

HOUSE BILL 1156

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11r2597

By: **Delegates Rudolph and James**

Introduced and read first time: February 14, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, February 28, 2011

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Northeastern Maryland~~ Task Force to Study the Creation of a Regional
3 Higher Education and Applied Technology Center in Northeastern Maryland

4 ~~FOR the purpose of establishing the Northeastern Maryland Higher Education and~~
5 ~~Applied Technology Center; providing that the Center shall be governed by a~~
6 ~~certain Board; establishing the number of voting Board members; providing for~~
7 ~~the appointment of Board members; establishing the term lengths for Board~~
8 ~~members; providing for the appointment of a Board chair; providing for the~~
9 ~~establishment of certain committees; establishing the number of nonvoting~~
10 ~~members; providing for the reimbursement of certain expenses; establishing the~~
11 ~~length of members' initial terms; specifying the Board's powers; requiring the~~
12 ~~Board to fulfill certain duties; providing for a director of the Center; specifying~~
13 ~~the procedure for selecting a director; requiring the director to fulfill certain~~
14 ~~duties; requiring the submission of a budget for certain purposes; specifying the~~
15 ~~procedures for requesting certain appropriations; providing for the disposition of~~
16 ~~certain property by the Board; providing certain liability protections for the~~
17 ~~Board, its agents, and employees; defining certain terms; declaring the intent of~~
18 ~~the General Assembly; and generally relating to the establishment of the~~
19 ~~Northeastern Maryland Higher Education and Applied Technology Center.~~

20 FOR the purpose of establishing a Task Force to Study the Creation of a Regional
21 Higher Education Center in Northeastern Maryland; providing for the
22 membership, chair, and staffing of the Task Force; prohibiting a member of the
23 Task Force from receiving compensation, but authorizing reimbursement of

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.



certain expenses; requiring the Task Force to meet a certain number of times each month; requiring the Task Force to study and make recommendations regarding the higher education needs of the Northeastern Maryland region; requiring the Task Force to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Creation of a Regional Higher Education Center in Northeastern Maryland.

~~BY adding to~~

~~Article — Education~~

~~Section 24-3A-01 through 24-3A-08 to be under the new subtitle “Subtitle 3A-
Northeastern Maryland Higher Education and Applied Technology
Center”~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2010 Supplement)~~

~~Preamble~~

~~WHEREAS, There is a growing need for higher education in Northeastern Maryland; and~~

~~WHEREAS, The expansion of the Aberdeen Proving Ground has created a demand for skilled workers with expertise in science, technology, engineering and mathematics (STEM) Fields; and~~

~~WHEREAS, The general economic development of the Northeastern Maryland region has manifested into a key economic driver and job center and depends on the existence of a skilled and highly educated workforce; and~~

~~WHEREAS, The creation of the Northeastern Maryland Higher Education and Applied Technology Center will meet these needs by providing quality upper division undergraduate and graduate programs from both public and private institutions in the State and beyond; and~~

~~WHEREAS, The Center will be a Northeastern Maryland regional entity, and the Board of Governors shall work in partnership with area higher education institutions, local public school systems, the business community, and Aberdeen Proving Ground leaders in order to meet the higher education needs of the entire Northeastern Maryland region; and~~

~~WHEREAS, The State will contribute funds towards the expansion of the formally recognized Northeastern Maryland Higher Education and Applied Technology Center; and~~

~~WHEREAS, The Board of Governors of the Northeastern Maryland Higher Education and Applied Technology Center will be the governing board of the Center;~~

1 ~~responsible for the financial management of the Center, needs assessment, academic~~
2 ~~planning, program implementation, and evaluation of programs; and~~

3 ~~WHEREAS, The maintenance and operation of the Northeastern Maryland~~
4 ~~Higher Education and Applied Technology Center will be the responsibility of the~~
5 ~~Board of Governors of the Center; now, therefore,~~

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

8 (a) There is a Task Force to Study the Creation of a Regional Higher
9 Education Center in Northeastern Maryland.

10 (b) The Task Force consists of the following members:

11 (1) the Secretary of Higher Education, or the Secretary's designee;

12 (2) the Chancellor of the University System of Maryland, or the
13 Chancellor's designee;

14 (3) the President of Morgan State University, or the President's
15 designee;

16 (4) the President of Harford Community College, or the President's
17 designee;

18 (5) the President of Cecil College, or the President's designee;

19 (6) the Executive Director of the Higher Education and Conference
20 Center at the Higher Education and Applied Technology Center, or the Executive
21 Director's designee;

22 (7) the Executive Director of the Maryland Association of Community
23 Colleges, or the Executive Director's designee;

24 (8) the President of the Maryland Independent College and University
25 Association, or the President's designee;

26 (9) a representative of the Governor's Workforce Investment Board,
27 appointed by the Executive Director of the Board;

28 (10) the Commanding General of Aberdeen Proving Ground, or the
29 Commanding General's designee;

30 (11) the County Superintendent of Harford County Public Schools, or
31 the Superintendent's designee;

1 (12) the County Superintendent of Cecil County Public Schools, or the
2 Superintendent's designee;

3 (13) a representative of the Harford County Office of Economic
4 Development, appointed by the Executive Director;

5 (14) a representative of the Cecil County Office of Economic
6 Development, appointed by the Executive Director; and

7 (15) the following four members, appointed by the executive director of
8 the organization:

9 (i) one representative of the Susquehanna Workforce Network;

10 (ii) one representative of the Chesapeake Science and Security
11 Corridor;

12 (iii) one representative of the Army Alliance; and

13 (iv) one representative of the Northeastern Maryland
14 Technology Council.

15 (c) (1) The Governor shall designate the chair of the Task Force.

16 (2) The Governor shall consider whether individuals considered to
17 chair the Task Force have any of the following attributes:

18 (i) familiarity with the northeastern region of Maryland;

19 (ii) familiarity with higher education; and

20 (iii) leadership ability and experience.

21 (d) The Office of the Governor shall provide staff for the Task Force.

22 (e) A member of the Task Force:

23 (1) may not receive compensation as a member of the Task Force; but

24 (2) is entitled to reimbursement for expenses under the Standard
25 State Travel Regulations, as provided in the State budget.

26 (f) The Task Force shall meet at least one time per month at such times and
27 places it determines.

28 (g) The Task Force shall:

- 1 (1) examine the need for higher education in Northeastern Maryland;
- 2 (2) examine the future role of the off-campus site at Harford
3 Community College in meeting the need for higher education in Northeastern
4 Maryland;
- 5 (3) examine the future role of Harford Community College and Cecil
6 College in meeting the need for higher education in Northeastern Maryland;
- 7 (4) examine the future role of other segments of higher education in
8 meeting the need for higher education in Northeastern Maryland;
- 9 (5) examine all existing higher education courses and program
10 offerings in the Northeastern Maryland region;
- 11 (6) examine all existing and planned facilities and resources that are
12 or may be available to meet the need for higher education in Northeastern Maryland;
- 13 (7) examine any other matter relevant to meeting the need for higher
14 education in Northeastern Maryland as determined by the Task Force; and
- 15 (8) make recommendations regarding:
- 16 (i) higher education needs in Northeastern Maryland;
- 17 (ii) the participation of all segments of higher education in
18 meeting the higher education needs in Northeastern Maryland;
- 19 (iii) whether or not the current higher education institutions and
20 centers are meeting the higher education needs of the region;
- 21 (iv) whether or not the creation of a new higher education center
22 is the best way to meet the higher education needs of the Northeastern Maryland
23 region; and
- 24 (v) the governance structure and organization of a new regional
25 higher education center if the Task Force recommends the creation of such a center.
- 26 (h) On or before December 1, 2011, the Task Force shall report its findings
27 and recommendations to the Governor and, in accordance with § 2-1246 of the State
28 Government Article, the Senate Budget and Taxation Committee, the House
29 Appropriations Committee, and the Joint Committee on Base Realignment and
30 Closure.

31

~~Article — Education~~

~~SUBTITLE 3A. NORTHEASTERN MARYLAND HIGHER EDUCATION AND APPLIED
TECHNOLOGY CENTER.~~

~~24-3A-01.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS
INDICATED.~~

~~(B) "CENTER" MEANS THE NORTHEASTERN MARYLAND HIGHER
EDUCATION AND APPLIED TECHNOLOGY CENTER.~~

~~(C) "BOARD" MEANS THE BOARD OF GOVERNORS OF THE
NORTHEASTERN MARYLAND HIGHER EDUCATION AND APPLIED TECHNOLOGY
CENTER.~~

~~(D) "COMMISSION" MEANS THE MARYLAND HIGHER EDUCATION
COMMISSION.~~

~~24-3A-02.~~

~~THERE IS A NORTHEASTERN MARYLAND HIGHER EDUCATION AND
APPLIED TECHNOLOGY CENTER, THAT IS GOVERNED BY A BOARD OF
GOVERNORS.~~

~~24-3A-03.~~

~~(A) THE BOARD CONSISTS OF THE FOLLOWING NINE VOTING MEMBERS:~~

~~(1) FIVE MEMBERS APPOINTED BY THE GOVERNOR;~~

~~(2) THREE MEMBERS APPOINTED BY THE HARFORD COUNTY
EXECUTIVE; AND~~

~~(3) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE CECIL
COUNTY BOARD OF COMMISSIONERS.~~

~~(B) (1) EACH MEMBER SERVES FOR A TERM OF 5 YEARS AND UNTIL A
SUCCESSOR IS APPOINTED AND QUALIFIES.~~

~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2011.~~

1 ~~(3) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED~~
2 ~~TERM SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A~~
3 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

4 ~~(c) (1) THE MEMBERS OF THE BOARD SHALL APPOINT ONE OF THE~~
5 ~~VOTING MEMBERS TO ACT AS CHAIR.~~

6 ~~(2) THE VOTING MEMBERS MAY ELECT OTHER OFFICERS AND~~
7 ~~ESTABLISH COMMITTEES, INCLUDING ADVISORY COMMITTEES, AS NEEDED.~~

8 ~~(d) IN ADDITION TO THE NINE VOTING MEMBERS, THE FOLLOWING~~
9 ~~INDIVIDUALS SHALL SERVE AS EX OFFICIO, NONVOTING MEMBERS:~~

10 ~~(1) THE COMMANDING OFFICER OF THE ABERDEEN PROVING~~
11 ~~GROUND, OR THE COMMANDING OFFICER'S DESIGNEE;~~

12 ~~(2) A REPRESENTATIVE OF THE CECIL COUNTY OFFICE OF~~
13 ~~ECONOMIC DEVELOPMENT;~~

14 ~~(3) A REPRESENTATIVE OF THE HARFORD COUNTY OFFICE OF~~
15 ~~ECONOMIC DEVELOPMENT; AND~~

16 ~~(4) A REPRESENTATIVE OF THE SUSQUEHANNA WORKFORCE~~
17 ~~NETWORK.~~

18 ~~(e) A MEMBER OF THE BOARD:~~

19 ~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE~~
20 ~~BOARD; BUT~~

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

23 ~~24-3A-04.~~

24 ~~(a) IN ADDITION TO THE OTHER POWERS EXPRESSLY GRANTED AND~~
25 ~~DUTIES IMPOSED BY THIS TITLE, AND SUBJECT TO THE AUTHORITY OF THE~~
26 ~~COMMISSION, THE BOARD HAS ONLY THE POWERS AND DUTIES SET FORTH IN~~
27 ~~THIS SECTION.~~

28 ~~(b) THE BOARD SHALL:~~

29 ~~(1) EXERCISE GENERAL CONTROL OVER THE CENTER;~~

1 ~~(2) KEEP SEPARATE RECORDS AND MINUTES; AND~~

2 ~~(3) ADOPT REASONABLE RULES, REGULATIONS, OR BYLAWS TO~~
3 ~~CARRY OUT THE PROVISIONS OF THIS SUBTITLE.~~

4 ~~(C) THE BOARD MAY FIX THE SALARIES AND TERMS OF EMPLOYMENT~~
5 ~~OF THE DIRECTOR AND OTHER EMPLOYEES OF THE CENTER.~~

6 ~~(D) THE BOARD MAY PURCHASE, LEASE, OR OTHERWISE ACQUIRE ANY~~
7 ~~PROPERTY IT CONSIDERS NECESSARY FOR THE OPERATION OF THE CENTER.~~

8 ~~(E) (1) THE BOARD MAY SELL, LEASE, OR OTHERWISE DISPOSE OF~~
9 ~~CENTER ASSETS OR PROPERTY.~~

10 ~~(2) THE DIRECTOR OF THE CENTER OR THE CHAIR OF THE~~
11 ~~BOARD MAY EXECUTE A CONVEYANCE OR OTHER LEGAL DOCUMENT UNDER AN~~
12 ~~APPROPRIATE RESOLUTION OF THE BOARD.~~

13 ~~(F) THE BOARD SHALL ENSURE THAT ALL ACADEMIC PROGRAMS AND~~
14 ~~POLICIES OF THE CENTER ARE IN COMPLIANCE WITH THE POLICIES OF AND~~
15 ~~APPROVED BY THE COMMISSION.~~

16 ~~(G) THE BOARD MAY ENTER INTO CONTRACTS OR OTHER AGREEMENTS~~
17 ~~WITH ANY INSTITUTION OF HIGHER EDUCATION FOR THE PROVISION OF UPPER~~
18 ~~DIVISION UNDERGRADUATE AND GRADUATE PROGRAMS TO MEET THE HIGHER~~
19 ~~EDUCATION NEEDS OF NORTHEASTERN MARYLAND.~~

20 ~~(H) THE BOARD MAY APPLY, ACCEPT, AND EXPEND ANY GIFT,~~
21 ~~APPROPRIATION, OR GRANT FROM THE STATE, COUNTY, OR FEDERAL~~
22 ~~GOVERNMENT OR ANY OTHER PERSON.~~

23 ~~(I) THE BOARD MAY CHARGE REASONABLE FEES TO COVER THE~~
24 ~~OVERHEAD COSTS ASSOCIATED WITH PROVIDING UPPER DIVISION~~
25 ~~UNDERGRADUATE AND GRADUATE PROGRAMS.~~

26 ~~(J) THE BOARD MAY SUE AND BE SUED.~~

27 ~~(K) THE BOARD MAY MAKE AGREEMENTS WITH THE FEDERAL, STATE,~~
28 ~~OR COUNTY GOVERNMENTS OR ANY OTHER PERSON, IF IT CONSIDERS THE~~
29 ~~AGREEMENT ADVISABLE FOR THE OPERATION OF THE CENTER.~~

30 ~~(L) THE BOARD MAY ADOPT A CORPORATE SEAL.~~

1 ~~(M) IN ADDITION TO OTHER REPORTS THAT MAY BE REQUIRED BY THE~~
2 ~~COMMISSION, THE BOARD SHALL:~~

3 ~~(1) KEEP RECORDS THAT ARE CONSISTENT WITH SOUND~~
4 ~~BUSINESS PRACTICES AND ACCOUNTING RECORDS USING GENERALLY~~
5 ~~ACCEPTED ACCOUNTING PRINCIPLES;~~

6 ~~(2) CAUSE AN AUDIT BY AN INDEPENDENT CERTIFIED PUBLIC~~
7 ~~ACCOUNTANT TO BE MADE OF THE ACCOUNTS AND TRANSACTIONS OF THE~~
8 ~~CENTER AND THE CONCLUSION OF EACH FISCAL YEAR; AND~~

9 ~~(3) FOR ANY STATE MONEYS, BE SUBJECT TO AN AUDIT BY THE~~
10 ~~OFFICE OF LEGISLATIVE AUDITS, IN ACCORDANCE WITH §§ 2-1220 THROUGH~~
11 ~~2-1227 OF THE STATE GOVERNMENT ARTICLE.~~

12 ~~(N) THE BOARD SHALL ENTER INTO AN AGREEMENT WITH HARFORD~~
13 ~~COUNTY TO ESTABLISH GUIDELINES FOR THE USE AND OPERATION OF THE~~
14 ~~CENTER.~~

15 ~~24-3A-05.~~

16 ~~(A) THE BOARD SHALL APPOINT A DIRECTOR OF THE CENTER.~~

17 ~~(B) THE DIRECTOR SHALL:~~

18 ~~(1) REPORT DIRECTLY TO THE BOARD;~~

19 ~~(2) RECOMMEND THE APPOINTMENT BY THE BOARD OF~~
20 ~~EMPLOYEES NECESSARY FOR THE EFFICIENT ADMINISTRATION OF THE~~
21 ~~CENTER;~~

22 ~~(3) RECOMMEND THE DISCHARGE OF EMPLOYEES FOR GOOD~~
23 ~~CAUSE AND IN ACCORDANCE WITH APPLICABLE LAWS AND POLICIES;~~

24 ~~(4) BE RESPONSIBLE TO THE BOARD FOR THE CONDUCT OF THE~~
25 ~~CENTER AND FOR ITS ADMINISTRATION AND SUPERVISION;~~

26 ~~(5) ATTEND ALL MEETINGS OF THE BOARD, EXCEPT THOSE~~
27 ~~INVOLVING THE DIRECTOR'S PERSONAL POSITION; AND~~

28 ~~(6) PERFORM OTHER DUTIES AS ASSIGNED BY THE BOARD.~~

29 ~~24-3A-06.~~

1 ~~(A) THE BUDGET OF THE CENTER, AS DEVELOPED BY THE BOARD,~~
2 ~~SHALL:~~

3 ~~(1) BE SUBMITTED TO THE COMMISSION AND THE APPROPRIATE~~
4 ~~HARFORD AND CECIL COUNTY GOVERNMENT OFFICIALS FOR INFORMATIONAL~~
5 ~~PURPOSES; AND~~

6 ~~(2) INCLUDE PERSONNEL DETAIL.~~

7 ~~(B) REQUESTS FOR APPROPRIATIONS FOR OPERATING EXPENSES FROM~~
8 ~~HARFORD AND CECIL COUNTIES SHALL BE MADE TO THE APPROPRIATE~~
9 ~~COUNTY OFFICIALS IN ACCORDANCE WITH:~~

10 ~~(1) APPLICABLE COUNTY PROCEDURES AND REQUIREMENTS; OR~~

11 ~~(2) AN AGREEMENT WITH THE APPROPRIATE COUNTY OFFICIALS.~~

12 ~~(C) REQUESTS FOR STATE APPROPRIATIONS FOR SPECIFIC PROJECTS~~
13 ~~SHALL BE SUBMITTED TO THE COMMISSION.~~

14 ~~(D) PROPOSALS FOR CAPITAL PROJECTS, EITHER NEW OR~~
15 ~~SUBSTANTIAL CHANGES TO EXISTING PROJECTS, SHALL BE SUBMITTED TO THE~~
16 ~~STATE DEPARTMENT OF BUDGET AND FISCAL PLANNING.~~

17 ~~(E) THE MAJOR FUNCTIONS OF THE CENTER SHALL GENERALLY~~
18 ~~CONFORM TO THOSE CONTAINED IN THE CURRENT COLLEGE AND UNIVERSITY~~
19 ~~INDUSTRY AUDIT GUIDE ISSUED BY THE AMERICAN INSTITUTE OF CERTIFIED~~
20 ~~PUBLIC ACCOUNTANTS.~~

21 ~~24-3A-07.~~

22 ~~(A) THE COUNTY GOVERNMENTS OF HARFORD AND CECIL COUNTIES~~
23 ~~MAY APPROPRIATE MONEY TO PAY THE COST OF ESTABLISHING AND~~
24 ~~OPERATING THE CENTER, INCLUDING THE ESTABLISHMENT OF A RESERVE~~
25 ~~FUND FOR MAINTENANCE AND REPAIR.~~

26 ~~(B) THE EXPENDITURE OF APPROPRIATED FUNDS SHALL BE~~
27 ~~CONSISTENT WITH ALL RELEVANT STATE LAWS.~~

28 ~~24-3A-08.~~

29 ~~(A) (1) THE BOARD MAY CARRY COMPREHENSIVE LIABILITY~~
30 ~~INSURANCE TO PROTECT THE BOARD, ITS AGENTS, AND EMPLOYEES.~~

1 ~~(2) THE PURCHASE OF THE INSURANCE IS FOR AN EDUCATIONAL~~
 2 ~~PURPOSE AND IS A VALID EDUCATIONAL EXPENSE.~~

3 ~~(B) (1) THE BOARD MAY ADOPT STANDARDS FOR THE POLICIES,~~
 4 ~~INCLUDING A MINIMUM LIABILITY COVERAGE.~~

5 ~~(2) ANY POLICY PURCHASED AFTER THE ADOPTION OF THESE~~
 6 ~~STANDARDS SHALL CONFORM TO THESE STANDARDS.~~

7 ~~(C) THE BOARD COMPLIES WITH THIS SECTION IF IT IS SELF-INSURED~~
 8 ~~FOR AT LEAST \$100,000 AND NOT MORE THAN \$500,000 PER OCCURRENCE,~~
 9 ~~UNDER THE RULES AND REGULATIONS OF THE STATE INSURANCE~~
 10 ~~COMMISSIONER.~~

11 ~~(D) THIS SECTION DOES NOT PREVENT THE BOARD, ON ITS OWN~~
 12 ~~BEHALF, FROM RAISING THE DEFENSE OF SOVEREIGN IMMUNITY TO ANY~~
 13 ~~AMOUNT OF A CLAIM IN EXCESS OF THE LIMIT OF AN INSURANCE POLICY OR IN~~
 14 ~~EXCESS OF \$100,000 IN THE CASE OF SELF-INSURANCE.~~

15 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial~~
 16 ~~voting members of the Board of Governors of the Center shall expire as follows:~~

17 ~~(1) 2 members in 2012;~~

18 ~~(2) 2 members in 2013;~~

19 ~~(3) 2 members in 2014;~~

20 ~~(4) 3 members in 2015.~~

21 ~~SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the~~
 22 ~~General Assembly that the Northeastern Maryland Higher Education and Applied~~
 23 ~~Technology Center not become a degree-granting institution of higher education, but~~
 24 ~~instead remain a facility where already existing degree-granting institutions may~~
 25 ~~offer their programs in order to meet the higher education needs of the Northeastern~~
 26 ~~Maryland region.~~

27 ~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take~~
 28 ~~effect July June 1, 2011. It shall remain effective for a period of 1 year and 1 month~~
 29 ~~and, at the end of June 30, 2012, with no further action required by the General~~
 30 ~~Assembly, this Act shall be abrogated and of no further force and effect.~~