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By: **Charles County Delegation and St. Mary's County Delegation**

Introduced and read first time: March 5, 1999

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Community Colleges - College of Southern Maryland**

3 FOR the purpose of creating the College of Southern Maryland as a successor to the  
4 Charles County Community College; creating a Board of Trustees for the  
5 governance of the College of Southern Maryland; providing for membership on  
6 the Board of Trustees; specifying the powers and duties of the Board of Trustees;  
7 specifying the duties of the president of the College of Southern Maryland;  
8 providing for a budget for the operation of the College of Southern Maryland;  
9 repealing certain provisions of law relating to the Board of Community College  
10 Trustees for Charles County; defining certain terms; providing for the transfer  
11 of certain functions, powers, duties, equipment, assets, liabilities, and  
12 employees to the College of Southern Maryland and the Board of Trustees of the  
13 College; requiring the Board of Community College Trustees for Charles County  
14 to take certain actions relating to the transition of the Charles County  
15 Community College to the College of Southern Maryland; specifying the terms of  
16 the initial members of the Board of Trustees of the College of Southern  
17 Maryland; providing that the Charles County Community College and its St.  
18 Mary's branch campus shall be considered a regional community college for  
19 certain purposes for a certain fiscal year; providing for a delayed effective date  
20 for certain provisions of this Act; and generally relating to the creation of the  
21 College of Southern Maryland.

22 BY renumbering

23 Article - Education  
24 Section 16-405  
25 to be Section 16-607  
26 Annotated Code of Maryland  
27 (1997 Replacement Volume and 1998 Supplement)

28 BY repealing

29 Article - Education  
30 Section 16-404  
31 Annotated Code of Maryland  
32 (1997 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Education  
3 Section 11-105(i)(1) and (6)  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume and 1998 Supplement)

6 BY adding to  
7 Article - Education  
8 Section 16-601 through 16-606 and 16-608 through 16-610 to be under the new  
9 subtitle "Subtitle 6. College of Southern Maryland"  
10 Annotated Code of Maryland  
11 (1997 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 16-607  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1998 Supplement)  
17 (As enacted by Section 1 of this Act)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That Section(s) 16-405 of Article - Education of the Annotated Code of  
20 Maryland be renumbered to be Section(s) 16-607.

21 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16-404 of  
22 Article - Education of the Annotated Code of Maryland be repealed.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
24 read as follows:

25 **Article - Education**

26 11-105.

27 (i) (1) In this subsection "community college" includes the Carroll County  
28 Community College and the Calvert County and St. Mary's County branch campuses  
29 of [Charles County Community College] THE COLLEGE OF SOUTHERN MARYLAND  
30 established under the authority granted by § 16-103(l) of this article, and does not  
31 include the Baltimore City Community College.

32 (6) The amount of the grant shall be a percentage of total design and  
33 construction costs, including site acquisition and development costs, as follows:

34 (i) For a regional community college established under § 16-202  
35 OR TITLE 16, SUBTITLE 6 of this article, 75 percent; or

1 (ii) For a public junior or community college that is not a regional  
2 community college, the greater of:

3 1. A percentage equal to that percentage of the expenditure  
4 for basic current expenses that the State pays to the petitioning jurisdiction under §  
5 5-202(b) of this article up to a maximum of 70 percent; or

6 2. 50 percent.

7 SUBTITLE 6. COLLEGE OF SOUTHERN MARYLAND.

8 16-601.

9 (A) THE ESTABLISHMENT OF THE COLLEGE OF SOUTHERN MARYLAND AS A  
10 REGIONAL COLLEGE IS BASED ON THE FINDINGS AND POLICIES SET FORTH IN THIS  
11 SECTION.

12 (B) (1) CHARLES COUNTY COMMUNITY COLLEGE HAS PROVIDED HIGHER  
13 EDUCATION OPPORTUNITIES IN ST. MARY'S COUNTY FOR MORE THAN 20 YEARS  
14 THROUGH A CONTRACTUAL ARRANGEMENT WITH THE COUNTY.

15 (2) THE CONTINUING GROWTH OF CHARLES COUNTY COMMUNITY  
16 COLLEGE AS A QUALITY INSTITUTION REQUIRES THAT A PARTNERSHIP BE  
17 ESTABLISHED TO PROVIDE A NEW COLLEGE IDENTITY REFLECTIVE OF THE TWO  
18 SOUTHERN MARYLAND COUNTIES, A GOVERNANCE STRUCTURE OF SHARED  
19 OWNERSHIP, AND THE EQUITABLE DISTRIBUTION OF FISCAL SUPPORT.

20 16-602.

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

23 (B) "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES OF THE  
24 COLLEGE OF SOUTHERN MARYLAND.

25 (C) "COLLEGE" MEANS THE COLLEGE OF SOUTHERN MARYLAND, FORMERLY  
26 KNOWN AS THE CHARLES COUNTY COMMUNITY COLLEGE.

27 (D) "COUNTY COMMISSIONERS" MEANS THE ELECTED COUNTY  
28 COMMISSIONERS FROM CHARLES AND ST. MARY'S COUNTIES.

29 (E) "OFFICER" MEANS THE PRESIDENT, VICE PRESIDENTS, DEANS, OR OTHER  
30 OFFICERS OF THE COLLEGE AS SHALL BE APPOINTED BY THE BOARD OF TRUSTEES.

31 (F) "RESIDENT CAMPUS" MEANS A PRIMARY CAMPUS LOCATED IN CHARLES  
32 COUNTY OR ST. MARY'S COUNTY.

33 (G) "SOUTHERN MARYLAND" MEANS THE AREA THAT INCLUDES ALL OF  
34 CHARLES AND ST. MARY'S COUNTIES.

1 16-603.

2 (A) (1) THERE IS A COLLEGE OF SOUTHERN MARYLAND, FORMERLY KNOWN  
3 AS THE CHARLES COUNTY COMMUNITY COLLEGE, LOCATED IN CHARLES AND ST.  
4 MARY'S COUNTIES, MARYLAND.

5 (2) WITH OTHER EDUCATIONAL INSTITUTIONS, THE COLLEGE SHALL  
6 PROVIDE THE SERVICES AND PROGRAMS DESCRIBED IN § 10-210 OF THIS ARTICLE.

7 (B) THE COLLEGE IS AN INSTITUTION OF HIGHER EDUCATION OF THE STATE  
8 OF MARYLAND.

9 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE  
10 COLLEGE SHALL BE CLASSIFIED AS A "LOCAL EDUCATIONAL AGENCY (LEA)", AS  
11 DEFINED IN FEDERAL LAW, FOR PURPOSES OF FEDERAL SUBSIDIES, GRANTS,  
12 CONTRACTS, AND OTHER PROGRAMS OF SUPPORT FOR WHICH A COMMUNITY  
13 COLLEGE IS ELIGIBLE.

14 (D) CHARLES AND ST. MARY'S COUNTIES MAY APPROPRIATE MONEY TO PAY  
15 THE COST OF OPERATING THE COLLEGE ACCORDING TO THE PROVISIONS OF THIS  
16 ARTICLE.

17 (E) (1) EACH SOUTHERN MARYLAND COUNTY MAY BORROW MONEY TO  
18 PURCHASE LAND AND CONSTRUCT CAPITAL IMPROVEMENTS FOR THE COLLEGE.

19 (2) MONEY MAY BE BORROWED ON TERMS AND CONDITIONS THE  
20 COUNTY COMMISSIONERS CONSIDER PROPER, SUBJECT TO ANY REQUIREMENTS OF  
21 LOCAL LAW APPLICABLE TO THE CREATION OF PUBLIC DEBT.

22 (F) (1) UNLESS OTHERWISE AGREED TO BY THE COUNTY COMMISSIONERS,  
23 THE CAPITAL EXPENDITURES FOR EACH CAMPUS ARE THE RESPONSIBILITY OF THE  
24 COUNTY IN WHICH THE CAMPUS IS LOCATED.

25 (2) THE DISTRIBUTION OF SHARED COSTS WILL BE THAT OF A  
26 REGIONAL COMMUNITY COLLEGE AS DESIGNATED IN § 11-105(I)(6)(I) OF THIS  
27 ARTICLE.

28 16-604.

29 (A) THE GOVERNMENT OF THE COLLEGE IS VESTED IN THE BOARD OF  
30 TRUSTEES.

31 (B) (1) THE BOARD OF TRUSTEES CONSISTS OF EIGHT MEMBERS  
32 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

33 (2) OF THE MEMBERS:

34 (I) EACH SHALL BE A RESIDENT OF THE STATE;

35 (II) EACH SHALL BE A RESIDENT OF CHARLES COUNTY OR ST.  
36 MARY'S COUNTY;

1 (III) EACH SHALL REPRESENT A SHARE OF COUNTY RESIDENTS  
2 EQUAL TO AT LEAST 11% OF THE TOTAL NUMBER OF STATE SUPPORTED FULL-TIME  
3 EQUIVALENT STUDENTS ATTENDING THE COLLEGE DURING THE PRIOR FISCAL  
4 YEAR;

5 (IV) EACH SHALL HAVE COMPLETED AT LEAST 60 HOURS OF  
6 ACCREDITED COLLEGE WORK; AND

7 (V) NONE MAY BE AN ELECTED OFFICIAL OF THE STATE, A  
8 COUNTY, A MUNICIPAL CORPORATION, OR A COUNTY BOARD.

9 (3) EACH OF THE SOUTHERN MARYLAND COUNTIES SHALL BE  
10 REPRESENTED BY AT LEAST ONE MEMBER WHO IS A RESIDENT OF THAT COUNTY.

11 (C) (1) THE TERM OF A MEMBER IS 5 YEARS.

12 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY  
13 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2000.

14 (3) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM  
15 SERVES FOR THE REMAINDER OF THAT TERM.

16 (4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL  
17 TERMS.

18 (D) EACH MEMBER OF THE BOARD OF TRUSTEES IS ENTITLED TO RECEIVE UP  
19 TO \$600 A YEAR FOR EXPENSES.

20 16-605.

21 (A) EACH YEAR PRIOR TO JUNE 30 THE BOARD OF TRUSTEES:

22 (1) SHALL ELECT A CHAIRMAN AND VICE CHAIRMAN FROM AMONG ITS  
23 MEMBERS; AND

24 (2) MAY ELECT ANY OTHER OFFICERS IT REQUIRES.

25 (B) (1) THE BOARD OF TRUSTEES SHALL DETERMINE THE TIME AND PLACE  
26 OF ITS MEETINGS.

27 (2) THE BOARD OF TRUSTEES MAY ADOPT RULES FOR THE CONDUCT OF  
28 ITS MEETINGS AND THE TRANSACTION OF BUSINESS.

29 (C) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD OF  
30 TRUSTEES IS A QUORUM FOR THE TRANSACTION OF BUSINESS.

31 16-606.

32 (A) IN ADDITION TO THE OTHER POWERS GRANTED AND DUTIES IMPOSED BY  
33 THIS TITLE, AND SUBJECT TO THE AUTHORITY OF THE COMMISSION, THE BOARD OF  
34 TRUSTEES HAS THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

1 (B) THE BOARD OF TRUSTEES SHALL EXERCISE GENERAL CONTROL OVER  
2 THE COLLEGE, KEEP SEPARATE RECORDS AND MINUTES, AND ADOPT REASONABLE  
3 RULES, REGULATIONS, AND BYLAWS TO CARRY OUT THE PROVISIONS OF THIS TITLE.

4 (C) THE BOARD OF TRUSTEES MAY FIX THE SALARIES AND TENURE OF THE  
5 PRESIDENT, FACULTY, AND OTHER EMPLOYEES OF THE COLLEGE.

6 (D) THE BOARD OF TRUSTEES MAY PURCHASE, LEASE, CONDEMN, OR  
7 OTHERWISE ACQUIRE ANY PROPERTY IT CONSIDERS NECESSARY FOR THE  
8 OPERATION OF THE COLLEGE.

9 (E) (1) THE BOARD OF TRUSTEES MAY SELL, LEASE, OR OTHERWISE  
10 DISPOSE OF ASSETS OR PROPERTY OF THE COLLEGE.

11 (2) THE PRESIDENT OF THE COLLEGE AND THE CHAIRMAN OF THE  
12 BOARD OF TRUSTEES MAY EXECUTE A CONVEYANCE OR OTHER LEGAL DOCUMENT  
13 UNDER AN APPROPRIATE RESOLUTION OF THE BOARD OF TRUSTEES.

14 (F) THE BOARD OF TRUSTEES MAY APPLY FOR AND ACCEPT ANY GIFT OR  
15 GRANT FROM THE FEDERAL GOVERNMENT OR ANY OTHER PERSON.

16 (G) SUBJECT TO THE MINIMUM STANDARDS OF THE COMMISSION, THE BOARD  
17 OF TRUSTEES MAY DETERMINE ENTRANCE REQUIREMENTS AND APPROVE  
18 OFFERINGS THAT CONSIST OF:

19 (1) TRANSFER PROGRAMS OFFERING THE EQUIVALENT OF THE FIRST 2  
20 YEARS OF A BACHELOR'S DEGREE PROGRAM;

21 (2) CAREER PROGRAMS OFFERING TECHNICAL, VOCATIONAL, AND  
22 SEMIPROFESSIONAL EDUCATION; AND

23 (3) CONTINUING EDUCATION AND CONTRACT-TRAINING PROGRAMS.

24 (H) EXCEPT AS PROVIDED IN § 16-310 OF THIS TITLE, THE BOARD OF  
25 TRUSTEES MAY CHARGE STUDENTS REASONABLE TUITION AND FEES SET BY IT WITH  
26 A VIEW TO MAKING COLLEGE EDUCATION AVAILABLE TO ALL QUALIFIED STUDENTS  
27 AT LOW COST.

28 (I) THE BOARD OF TRUSTEES MAY SUE AND BE SUED.

29 (J) THE BOARD OF TRUSTEES MAY MAKE AGREEMENTS WITH THE FEDERAL  
30 GOVERNMENT OR ANY OTHER PERSON, INCLUDING AGREEMENTS BETWEEN  
31 COUNTIES, IF THE BOARD OF TRUSTEES CONSIDERS THE AGREEMENT ADVISABLE  
32 FOR THE ESTABLISHMENT OR OPERATION OF THE COLLEGE.

33 (K) THE BOARD OF TRUSTEES MAY ADOPT A CORPORATE SEAL.

34 (L) THE BOARD OF TRUSTEES SHALL APPOINT A PRESIDENT OF THE COLLEGE  
35 WHO SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE COLLEGE AND THE  
36 SECRETARY/TREASURER OF THE BOARD OF TRUSTEES.

1 (M) THE BOARD OF TRUSTEES MAY CREATE A RESERVE FUND TO INSURE  
2 AGAINST UNFORSEEN CONTINGENCIES.

3 16-607.

4 (a) [The Board of Community College Trustees for Charles County] THE  
5 BOARD OF TRUSTEES may:

6 (1) Appoint an individual, other than the attorney to the Board OF  
7 TRUSTEES, as hearing examiner; and

8 (2) Adopt rules governing proceedings before the hearing examiner.

9 (b) The hearing examiner:

10 (1) May hold an initial hearing on any matter brought before the Board  
11 of Trustees; and

12 (2) Shall submit to the Board OF TRUSTEES and to the parties findings of  
13 fact and conclusions of law, a transcript of the proceedings, and exhibits.

14 (c) The Board of Trustees shall:

15 (1) Hear arguments, if requested by a party; and

16 (2) After considering the arguments and the record, decide the matter.

17 (d) The decision of the Board of Trustees may not be appealed.

18 16-608.

19 THE PRESIDENT OF THE COLLEGE SHALL:

20 (1) REPORT DIRECTLY TO THE BOARD OF TRUSTEES;

21 (2) RECOMMEND THE APPOINTMENT BY THE BOARD OF TRUSTEES OF  
22 QUALIFIED FACULTY MEMBERS AND OTHER EMPLOYEES NECESSARY FOR THE  
23 EFFICIENT ADMINISTRATION OF THE COLLEGE;

24 (3) RECOMMEND THE DISCHARGE OF EMPLOYEES FOR GOOD CAUSE,  
25 PROVIDED THAT ANY EMPLOYEE WITH TENURE SHALL BE GIVEN REASONABLE  
26 NOTICE OF THE GROUNDS FOR DISMISSAL AND AN OPPORTUNITY TO BE HEARD;

27 (4) BE RESPONSIBLE FOR THE CONDUCT OF THE COLLEGE AND FOR THE  
28 ADMINISTRATION AND SUPERVISION OF ITS DEPARTMENTS; AND

29 (5) ATTEND ALL MEETINGS OF THE BOARD OF TRUSTEES, EXCEPT  
30 THOSE INVOLVING THE POSITION OF PRESIDENT.

1 16-609.

2 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF §§  
3 16-106 AND 16-107 OF THIS TITLE APPLY TO THE COLLEGE.

4 16-610.

5 (A) EACH YEAR THE BOARD OF TRUSTEES AND THE PRESIDENT OF THE  
6 COLLEGE SHALL PREPARE AND SUBMIT TO THE COUNTY COMMISSIONERS:

7 (1) AN ANNUAL REPORT;

8 (2) AN OPERATING BUDGET;

9 (3) A CAPITAL BUDGET; AND

10 (4) IF REQUIRED, A LONG-TERM CAPITAL IMPROVEMENT PROGRAM.

11 (B) THE OPERATING BUDGET SHALL SHOW:

12 (1) ALL REVENUES ESTIMATED FOR THE NEXT FISCAL YEAR  
13 CLASSIFIED BY FUNDS AND SOURCES OF INCOME FOR EACH CAMPUS;

14 (2) ALL EXPENDITURES REQUESTED, INCLUDING THE MAJOR  
15 FUNCTIONS LISTED UNDER § 16-304(B) OF THIS TITLE AND SPECIFICATION FOR THE  
16 DIRECT EXPENDITURES FOR EACH CAMPUS BY MAJOR FUNCTION ESTABLISHED BY  
17 THE COMMISSION;

18 (3) ALL INDIRECT EXPENDITURES FOR INSTITUTIONAL SUPPORT,  
19 ONE-THIRD OF WHICH SHALL BE FUNDED BY ST. MARY'S COUNTY;

20 (4) ALL OTHER INDIRECT EXPENDITURES DISTRIBUTED BY THE  
21 PERCENTAGE OF FULL-TIME EQUIVALENT STUDENTS BY COUNTY OF RESIDENCE;  
22 AND

23 (5) ANY OTHER INFORMATION OR SUPPORTING DATA REQUIRED BY THE  
24 COUNTY COMMISSIONERS.

25 (C) (1) THE COUNTY COMMISSIONERS IN EACH COUNTY SHALL REVIEW  
26 AND APPROVE THE BUDGET OF THE RESIDENT CAMPUS IN THAT COUNTY AND MAY  
27 REDUCE IT.

28 (2) THE BOARD OF TRUSTEES OF THE COLLEGE MAY APPROVE  
29 TRANSFERS OF APPROPRIATIONS FOR DIRECT OR INDIRECT COSTS IN ORDER TO  
30 INSURE THE MISSION OF THE COLLEGE.

31 (D) THE OPERATING BUDGET OF THE COLLEGE AS OUTLINED IN THIS  
32 SECTION SHALL BE SUBMITTED TO THE COMMISSION FOR INFORMATIONAL  
33 PURPOSES.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, on July 1, 2000, all the  
2 functions, powers, duties, equipment, assets, liabilities, and employees of the Charles  
3 County Community College shall be transferred to the College of Southern Maryland.

4 SECTION 5. AND BE IT FURTHER ENACTED, That all assets, land, and  
5 equipment under permanent use by the Charles County Community College in St.  
6 Mary's County shall be transferred to the Board of Trustees of the College of Southern  
7 Maryland.

8 SECTION 6. AND BE IT FURTHER ENACTED, That the Board of Community  
9 College Trustees for Charles County shall endeavor to secure a stable transition of the  
10 Charles County Community College to the College of Southern Maryland prior to July  
11 1, 2000, through advertising, changing of College letterhead and signs, preparation of  
12 materials, processes, and activities as stated and implied by this Act.

13 SECTION 7. AND BE IT FURTHER ENACTED, That any current member of  
14 the Board of Trustees may continue to serve the remainder of their term. The initial  
15 Board of Trustees of the College of Southern Maryland shall consist of six members  
16 from Charles County and two members from St. Mary's County. The terms of initial  
17 members of the Board of Trustees of the College of Southern Maryland shall expire as  
18 follows:

- 19 (1) Two members in 2002;
- 20 (2) Two members in 2003;
- 21 (3) Two members in 2004; and
- 22 (4) Two members in 2005.

23 SECTION 8. AND BE IT FURTHER ENACTED, That notwithstanding any  
24 other provision of law, for fiscal year 2000, the Charles County Community College  
25 and its St. Mary's branch campus shall be considered a regional community college for  
26 purposes of § 11-105(i)(6)(i) of the Education Article.

27 SECTION 9. AND BE IT FURTHER ENACTED, That Sections 6 and 8 of this  
28 Act shall take effect July 1, 1999.

29 SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in  
30 Section 9 of this Act, this Act shall take effect July 1, 2000.