



FY 2023 OPERATING BUDGET TESTIMONY
EXECUTIVE DEPARTMENT
BOARDS, COMMISSIONS AND OFFICES
February 2, 2022
February 3, 2022

House Public Safety and Administration Subcommittee
Delegate Tony Bridges, Chair
Delegate Susie Proctor, Vice Chair

Senate Health and Human Services Subcommittee
Senator Melony Griffith, Chair

Good afternoon members of the Subcommittees. The following written testimony is provided on behalf of the Boards, Commissions and Offices. We thank you for the opportunity to appear before the Subcommittees each year as you review the proposed budget. The Boards, Commissions and Offices are comprised of various budgetary units, and they are:

Governor's Office of Community Initiatives, Steven McAdams, Executive Director

Governor's Office of Small, Minority & Women Business Affairs, Jimmy Rhee, Special Secretary

Maryland State Ethics Commission, Jennifer Allgair, Executive Director

Health Care Alternative Dispute Resolution Office, Harry L. Chase, Executive Director

Maryland State Commission on Criminal Sentencing Policy, David Soulé, Executive Director

Governor's Grants Office, Jennifer Colton, Director

MD State Labor Relations Boards, Erica Snipes, Executive Director

Maryland State Board of Contract Appeals, Bethamy Brinkley, Chairwoman

Governor's Coordinating Offices – Shared Services, Patrick Lally, Senior Executive Director

We would like to thank our assigned analyst, Ms. Kelly Norton for her hard work, and acknowledgements of our efforts throughout the analysis. She is a pleasure for our offices to work with.

Boards, Commissions and Offices have put forth another responsible spending plan for fiscal year 2023 by instituting various cost savings measures. The Governor believes that it is important that the Boards, Commissions and Offices spending plan reflect the same fiscal restraint that he is asking all other agencies to implement.

Please accept our official comments below to the analyst observations and recommendations as noted in the analysis document.

Key Observations

Page 10. Minority Business Enterprise Participation Concerns

GOSBA should be prepared to detail what steps the agency can take to increase MBE participation by State agencies.

GOSBA’s intended role is an oversight agency only includes education, training, and data collection. Therefore, the process concerning contract-by-contract determination regarding MBE inclusion occurs at the agency level. Beyond collecting, analyzing, and reporting MBE performance data, GOSBA creates the MBE Program’s framework, policies, and processes for goalsetting and application. GOSBA is confident in the sufficiency of the existing statutes and policies. GOSBA is unable to provide a step-by-step process to increase MBE participation by State agencies. It is important to note that the MBE Program’s success is solely dependent by each agency’s level of implementation and enforcement.

Recommendation to Increase MBE Participation by State Agency

The chart below reflects the MBE Program’s Input, Process and Output implementation workflow for the agencies and GOSBA and includes our recommendations:

INPUT (MBE Goalsetting)	PROCESS (Compliance)	OUTPUT (Performance)
AGENCY: Procurement staff meet bi-monthly to identify MBE contract goal opportunities (contracts over \$100,000).	AGENCY: Monitor and track MBE compliance throughout the life of the contract	AGENCY: Report MBE achievement through quarterly and annual reports to GOSBA.
GOSBA: Advisory only, when asked. Mandated at \$25M.	GOSBA: No involvement or oversight.	GOSBA: Collect and verify MBE data. Publish an annual report.
RECOMMENDATION: More transparency, using tools such as automated goalsetting software.	RECOMMENDATION: Agency staff need better contract-by-contract oversight and periodic report generation.	RECOMMENDATION: Accountability when failing to report MBE data and/or achieving established MBE contract goals.

The Department of Legislative Services (DLS) recommends the adoption of committee narrative requesting that GOSBA continue to conduct and report the findings of the MBE Participation and Liaison Attainment surveys in order to monitor the State’s progress toward achieving its MBE goals. In addition, the agency should track the participants of its free webinars and outreach events throughout fiscal 2022 and 2023 and report the data to the committees.

GOSBA concurs with the recommendation from DLS and will continue to conduct and report the findings of the MBE Participation and Liaison Attainment surveys to monitor the State's progress toward achieving its MBE goals. In addition, GOSBA will track the participants of its free webinars and outreach events through fiscal 2022 and 2023 and report the data to the committees.

Page 11. Office of Legislative Audits Report on State Grants

GGO should be prepared to brief the committees on the status of the information technology (IT) EGMS project and how it will address the concerns raised by the audit.

The statewide enterprise grants management system (EGMS) will standardize full lifecycle grants business processes on a shared IT platform. Maryland will eliminate cumbersome, duplicate systems; expand its portfolio of grant revenue; improve compliance; increase program performance; and establish clear, uniform standards and training for grants management personnel. The GGO had requested a ‘Software as a Service’ enterprise GMS solution to ensure the State will have a compliant, functional, full grants lifecycle management system, including subrecipient management. Maryland has received over \$14 billion in federal grants annually; however, there is no uniform GMS, resulting in cumbersome and inefficient business processes and repeat audit findings.

The date of implementation for this project has been delayed due to procurement specific concerns. The procurement evaluation committee had recommended a vendor for the award, but the item was not approved by the BPW. Members cited concerns with the procurement process but offered a strong endorsement for the need of the project.

The GGO is working with the Office of State Procurement on an update and re-release of the RFP. A procurement officer has been assigned to the project and the project team continues its work in preparation of implementation. We have a diverse group of stakeholders prepared to participate in the next procurement evaluation process including a member of the grant’s community, state agency grants professionals and a technical resource as a voting member of the committee, as well as a non-voting senior member of their team as an advisor, supported by the Department of Information Technology. As is often the case with procurements, we are unable to predict when this project will come before the BPW since there are many factors outside of the GGO's control.

Additionally, the GGO’s work on behalf of the Maryland Efficient Grants Application (MEGA) Council continues. A [report](#) of the Council’s efforts, observations, and recommendations were provided to the General Assembly December 2021 and can be found on the MEGA Council tab of the [GGO website](#) at

<https://grants.maryland.gov/Pages/Legislative-Updates.aspx>. The GGO and MEGA Council will pursue resolution to many of the challenges noted in both the OLA Audit and the MEGA Council's year-end report.

Page 11. Maryland State Commission on Criminal Sentencing Policy Guidelines and Racial Biases

MSCCSP should be prepared to discuss how the agency can address this concern with sentencing guidelines in the future.

The Maryland General Assembly created the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) in 1999 as an independent agency to support fair and proportional sentencing policy and to monitor the State's voluntary sentencing guidelines for criminal cases sentenced in the circuit courts. The sentencing guidelines provide a framework that systematically accounts for common factors a judge considers in a typical case by identifying and assigning weights to core, objective measures. This allows judges to consistently assign the same value or weight as their colleagues around the State for each of these factors. The primary goal of the guidelines is to promote fair, consistent, and equitable sentencing practice, whereby offenders who commit similar offenses and who have similar criminal histories are treated alike.

The MSCCSP appreciates that the Department of Legislative Services also values the importance of assessing racial biases at sentencing. The sentencing guidelines are intended to reduce unwarranted disparity, and the MSCCSP works continually to update the guidelines and reinforce their principles to reduce biases and disparity at sentencing. Further, the MSCCSP already began work in 2021 to study racial disparities at sentencing. Specifically, the MSCCSP staff completed a preliminary review of sentencing guidelines data, by race/ethnicity and gender, for guidelines-eligible defendants sentenced in circuit courts from calendar years 2018 through 2020. The preliminary results of these analyses were reviewed by the MSCCSP at its December 7, 2021, meeting. The results included analyses examining, by race/ethnicity and gender, sentencing guidelines compliance and offender and offense score characteristics. Additionally, these analyses were presented to the Judiciary's Equal Justice Committee (EJC) Sentencing Subcommittee on January 25, 2022. Based on the results of the preliminary analyses and feedback received from the EJC subcommittee, the MSCCSP identified additional analyses by race/ethnicity, and gender for future review, including an analysis of sentencing guidelines compliance by disposition type; sentencing for offenses that involve mandatory minimum sentences; the application of points for weapon presence; the application of points for victim injury; and an analysis of the offenses that compose defendants' prior record scores.

DLS recommends the adoption of committee narrative directing MSCCSP to develop a plan for studying the extent to which racial bias is present in sentences assigned through Maryland courts. The report, at a minimum, should identify a structure for the study, available data, a timeline, potential impediments, and estimated costs and resources needed to complete the evaluation.

The MSCCSP concurs with the DLS analyst's recommendation for the MSCCSP to develop a plan for studying the extent to which racial bias is present at sentencing. The MSCCSP is able to provide a report by the July 15, 2022, deadline. The report will summarize the findings from the analyses initiated by the MSCCSP this past year. Additionally, as requested, the report will identify a structure, including the identification of additional data, additional analyses, a timeline, potential impediments, and estimated costs and resources, needed to complete the evaluation.

Operating Budget Recommended Actions Page 12

1. Adopt the following narrative: Training and Outreach Data

GOSBA concurs with the committee narrative to report Training and Outreach Data due July 15, 2023.

1. Adopt the following narrative: Agency Minority Business Enterprise (MBE) Participation Attainment and Liaison Surveys

GOSBA concurs with the committee narrative to report MBE Participation Attainment results by agency due December 1, 2022.

2. Adopt the following narrative: Evaluation of Racial Bias in Sentencing

MSCCSP concurs with the committee narrative to report the Evaluation of Racial Bias in Sentencing due July 15, 2022