

SENATE BILL 630

P1

0lr1219
CF 0lr1863

By: Senators Kagan, Augustine, Bailey, Beidle, Benson, Carozza, Carter, Cassilly, Eckardt, Edwards, Elfreth, Ellis, Feldman, Ferguson, Gallion, Griffith, Guzzone, Hayes, Hershey, Hester, Hough, Jennings, Kelley, King, Klausmeier, Kramer, Lam, Lee, McCray, Miller, Patterson, Peters, Pinsky, Ready, Reilly, Rosapepe, Salling, Serafini, Simonaire, Smith, Sydnor, Waldstreicher, Washington, West, Young, and Zucker

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Grant Applications and Reporting – Uniform Forms and Requirements**

3 FOR the purpose of establishing the Maryland Efficient Grant Application Council;
4 providing for the composition, chair, and staffing of the Council; establishing the
5 terms of certain members of the Council; prohibiting a member of the Council from
6 receiving certain compensation, but authorizing the reimbursement of certain
7 expenses; requiring the Council to advise the Governor's Grants Office and the Board
8 of Public Works regarding certain matters; requiring the Council to monitor and
9 report on certain matters; requiring the Council to study and make recommendations
10 to the Governor's Grants Office and the Board regarding the grants life cycle,
11 including the creation of certain materials for use by certain grant-making agencies,
12 grant applicants, and grant recipients; requiring the Council to solicit the input of
13 certain stakeholders and authorizing the Council to establish certain working
14 groups; requiring the Board to adopt by regulation a certain uniform grant
15 application form, uniform financial controls and reporting requirements, and
16 uniform performance progress reporting requirements on or before a certain date;
17 requiring the uniform grant application form, uniform financial controls and
18 reporting requirements, and uniform progress reporting requirements to be based
19 on recommendations of the Council and, to the greatest extent practicable, be
20 consistent with certain federal guidance and related forms; requiring the Board to
21 adopt certain portions of a certain guidance on or before certain dates; requiring a
22 certain agency that awards certain grant funds to administer grants in a certain
23 manner on or after a certain date; authorizing a certain agency to apply for an
24 exception to a certain requirement under certain circumstances; requiring the Board,
25 in consultation with the Council and the Governor's Grants Office, to adopt
26 regulations governing the consideration and approval of certain requests; requiring

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



a certain State agency to appoint a certain Chief Accountability Officer on or before a certain date; requiring the Governor's Grants Office to provide technical assistance and interpretations of policy requirements for certain purposes; providing that the provisions of this Act and any regulations adopted under this Act supersede certain conflicting regulations; defining a certain term; requiring the Board and the Governor's Grants Office to jointly report to the General Assembly on or before a certain date; specifying the terms of the initial members of the Council; and generally relating to the development and adoption of a uniform grant application form, uniform financial controls and reporting requirements, and uniform progress reporting requirements.

BY adding to

Article – State Finance and Procurement

Section 2–209 and 2–210

Annotated Code of Maryland

(2015 Replacement Volume and 2019 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

2–209.

(A) IN THIS SECTION, “COUNCIL” MEANS THE MARYLAND EFFICIENT
GRANT APPLICATION COUNCIL.

(B) THERE IS A MARYLAND EFFICIENT GRANT APPLICATION COUNCIL.

(C) (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE DIRECTOR OF THE GOVERNOR'S GRANTS OFFICE OR
THE DIRECTOR'S DESIGNEE;

(II) THE CHIEF PROCUREMENT OFFICER OR THE CHIEF
PROCUREMENT OFFICER'S DESIGNEE;

(III) THE STATE TREASURER OR THE STATE TREASURER'S
DESIGNEE;

(IV) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S
DESIGNEE;

(V) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE
SECRETARY'S DESIGNEE;

1 (VI) THE SECRETARY OF HEALTH OR THE SECRETARY'S
2 DESIGNEE;

3 (VII) THE SECRETARY OF HUMAN SERVICES OR THE
4 SECRETARY'S DESIGNEE;

5 (VIII) THE SECRETARY OF HOUSING AND COMMUNITY
6 DEVELOPMENT OR THE SECRETARY'S DESIGNEE;

7 (IX) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE
8 OF CRIME CONTROL AND PREVENTION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

9 (X) ONE MEMBER OF THE SENATE, APPOINTED BY THE
10 PRESIDENT OF THE SENATE;

11 (XI) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED
12 BY THE SPEAKER OF THE HOUSE; AND

13 (XII) FOUR REPRESENTATIVES OF PRIVATE NONPROFIT
14 ORGANIZATIONS WITH EXPERIENCE PROVIDING SERVICES FUNDED BY STATE OR
15 FEDERAL GRANTS, APPOINTED BY THE GOVERNOR.

16 (2) (I) THIS PARAGRAPH APPLIES TO MEMBERS OF THE COUNCIL
17 APPOINTED UNDER PARAGRAPH (1)(XII) OF THIS SUBSECTION.

18 (II) THE TERM OF A MEMBER IS 4 YEARS.

19 (III) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
20 THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2020.

21 (IV) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
22 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

23 (V) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
24 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
25 AND QUALIFIES.

26 (VI) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLECT OF
27 DUTY, INCOMPETENCE OR MISCONDUCT.

28 (D) THE DIRECTOR OF THE GOVERNOR'S GRANTS OFFICE OR THE
29 DIRECTOR'S DESIGNEE SHALL SERVE AS CHAIR OF THE COUNCIL.

(E) THE STAFFING RESPONSIBILITIES OF THE COUNCIL SHALL BE SHARED BY THE AGENCIES REPRESENTED ON THE COUNCIL.

(F) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE COUNCIL SHALL:

(1) ADVISE THE GOVERNOR'S GRANTS OFFICE AND THE BOARD OF PUBLIC WORKS ON THE IMPLEMENTATION OF § 2-110 OF THIS SUBTITLE; AND

(2) MONITOR AND REPORT TO THE GOVERNOR'S GRANTS OFFICE AND THE BOARD OF PUBLIC WORKS ON THE STATE'S PROGRESS TOWARDS IMPLEMENTING § 2-110 OF THIS SUBTITLE.

2-210.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BOARD" MEANS THE BOARD OF PUBLIC WORKS.

(3) "COUNCIL" MEANS THE MARYLAND EFFICIENT GRANT APPLICATION COUNCIL ESTABLISHED UNDER § 2-209 OF THIS SUBTITLE.

(4) "GRANT APPLICATION FORM" MEANS A GRANT APPLICATION TEMPLATE AND RELATED MATERIALS REQUIRED TO BE SUBMITTED BY GRANT APPLICANTS, INCLUDING:

(I) REQUIRED ORGANIZATIONAL MATERIALS; AND

(II) PROPOSED BUDGET CATEGORIES AND LINE ITEMS.

(5) "UNIFORM GUIDANCE" MEANS THE OFFICE OF MANAGEMENT AND BUDGET UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, 2 C.F.R. PART 200.

(B) (1) THE COUNCIL SHALL STUDY AND MAKE RECOMMENDATIONS TO THE GOVERNOR'S GRANTS OFFICE AND THE BOARD REGARDING THE ENTIRE GRANTS LIFE CYCLE, INCLUDING THE CREATION OF THE FOLLOWING MATERIALS FOR USE BY GRANT-MAKING AGENCIES, GRANT APPLICANTS, AND GRANT RECIPIENTS IN THE STATE:

(I) A UNIFORM GRANT APPLICATION FORM;

(II) UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND

(III) UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.

(2) IN DEVELOPING RECOMMENDATIONS UNDER THIS SUBSECTION, THE COUNCIL:

(I) SHALL SOLICIT THE INPUT OF DIVERSE STAKEHOLDERS, INCLUDING GRANT-MAKING AGENCIES AND ORGANIZATIONS REPRESENTING LOCAL GOVERNMENTS, GRANT PROFESSIONALS, AND NONPROFIT SERVICE PROVIDERS; AND

(II) MAY ESTABLISH ONE OR MORE STAKEHOLDER WORKING GROUPS TO FACILITATE THE PROCESS OF DEVELOPING RECOMMENDATIONS.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JULY 1, 2021, THE BOARD SHALL, BY REGULATION, ADOPT:

(I) A UNIFORM GRANT APPLICATION FORM;

(II) UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND

(III) UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.

(2) THE UNIFORM GRANT APPLICATION FORM, UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS, AND UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS ADOPTED UNDER THIS SUBSECTION SHALL:

(I) BE BASED ON RECOMMENDATIONS OF THE COUNCIL DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION; AND

(II) TO THE GREATEST EXTENT PRACTICABLE, BE CONSISTENT WITH THE UNIFORM GUIDANCE AND RELATED FORMS ADOPTED BY THE OFFICE OF MANAGEMENT AND BUDGET.

(D) (1) ON OR BEFORE JULY 1, 2022, THE BOARD SHALL ADOPT REGULATIONS THAT ADOPT PARTS A THROUGH E OF THE UNIFORM GUIDANCE FOR ALL STATE AND LOCAL AGENCIES THAT AWARD STATE OR FEDERAL GRANT FUNDS.

(2) ON OR BEFORE JULY 1, 2024, THE BOARD SHALL ADOPT REGULATIONS THAT ADOPT THE UNIFORM GUIDANCE IN ITS ENTIRETY FOR ALL STATE AND LOCAL AGENCIES THAT AWARD STATE OR FEDERAL GRANT FUNDS.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON OR AFTER JULY 1, 2022, ANY STATE OR LOCAL AGENCY THAT AWARDS STATE OR FEDERAL GRANT FUNDS SHALL:

(I) USE THE UNIFORM GRANT APPLICATION FORM RECOMMENDED BY THE COUNCIL AND ADOPTED BY THE BOARD UNDER SUBSECTION (C) OF THIS SECTION;

(II) REQUIRE GRANT RECIPIENTS TO MAKE ANNUAL REPORTS IN ACCORDANCE WITH THE UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS AND UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION; AND

(III) ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH PARTS A THROUGH E OF THE UNIFORM GUIDANCE, AS ADOPTED IN REGULATIONS OF THE BOARD.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON OR AFTER JULY 1, 2024, EACH STATE AND LOCAL GRANT-MAKING AGENCY SHALL ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH THE ENTIRETY OF THE UNIFORM GUIDANCE, AS ADOPTED IN REGULATIONS OF THE BOARD.

(3) (I) IF A REQUIREMENT OF THIS SUBSECTION OR OF REGULATIONS ADOPTED UNDER THIS SUBSECTION WOULD CONFLICT WITH APPLICABLE FEDERAL REQUIREMENTS OR POSE AN UNDUE BURDEN ON A GRANT-MAKING AGENCY, GRANT APPLICANT, OR GRANT RECIPIENT WHEN APPLIED TO A PARTICULAR GRANT PROGRAM, THE STATE OR LOCAL AGENCY THAT ADMINISTERS THE GRANT PROGRAM MAY APPLY FOR AN EXCEPTION TO THE REQUIREMENT.

1 **(II) THE BOARD, IN CONSULTATION WITH THE COUNCIL AND**
2 **THE GOVERNOR’S GRANTS OFFICE, SHALL ADOPT REGULATIONS GOVERNING THE**
3 **CONSIDERATION AND APPROVAL OF REQUESTS FOR EXCEPTIONS UNDER THIS**
4 **PARAGRAPH, INCLUDING WHICH ENTITIES SHALL BE RESPONSIBLE FOR**
5 **CONSIDERING REQUESTS REGARDING PARTICULAR GRANT PROGRAMS.**

6 **(F) ON OR BEFORE OCTOBER 1, 2020, EACH STATE GRANT-MAKING**
7 **AGENCY SHALL APPOINT A CHIEF ACCOUNTABILITY OFFICER WHO SHALL:**

8 **(1) SERVE AS A LIAISON TO THE COUNCIL AND THE GOVERNOR’S**
9 **GRANTS OFFICE; AND**

10 **(2) BE RESPONSIBLE FOR THE AGENCY’S IMPLEMENTATION OF AND**
11 **COMPLIANCE WITH REGULATIONS ADOPTED UNDER THIS SECTION.**

12 **(G) THE GOVERNOR’S GRANTS OFFICE SHALL PROVIDE TECHNICAL**
13 **ASSISTANCE AND INTERPRETATIONS OF POLICY REQUIREMENTS IN ORDER TO**
14 **ENSURE THE EFFECTIVE AND EFFICIENT IMPLEMENTATION OF THIS SECTION BY**
15 **STATE AND LOCAL GRANT-MAKING AGENCIES.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act and
17 any regulations adopted under this Act shall supersede any conflicting State regulations
18 regarding requirements for grant applications, financial controls and reporting, or
19 performance progress reporting.

20 SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31,
21 2021, the Board of Public Works and the Governor’s Grants Office shall jointly report to the
22 General Assembly, in accordance with § 2–1257 of the State Government Article, on the
23 implementation of this Act.

24 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial
25 members appointed to the Maryland Efficient Grant Application Council by the Governor
26 shall expire as follows:

27 (1) two members in 2022; and

28 (2) two members in 2024.

29 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2020.