33 9-1907.

34 (A) A STATE DEPARTMENT OR AGENCY MAY APPLY TO THE BOARD FOR A
35 WAIVER FROM:

36 (1) AN ADMINISTRATIVE RULE OR POLICY ADOPTED BY THE
37 DEPARTMENT OF PERSONNEL THAT DEALS WITH THE STATE PERSONNEL SYSTEM;

38 (2) AN ADMINISTRATIVE RULE OR POLICY OF THE DEPARTMENT OF
39 GENERAL SERVICES THAT DEALS WITH THE STATE PROCUREMENT SYSTEM; OR

8

1 (3) A POLICY OF THE STATE COMPTROLLER THAT DEALS WITH THE
2 STATE ACCOUNTING SYSTEM.

3 (B) TWO OR MORE STATE AGENCIES MAY SUBMIT A JOINT APPLICATION.

4 (C) A WAIVER APPLICATION MUST IDENTIFY THE RULE OR POLICY AT ISSUE,
5 AND MUST DESCRIBE THE IMPROVED OUTCOME SOUGHT THROUGH THE WAIVER.

6 9-1908.

7 (A) (1) THE BOARD SHALL REVIEW ALL APPLICATIONS SUBMITTED UNDER
8 THIS SECTION.

9 (2) THE BOARD SHALL DISMISS AN APPLICATION IF IT FINDS THAT THE
10 APPLICATION PROPOSES A WAIVER THAT WOULD RESULT IN DUE PROCESS
11 VIOLATIONS, VIOLATIONS OF FEDERAL LAW OR THE STATE OR FEDERAL
12 CONSTITUTION, OR THE LOSS OF SERVICES TO PEOPLE WHO ARE ENTITLED TO
13 THEM.

14 (B) THE BOARD MAY APPROVE A WAIVER ONLY IF THE BOARD DETERMINES
15 THAT IF THE WAIVER IS GRANTED:

16 (1) SERVICES CAN BE PROVIDED IN A MORE EFFICIENT OR EFFECTIVE
17 MANNER; AND

18 (2) SERVICES RELATED TO HUMAN RESOURCES MUST BE PROVIDED IN
19 A MANNER CONSISTENT WITH THE POLICIES EXPRESSED IN § 4-102 OF THE STATE
20 PERSONNEL AND PENSIONS ARTICLE AND SERVICES RELATED TO PROCUREMENT
21 MUST BE PROVIDED IN A MANNER CONSISTENT WITH THE POLICIES EXPRESSED IN §
22 11-201 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23 (C) IN THE CASE OF A WAIVER FROM A POLICY OF THE STATE
24 COMPTROLLER, THE BOARD MAY APPROVE THE WAIVER ONLY IF IT DETERMINES
25 THAT:

26 (1) SERVICES WILL BE PROVIDED IN A MORE EFFICIENT OR EFFECTIVE
27 MANNER; AND

28 (2) STATE FUNDS WILL BE ADEQUATELY ACCOUNTED FOR AND
29 SAFEGUARDED IN A MANNER THAT COMPLIES WITH GENERALLY ACCEPTED
30 GOVERNMENT ACCOUNTING PRINCIPLES.

31 (D) (1) WITHIN 15 DAYS OF RECEIPT OF THE APPLICATION, THE BOARD
32 SHALL SEND A COPY OF THE APPLICATION TO:

33 (I) THE AGENCY WHOSE RULE OR POLICY IS INVOLVED; AND

34 (II) ALL EXCLUSIVE REPRESENTATIVES WHO REPRESENT
35 EMPLOYEES OF THE AGENCY REQUESTING THE WAIVER.

36 (2) (I) THE AGENCY WHOSE RULE OR POLICY IS INVOLVED OR AN
37 EXCLUSIVE REPRESENTATIVE SHALL NOTIFY THE BOARD OF ITS AGREEMENT WITH
38 OR OBJECTION TO AND GROUNDS FOR OBJECTION TO THE WAIVER WITHIN 60 DAYS

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1 OF THE DATE WHEN THE APPLICATION WAS TRANSMITTED TO THE AGENCY OR THE
2 EXCLUSIVE REPRESENTATIVE.

3 (II) AN AGENCY'S OR EXCLUSIVE REPRESENTATIVE'S FAILURE TO
4 DO SO IS CONSIDERED AGREEMENT TO THE WAIVER.

5 (E) (1) IF THE AGENCY OR THE EXCLUSIVE REPRESENTATIVE OBJECTS TO
6 THE WAIVER, THE BOARD SHALL SCHEDULE A MEETING AT WHICH THE AGENCY
7 REQUESTING THE WAIVER MAY PRESENT ITS CASE FOR THE WAIVER AND THE
8 OBJECTING PARTY MAY RESPOND.

9 (2) THE BOARD SHALL DECIDE WHETHER TO GRANT A WAIVER AT ITS
10 NEXT REGULARLY SCHEDULED MEETING FOLLOWING ITS RECEIPT OF AN
11 AGENCY'S RESPONSE, OR THE END OF THE 60-DAY RESPONSE PERIOD, WHICHEVER
12 OCCURS FIRST.

13 (3) INTERESTED PERSONS MAY SUBMIT WRITTEN COMMENTS TO THE
14 BOARD CONCERNING THE WAIVER REQUEST.

15 (F) (1) IF THE BOARD GRANTS A REQUEST FOR A WAIVER, THE BOARD
16 AND THE AGENCY REQUESTING THE WAIVER SHALL ENTER INTO AN AGREEMENT
17 RELATING TO:

18 (I) THE OUTCOMES DESIRED AS A RESULT OF THE WAIVER; AND

19 (II) THE MEANS OF MEASUREMENT TO DETERMINE WHETHER
20 THOSE OUTCOMES HAVE BEEN ACHIEVED WITH THE WAIVER.

21 (2) THE AGREEMENT MUST SPECIFY THE DURATION OF THE WAIVER,
22 WHICH MUST BE FOR AT LEAST 2 YEARS AND NOT MORE THAN 4 YEARS.

23 (3) IF THE BOARD DETERMINES THAT AN AGENCY TO WHICH A WAIVER
24 IS GRANTED IS FAILING TO COMPLY WITH THE TERMS OF THE AGREEMENT, THE
25 BOARD MAY RESCIND THE AGREEMENT.

26 (G) FOR PURPOSES OF EVALUATING WAIVER REQUESTS INVOLVING RULES
27 OR POLICIES OF THE DEPARTMENT OF MANAGEMENT AND BUDGET, THE CHIEF
28 ADMINISTRATIVE LAW JUDGE SHALL APPOINT A THIRD ADMINISTRATIVE LAW
29 JUDGE TO REPLACE THE SECRETARY OF MANAGEMENT AND BUDGET ON THE
30 BOARD.

31 9-1909.

32 (A) THE FOLLOWING PARTIES MAY APPLY TO THE BOARD OF GOVERNMENT
33 INNOVATION AND COOPERATION FOR A GRANT TO BE USED TO DEVELOP MODELS
34 FOR INNOVATIVE SERVICE BUDGET MANAGEMENT:

35 (1) ONE OR MORE LOCAL UNITS OF GOVERNMENT;

36 (2) AN ASSOCIATION OF LOCAL GOVERNMENTS;

37 (3) A LOCAL UNIT OF GOVERNMENT ACTING IN CONJUNCTION WITH AN
38 ORGANIZATION OR A STATE AGENCY; AND

10

1 (4) AN ORGANIZATION ESTABLISHED BY TWO OR MORE LOCAL UNITS
2 OF GOVERNMENT.

3 (B) (1) THE APPLICATION TO THE BOARD MUST STATE WHAT OTHER
4 SOURCES OF FUNDING HAVE BEEN CONSIDERED BY THE LOCAL UNITS OF
5 GOVERNMENT TO IMPLEMENT THE PROJECT AND EXPLAIN WHY IT IS NOT POSSIBLE
6 TO COMPLETE THE PROJECT WITHOUT ASSISTANCE FROM THE BOARD.

7 (2) THE BOARD MAY NOT AWARD A GRANT IF IT DETERMINES THAT
8 THE LOCAL UNITS OF GOVERNMENT COULD COMPLETE THE PROJECT WITHOUT
9 BOARD ASSISTANCE.

10 (C) A COPY OF THE APPLICATION MUST BE PROVIDED BY THE UNITS TO THE
11 EXCLUSIVE REPRESENTATIVES CERTIFIED TO REPRESENT EMPLOYEES WHO
12 PROVIDE THE SERVICE OR PROGRAM AFFECTED BY THE APPLICATION.

13 (D) PROPOSED MODELS MAY PROVIDE OPTIONS TO LOCAL GOVERNMENTS,
14 NEIGHBORHOOD OR COMMUNITY ORGANIZATIONS, OR INDIVIDUALS FOR
15 MANAGING BUDGETS FOR SERVICE DELIVERY.

16 (E) A COPY OF THE WORK PRODUCT FOR WHICH THE GRANT WAS PROVIDED
17 MUST BE FURNISHED TO THE BOARD UPON COMPLETION, AND THE BOARD MAY
18 DISSEMINATE IT TO OTHER LOCAL UNITS OF GOVERNMENT OR INTERESTED
19 GROUPS.

20 (F) (1) THE BOARD SHALL AWARD GRANTS ON THE BASIS OF EACH
21 QUALIFIED APPLICANT'S SCORE UNDER THE SCORING SYSTEM IN § 9-1912 OF THIS
22 SUBTITLE.

23 (2) THE AMOUNT OF A GRANT UNDER THIS SECTION MAY NOT EXCEED
24 \$50,000.

25 (G) IF THE BOARD FINDS THAT THE MODEL WAS NOT COMPLETED OR
26 IMPLEMENTED ACCORDING TO THE TERMS OF THE GRANT AGREEMENT, IT MAY
27 REQUIRE THE GRANTEE TO REPAY ALL OR A PORTION OF THE GRANT.

28 9-1910.

29 (A) THE FOLLOWING PARTIES MAY APPLY TO THE BOARD OF GOVERNMENT
30 INNOVATION AND COOPERATION FOR A GRANT TO BE USED TO DEVELOP A PLAN
31 FOR INTERGOVERNMENTAL COOPERATION IN PROVIDING SERVICES:

32 (1) TWO OR MORE LOCAL GOVERNMENT UNITS;

33 (2) AN ASSOCIATION OF LOCAL GOVERNMENTS;

34 (3) A LOCAL UNIT OF GOVERNMENT ACTING IN CONJUNCTION WITH AN
35 ORGANIZATION OR A STATE AGENCY; AND

36 (4) AN ORGANIZATION FORMED BY TWO OR MORE LOCAL UNITS OF
37 GOVERNMENT.

38 (B) (1) THE APPLICATION TO THE BOARD MUST STATE WHAT OTHER
39 SOURCES OF FUNDING HAVE BEEN CONSIDERED BY THE LOCAL UNITS OF

11

1 GOVERNMENT TO IMPLEMENT THE PROJECT AND EXPLAIN WHY IT IS NOT POSSIBLE
2 TO COMPLETE THE PROJECT WITHOUT ASSISTANCE FROM THE BOARD.

3 (2) THE BOARD MAY NOT AWARD A GRANT IF IT DETERMINES THAT
4 THE LOCAL UNITS OF GOVERNMENT COULD COMPLETE THE PROJECT WITHOUT
5 BOARD ASSISTANCE.

6 (C) A COPY OF THE APPLICATION MUST BE SUBMITTED BY THE APPLICANTS
7 TO THE EXCLUSIVE REPRESENTATIVES CERTIFIED TO REPRESENT EMPLOYEES WHO
8 PROVIDE THE SERVICE OR PROGRAM AFFECTED BY THE APPLICATION.

9 (D) THE PLAN MAY INCLUDE MODEL CONTRACTS OR AGREEMENTS TO BE
10 USED TO IMPLEMENT THE PLAN.

11 (E) A COPY OF THE WORK PRODUCT FOR WHICH THE GRANT WAS PROVIDED
12 MUST BE FURNISHED TO THE BOARD UPON COMPLETION, AND THE BOARD MAY
13 DISSEMINATE IT TO OTHER LOCAL UNITS OF GOVERNMENT OR INTERESTED
14 GROUPS.

15 (F) (1) THE BOARD SHALL AWARD GRANTS ON THE BASIS OF EACH
16 QUALIFIED APPLICANT'S SCORE UNDER THE SCORING SYSTEM IN § 9-1912 OF THIS
17 SUBTITLE.

18 (2) THE AMOUNT OF A GRANT UNDER THIS SECTION MAY NOT EXCEED
19 \$50,000.

20 (G) IF THE BOARD FINDS THAT THE GRANTEE HAS FAILED TO IMPLEMENT
21 THE PLAN ACCORDING TO THE TERMS OF THE AGREEMENT, IT MAY REQUIRE THE
22 GRANTEE TO REPAY ALL OR A PORTION OF THE GRANT.

23 9-1911.

24 (A) THE FOLLOWING PARTIES MAY APPLY TO THE BOARD OF GOVERNMENT
25 INNOVATION AND COOPERATION FOR A GRANT TO BE USED TO MEET THE
26 START-UP COSTS OF PROVIDING SHARED SERVICES OR FUNCTIONS:

27 (1) TWO OR MORE LOCAL UNITS OF GOVERNMENT;

28 (2) AN ASSOCIATION OF LOCAL GOVERNMENTS;

29 (3) A LOCAL UNIT OF GOVERNMENT ACTING IN CONJUNCTION WITH AN
30 ORGANIZATION OR A STATE AGENCY; AND

31 (4) AN ORGANIZATION ESTABLISHED BY TWO OR MORE LOCAL UNITS
32 OF GOVERNMENT.

33 (B) (1) AGREEMENTS SOLELY TO MAKE JOINT PURCHASES ARE NOT
34 SUFFICIENT TO QUALIFY UNDER THIS SECTION.

35 (2) THE APPLICATION TO THE BOARD MUST STATE WHAT OTHER
36 SOURCES OF FUNDING HAVE BEEN CONSIDERED BY THE LOCAL UNITS OF
37 GOVERNMENT TO IMPLEMENT THE PROJECT AND EXPLAIN WHY IT IS NOT POSSIBLE
38 TO COMPLETE THE PROJECT WITHOUT ASSISTANCE FROM THE BOARD.

12

1 (3) THE BOARD MAY NOT AWARD A GRANT IF IT DETERMINES THAT
2 THE LOCAL UNITS OF GOVERNMENT COULD COMPLETE THE PROJECT WITHOUT
3 BOARD ASSISTANCE.

4 (C) A COPY OF THE APPLICATION MUST BE PROVIDED BY THE APPLICANTS
5 TO THE EXCLUSIVE REPRESENTATIVES CERTIFIED TO REPRESENT EMPLOYEES WHO
6 PROVIDE THE SERVICE OR PROGRAM AFFECTED BY THE APPLICATION.

7 (D) THE PROPOSAL MUST INCLUDE PLANS FULLY TO INTEGRATE A SERVICE
8 OR FUNCTION PROVIDED BY TWO OR MORE LOCAL GOVERNMENT UNITS.

9 (E) A COPY OF THE WORK PRODUCT FOR WHICH THE GRANT WAS PROVIDED
10 MUST BE FURNISHED TO THE BOARD UPON COMPLETION, AND THE BOARD MAY
11 DISSEMINATE IT TO OTHER LOCAL UNITS OF GOVERNMENT OR INTERESTED
12 GROUPS.

13 (F) (1) THE BOARD SHALL AWARD GRANTS ON THE BASIS OF EACH
14 QUALIFIED APPLICANT'S SCORE UNDER THE SCORING SYSTEM IN § 9-1912 OF THIS
15 SUBTITLE.

16 (2) THE AMOUNT OF A GRANT UNDER THIS SECTION MAY NOT EXCEED
17 \$100,000.

18 (G) IF THE BOARD FINDS THAT THE GRANTEE HAS FAILED TO IMPLEMENT
19 THE PLAN ACCORDING TO THE TERMS OF THE AGREEMENT, IT MAY REQUIRE THE
20 GRANTEE TO REPAY ALL OR A PORTION OF THE GRANT.

21 9-1912.

22 IN DECIDING WHETHER TO AWARD A GRANT UNDER § 9-1909, § 9-1910, OR §
23 9-1911, THE BOARD SHALL USE THE FOLLOWING SCORING SYSTEM:

24 (1) UP TO 15 POINTS SHALL BE AWARDED TO REFLECT THE EXTENT TO
25 WHICH THE APPLICATION DEMONSTRATES CREATIVE THINKING, CAREFUL
26 PLANNING, COOPERATION, INVOLVEMENT OF THE CLIENTS OF THE AFFECTED
27 SERVICE, AND COMMITMENT TO ASSUME RISK;

28 (2) UP TO 20 POINTS SHALL BE AWARDED TO REFLECT THE EXTENT TO
29 WHICH THE PROPOSED PROJECT IS LIKELY TO IMPROVE THE QUALITY OF THE
30 SERVICE AND TO HAVE BENEFITS FOR OTHER LOCAL GOVERNMENTS;

31 (3) UP TO 15 POINTS SHALL BE AWARDED TO REFLECT THE EXTENT TO
32 WHICH THE APPLICATION'S BUDGET PROVIDES SUFFICIENT DETAIL, MAXIMIZES
33 THE USE OF STATE FUNDS, DOCUMENTS THE NEED FOR FINANCIAL ASSISTANCE,
34 COMMITS TO LOCAL FINANCIAL SUPPORT, AND LIMITS EXPENDITURES TO
35 ESSENTIAL ACTIVITIES;

36 (4) UP TO 20 POINTS SHALL BE AWARDED TO REFLECT THE EXTENT TO
37 WHICH THE APPLICATION REFLECTS THE STATUTORY GOAL OF THE GRANT
38 PROGRAM;

13

1 (5) UP TO 15 POINTS SHALL BE AWARDED TO REFLECT THE MERIT OF
2 THE PROPOSED PROJECT AND THE EXTENT TO WHICH IT WARRANTS THE STATE'S
3 FINANCIAL PARTICIPATION;

4 (6) UP TO FIVE POINTS SHALL BE AWARDED TO REFLECT THE
5 COST/BENEFIT RATIO PROJECTED FOR THE PROPOSED PROJECT;

6 (7) UP TO FIVE POINTS SHALL BE AWARDED TO REFLECT THE NUMBER
7 OF GOVERNMENT UNITS PARTICIPATING IN THE PROPOSAL; AND

8 (8) UP TO FIVE POINTS SHALL BE AWARDED TO REFLECT THE MINIMUM
9 LENGTH OF TIME THE APPLICATION COMMITS TO IMPLEMENTATION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1997.