

Chapter 682

(House Bill 658)

AN ACT concerning

Interagency Agreements – Historically Black Colleges and Universities – Goals Reporting Requirements

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

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

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

Article – State Finance and Procurement

3–207.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(E)~~ (1) Subject to paragraphs (2) and (3) of this subsection, on or before December 1 each year, the Department shall report a summary of the findings of the review required under subsection (b) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Department of Legislative Services, in accordance with § 2-1246 of the State Government Article.

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

(i) the interagency agreements that will continue;

(ii) services that will be competitively procured;

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

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

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

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

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.