
By: **Delegates Jones, Barkley, Barve, Benson, Bronrott, Burns, Busch, G. Clagett, Conroy, Conway, D. Davis, Frush, Gaines, Goodwin, Gordon, Griffith, Haynes, Healey, Hixson, Holmes, Howard, Hubbard, Kaiser, Kelley, Kirk, Lee, Madaleno, Marriott, McIntosh, Moe, Nathan-Pulliam, Oaks, Paige, Parker, Patterson, Proctor, Quinter, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 3, 2005
Assigned to: Appropriations and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education Affordability and Access Act of 2005**

3 FOR the purpose of limiting, to no more than a certain percent for certain academic
4 years, the amount of the annual increase in tuition that may be charged each
5 academic year to a resident undergraduate student at certain public senior
6 higher education institutions in Maryland; providing that a certain tuition
7 limitation only applies if certain appropriations in certain fiscal years have
8 increased a certain amount over the preceding fiscal year; requiring the
9 Governor to include a certain increase in the annual budget submission for
10 certain fiscal years for the University System of Maryland and Morgan State
11 University; providing that certain funding may not supplant certain funding to
12 certain public senior higher education institutions; establishing the Higher
13 Education Investment Fund; specifying that the Fund is a special, nonlapsing
14 fund, that the State Treasurer shall hold the Fund separately, and that the
15 Comptroller shall account for the Fund; specifying that the Fund consists of
16 certain revenues and other moneys accepted for certain purposes; requiring
17 certain investment earnings to be credited to the Fund; allowing the Fund to be
18 used only for certain purposes and under certain circumstances; requiring the
19 transfer of any balance in the Fund at the end of a certain fiscal year to the
20 General Fund; authorizing the Governor to include up to a certain amount from
21 the Fund to make certain appropriations for certain fiscal years; requiring
22 certain governing boards to establish certain enrollment policies; altering the
23 calculation of certain State appropriations to community colleges, including
24 Baltimore City Community College, and the Joseph A. Sellinger Program for
25 certain fiscal years; imposing a certain surcharge on the Maryland taxable
26 income of corporations for certain taxable years; requiring the Comptroller to
27 distribute the revenues from the surcharge to the Higher Education Investment
28 Fund rather than to the State General Fund and certain special funds; requiring
29 the Board of Regents of the University System of Maryland to study certain
30 issues and submit certain reports by certain dates; requiring the Board of

1 Regents of Morgan State University to submit a certain report by a certain date;
2 establishing a commission to study the coordination, funding, educational
3 delivery, and State commitment to higher education in the State; providing for
4 the membership and appointment of the chairman of the commission; requiring
5 the commission to solicit the views of certain groups in its deliberations;
6 requiring the commission to engage certain services to conduct a certain study of
7 funding needs for the University System of Maryland; requiring the commission
8 to report its findings and recommendations to the Governor and the General
9 Assembly; providing for the staffing of the commission; declaring the intent of
10 the General Assembly; defining certain terms; providing for the application of
11 this Act; and generally relating to State funding for tuition, management,
12 finance, admissions, and enrollment policies at certain public senior higher
13 education institutions in Maryland.

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 16-305(c)(1), 16-512(a), and 17-104
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2004 Supplement)

19 BY adding to
20 Article - Education
21 Section 12-114, 14-104(q), and 15-106.5
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2004 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Tax - General
26 Section 2-614(a), 2-615, 10-101(n), 10-102, and 10-105(b)
27 Annotated Code of Maryland
28 (2004 Replacement Volume)

29 BY adding to
30 Article - Tax - General
31 Section 2-613.1
32 Annotated Code of Maryland
33 (2004 Replacement Volume)

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

1

Article - Education

2 12-114.

3 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE UNIVERSITY SYSTEM
4 OF MARYLAND IMPROVE ITS EFFECTIVENESS AND EFFICIENCY AND CONTROL COSTS
5 BY BECOMING THE NATIONAL LEADER IN TRANSFORMING THE BUSINESS MODEL OF
6 PUBLIC HIGHER EDUCATION TO PROVIDE WORLD-CLASS EDUCATION, RESEARCH,
7 AND PUBLIC SERVICE.

8 14-104.

9 (Q) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT MORGAN STATE
10 UNIVERSITY IMPROVE ITS EFFECTIVENESS AND EFFICIENCY AND CONTROL COSTS
11 BY BECOMING THE NATIONAL LEADER IN TRANSFORMING THE BUSINESS MODEL OF
12 PUBLIC HIGHER EDUCATION TO PROVIDE WORLD-CLASS EDUCATION, RESEARCH,
13 AND PUBLIC SERVICE.

14 15-106.5.

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

17 (2) "ACADEMIC YEAR" MEANS THE PERIOD COMMENCING WITH THE
18 FALL SEMESTER AND CONTINUING THROUGH THE IMMEDIATELY FOLLOWING
19 SUMMER SESSION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.

20 (3) "FUND" MEANS THE HIGHER EDUCATION INVESTMENT FUND.

21 (4) "GOVERNING BOARD" MEANS:

22 (I) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF
23 MARYLAND; AND

24 (II) THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY.

25 (5) "PUBLIC SENIOR HIGHER EDUCATION INSTITUTION" HAS THE
26 MEANING STATED IN § 10-101(J)(1) AND (2) OF THIS ARTICLE.

27 (6) (I) "TUITION" MEANS THE CHARGES AND FEES APPROVED BY THE
28 GOVERNING BOARD OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION WHICH
29 ARE REQUIRED OF ALL UNDERGRADUATE RESIDENT STUDENTS BY THE
30 INSTITUTION AS A CONDITION OF ENROLLMENT REGARDLESS OF THE STUDENT'S
31 DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED COURSES.

32 (II) "TUITION" DOES NOT INCLUDE:

33 1. FEES DEDICATED TO SUPPORT AUXILIARY ENTERPRISES
34 AND OTHER SELF-FUNDED ACTIVITIES OF A PUBLIC SENIOR HIGHER EDUCATION
35 INSTITUTION; OR

1 2. A FEE REQUIRED ONLY FOR ENROLLMENT IN A SPECIFIC
2 DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THAT FEE IS NOT REQUIRED
3 OF UNDERGRADUATE RESIDENT STUDENTS AT THE PUBLIC SENIOR HIGHER
4 EDUCATION INSTITUTION FOR ENROLLMENT IN OTHER DEGREE PROGRAMS, FIELDS
5 OF STUDY, OR COURSES.

6 (B) (1) FOR FISCAL YEARS 2007 THROUGH 2009 ONLY, AND SUBJECT TO
7 PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE
8 ANNUAL BUDGET SUBMISSION AN INCREASE IN THE AGGREGATE AMOUNT OF
9 GENERAL FUND AND HIGHER EDUCATION INVESTMENT FUND SUPPORT FOR THE
10 UNIVERSITY SYSTEM OF MARYLAND AND MORGAN STATE UNIVERSITY,
11 RESPECTIVELY, OF AT LEAST 5% OVER THE PREVIOUS FISCAL YEAR.

12 (2) FOR FISCAL YEARS 2007 THROUGH 2009, IN MEETING THE
13 REQUIREMENTS OF THIS SUBSECTION, THE GOVERNOR MAY INCLUDE FROM THE
14 HIGHER EDUCATION INVESTMENT FUND NO MORE THAN:

15 (I) THE AMOUNT PROVIDED FROM THE FUND IN THE PREVIOUS
16 FISCAL YEAR; PLUS

17 (II) 60% OF THE ANNUAL INCREASE REQUIRED UNDER PARAGRAPH
18 (1) OF THIS SUBSECTION.

19 (3) THE FUNDING REQUIREMENTS OF THIS SUBSECTION REPRESENT A
20 MINIMUM LEVEL OF GENERAL FUND AND HIGHER EDUCATION INVESTMENT FUND
21 SUPPORT THAT THE GOVERNOR MAY EXCEED AS STATE RESOURCES PERMIT.

22 (4) FUNDING DISTRIBUTED UNDER THIS SUBSECTION MAY NOT BE
23 USED TO SUPPLANT FUNDING OTHERWISE DISTRIBUTED IN ACCORDANCE WITH THE
24 STATE'S PARTNERSHIP AGREEMENT WITH THE UNITED STATES DEPARTMENT OF
25 EDUCATION, OFFICE OF CIVIL RIGHTS TO:

26 (I) BOWIE STATE UNIVERSITY;

27 (II) COPPIN STATE UNIVERSITY;

28 (III) MORGAN STATE UNIVERSITY; OR

29 (IV) UNIVERSITY OF MARYLAND EASTERN SHORE.

30 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR THE
31 ACADEMIC YEAR BEGINNING IN THE FALL OF 2006 AND EACH ACADEMIC YEAR
32 THROUGH THE FALL OF 2008, A GOVERNING BOARD MAY NOT APPROVE, AND A
33 PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY NOT IMPOSE, AN INCREASE
34 IN THE TUITION CHARGED FOR AN ACADEMIC YEAR TO A RESIDENT
35 UNDERGRADUATE STUDENT AT THE INSTITUTION THAT EXCEEDS 5% OF THE
36 AMOUNT CHARGED FOR TUITION AT THE INSTITUTION IN THE PRECEDING
37 ACADEMIC YEAR.

1 (2) (I) FOR FISCAL YEARS 2007 THROUGH 2009, THE TUITION
2 LIMITATION IN PARAGRAPH (1) OF THIS SUBSECTION ONLY APPLIES TO
3 INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND IF THE AGGREGATE
4 GENERAL FUND AND HIGHER EDUCATION INVESTMENT FUND APPROPRIATIONS FOR
5 THE UNIVERSITY SYSTEM OF MARYLAND IN THAT FISCAL YEAR HAVE INCREASED AT
6 LEAST 5% OVER THE APPROPRIATIONS FOR THE PRECEDING FISCAL YEAR.

7 (II) FOR FISCAL YEARS 2007 THROUGH 2009, THE TUITION
8 LIMITATION IN PARAGRAPH (1) OF THIS SUBSECTION ONLY APPLIES TO MORGAN
9 STATE UNIVERSITY IF THE AGGREGATE GENERAL FUND AND HIGHER EDUCATION
10 INVESTMENT FUND APPROPRIATIONS IN THAT FISCAL YEAR HAVE INCREASED AT
11 LEAST 5% OVER THE APPROPRIATIONS FOR THE PRECEDING FISCAL YEAR.

12 (D) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND AND
13 THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY SHALL ESTABLISH
14 POLICIES TO ACCOMMODATE ENROLLMENT GROWTH, AS PROJECTED BY THE
15 COMMISSION, AT THEIR RESPECTIVE INSTITUTIONS FOR THE ACADEMIC YEARS
16 BEGINNING IN THE FALL OF 2005 THROUGH THE FALL OF 2008.

17 (E) (1) THERE IS A HIGHER EDUCATION INVESTMENT FUND.

18 (2) THE PURPOSE OF THE FUND IS TO SUPPLEMENT GENERAL FUND
19 APPROPRIATIONS TO PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS.

20 (3) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
21 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (4) THE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER
23 SHALL ACCOUNT FOR THE FUND.

24 (5) THE PROCEEDS OF THE FUND SHALL BE INVESTED AND
25 REINVESTED.

26 (6) ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

27 (7) THE FUND CONSISTS OF:

28 (I) REVENUES FROM THE SURCHARGE ON INCOME OF
29 CORPORATIONS AS PROVIDED IN § 2-613.1 OF THE TAX - GENERAL ARTICLE; AND

30 (II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
31 THE BENEFIT OF THE FUND.

32 (8) THE COMMISSION SHALL ADMINISTER THE FUND.

33 (9) MONEY IN THE FUND MAY ONLY BE EXPENDED TO SUPPLEMENT
34 GENERAL FUND APPROPRIATIONS TO PUBLIC SENIOR HIGHER EDUCATION
35 INSTITUTIONS.

1 (10) EXPENDITURES FROM THE FUND MAY ONLY BE MADE IN
2 ACCORDANCE WITH AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN
3 THE ANNUAL STATE BUDGET.

4 (11) ANY BALANCE REMAINING IN THE FUND AT THE END OF JUNE 30,
5 2009, SHALL BE TRANSFERRED TO THE GENERAL FUND OF THE STATE. IT IS THE
6 INTENT OF THE GENERAL ASSEMBLY THAT THESE MONEYS BE USED TO SUPPORT
7 HIGHER EDUCATION.

8 16-305.

9 (c) (1) (i) The total State operating fund per full-time equivalent student
10 to the community colleges for each fiscal year as requested by the Governor shall be:

11 1. In each of fiscal years 2003 and 2004, not less than an
12 amount equal to 23.1% of the State's General Fund appropriation per full-time
13 equivalent student to the 4-year public institutions of higher education in the State
14 as designated by the Commission for the purpose of administering the Joseph A.
15 Sellinger Program under Title 17 of this article in the previous fiscal year;

16 2. In fiscal year 2005, not less than an amount equal to 24%
17 of the State's General Fund appropriation per full-time equivalent student to the
18 4-year public institutions of higher education in the State as designated by the
19 Commission for the purpose of administering the Joseph A. Sellinger Program under
20 Title 17 of this article in the previous fiscal year; and

21 3. In fiscal year 2006 and each fiscal year thereafter, not less
22 than an amount equal to 25% of the State's General Fund [appropriation] AND
23 HIGHER EDUCATION INVESTMENT FUND APPROPRIATIONS per full-time equivalent
24 student to the 4-year public institutions of higher education in the State, as
25 designated by the Commission for the purpose of administering the Joseph A.
26 Sellinger Program under Title 17 of this article in the previous fiscal year.

27 (ii) For purposes of this subsection, the State's General Fund
28 [appropriation] AND HIGHER EDUCATION INVESTMENT FUND APPROPRIATIONS per
29 full-time equivalent student to the 4-year public institutions of higher education in
30 the State for the previous fiscal year shall reflect any amendments or reductions to
31 the appropriation for the previous fiscal year.

32 16-512.

33 (a) (1) The total State operating fund per full-time equivalent student
34 appropriated to Baltimore City Community College for each fiscal year as requested
35 by the Governor shall be:

36 (i) In each of fiscal years 2003 and 2004, not less than an amount
37 equal to 60.9% of the State's General Fund appropriation per full-time equivalent
38 student to the 4-year public institutions of higher education in the State as
39 designated by the Commission for the purpose of administering the Joseph A.
40 Sellinger Program under Title 17 of this article in the previous fiscal year;

1 (ii) In fiscal year 2005, not less than an amount equal to 63.4% of
2 the State's General Fund appropriation per full-time equivalent student to the
3 4-year public institutions of higher education in the State as designated by the
4 Commission for the purpose of administering the Joseph A. Sellinger Program under
5 Title 17 of this article in the previous fiscal year; and

6 (iii) In fiscal year 2006 and each fiscal year thereafter, not less than
7 an amount equal to 66% of the State's General Fund [appropriation] AND HIGHER
8 EDUCATION INVESTMENT FUND APPROPRIATIONS per full-time equivalent student
9 to the 4-year public institutions of higher education in the State as designated by the
10 Commission for the purpose of administering the Joseph A. Sellinger Program under
11 Title 17 of this article in the previous fiscal year.

12 (2) For purposes of this subsection, the State's General Fund
13 [appropriation] AND HIGHER EDUCATION INVESTMENT FUND APPROPRIATIONS per
14 full-time equivalent student to the 4-year public institutions of higher education in
15 the State for the previous fiscal year shall reflect any amendments or reductions to
16 the appropriation for the previous fiscal year.

17 17-104.

18 (a) The Maryland Higher Education Commission shall compute the amount of
19 the annual apportionment for each institution that qualifies under this subtitle by
20 multiplying:

21 (1) The number of full-time equivalent students enrolled at the
22 institution during the fall semester of the fiscal year preceding the fiscal year for
23 which the aid apportionment is made, as determined by the Maryland Higher
24 Education Commission times;

25 (2) (i) In each of fiscal years 2003 and 2004, an amount not less than
26 14.3% of the State's General Fund per full-time equivalent student appropriation to
27 the 4-year public institutions of higher education in this State for the preceding fiscal
28 year;

29 (ii) In fiscal year 2005, an amount not less than 15.2% of the State's
30 General Fund per full-time equivalent student appropriation to the 4-year public
31 institutions of higher education in this State for the preceding fiscal year; and

32 (iii) In fiscal year 2006 and each fiscal year thereafter, an amount
33 not less than 16% of the State's General Fund AND HIGHER EDUCATION INVESTMENT
34 FUND APPROPRIATIONS per full-time equivalent student [appropriation] to the
35 4-year public institutions of higher education in this State for the preceding fiscal
36 year.

37 (b) Full-time equivalent students enrolled in seminarian or theological
38 programs shall be excluded from the computation required by subsection (a) of this
39 section.

1 (c) Payments of State general funds under Subtitle 3 of this title shall be
2 excluded from the computation required by subsection (a) of this section.

3 (d) For purposes of this section, the State's General Fund [appropriation]
4 AND HIGHER EDUCATION INVESTMENT FUND APPROPRIATIONS per full-time
5 equivalent student to the 4-year public institutions of higher education in the State
6 for the previous fiscal year shall reflect any amendments or reductions to the
7 appropriation for the previous fiscal year.

8 **Article - Tax - General**

9 2-613.1.

10 AFTER MAKING THE DISTRIBUTION REQUIRED UNDER § 2-613 OF THIS
11 SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE TO THE HIGHER EDUCATION
12 INVESTMENT FUND ESTABLISHED UNDER § 15-106.5 OF THE EDUCATION ARTICLE
13 THE REVENUE FROM THE SURCHARGE ON INCOME OF CORPORATIONS IMPOSED
14 UNDER § 10-102(2) OF THIS ARTICLE.

15 2-614.

16 (a) After making the [distribution] DISTRIBUTIONS required under [§ 2-613]
17 §§ 2-613 AND 2-613.1 of this subtitle, the Comptroller shall distribute monthly 24% of
18 the remaining income tax revenue from corporations to a special fund to be
19 distributed as provided in subsection (b) of this section.

20 2-615.

21 After making the distributions required under §§ [2-613 and 2-614] 2-613,
22 2-613.1, AND 2-614 of this subtitle, the Comptroller shall distribute the remaining
23 income tax revenue from corporations to the General Fund of the State.

24 10-101.

25 (n) (1) "State income tax" means the State tax on income imposed under this
26 title.

27 (2) "STATE INCOME TAX" INCLUDES THE SURCHARGE ON INCOME OF
28 CORPORATIONS IMPOSED UNDER § 10-102(2) OF THIS SUBTITLE.

29 10-102.

30 Except as provided in § 10-104 of this subtitle[,]:

31 (1) a tax is imposed on the Maryland taxable income of each individual
32 and of each corporation; AND

33 (2) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2005, BUT
34 BEFORE JANUARY 1, 2009, IN ADDITION TO THE TAX IMPOSED UNDER ITEM (1) OF

1 THIS SECTION, A SURCHARGE IS IMPOSED ON THE MARYLAND TAXABLE INCOME OF
2 EACH CORPORATION.

3 10-105.

4 (b) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE State
5 income tax rate for a corporation is 7% of Maryland taxable income.

6 (2) THE RATE OF THE SURCHARGE IMPOSED UNDER § 10-102(2) OF THIS
7 SUBTITLE IS 10% OF THE TAX IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
9 General Assembly to continue to support Maryland's historically black institutions in
10 accordance with the agreement reached between the State of Maryland and the
11 United States Department of Education, Office of Civil Rights in December 2000.

12 SECTION 3. AND BE IT FURTHER ENACTED, That:

13 (a) The Board of Regents of the University System of Maryland shall continue
14 its effectiveness and efficiency initiative, established by the Board on June 27, 2003.

15 (b) On or before December 1, 2005, the Board shall submit, in accordance with
16 § 2-1246 of the State Government Article, a report to the Governor and to the fiscal
17 and education committees of the General Assembly.

18 SECTION 4. AND BE IT FURTHER ENACTED, That the Board of Regents of
19 the University System of Maryland shall study the tuition policies for out-of-state
20 students at the constituent institutions of the University System of Maryland and
21 selected peer institutions and recommend changes, as appropriate, to these policies.
22 The Board shall submit the study, in accordance with § 2-1246 of the State
23 Government Article, to the Governor and to the fiscal and education committees of
24 the General Assembly by December 1, 2005.

25 SECTION 5. AND BE IT FURTHER ENACTED, That:

26 (a) The Board of Regents of Morgan State University shall conduct an
27 effectiveness and efficiency initiative and by December 1, 2006, the Board shall
28 submit, in accordance with § 2-1246 of the State Government Article, a report to the
29 Governor and to the fiscal and education committees of the General Assembly.

30 (b) The Board shall include in its report findings and recommendations
31 regarding:

32 (1) Management strategies for achieving efficiencies in the operation of
33 Morgan State University;

34 (2) Strategies for managing future enrollment growth in a cost effective
35 manner; and

1 (3) Efforts to improve access and affordability through the use of
2 scholarship aid based on student financial need.

3 SECTION 6. AND BE IT FURTHER ENACTED, That:

4 (a) By June 1, 2006, the General Assembly and Governor shall establish a
5 commission to study the coordination, funding, educational delivery, and State
6 commitment to higher education in Maryland.

7 (b) The commission shall consider:

8 (1) Methods to provide a combined level of State funding support and
9 tuition revenue to enable Maryland's public institutions of higher education to meet
10 the goals of the Maryland Charter for Higher Education and compete with peer
11 institutions across the country; and

12 (2) Other issues related to State funding and tuition revenue for public
13 institutions of higher education.

14 (c) The commission shall be composed of:

15 (1) Four members of the Senate of Maryland, appointed by the President
16 of the Senate;

17 (2) Four members of the House of Delegates, appointed by the Speaker of
18 the House;

19 (3) The Secretary of Higher Education;

20 (4) The President of the University of Maryland, College Park or a
21 designee of the President;

22 (5) The President of the University of Maryland University College or a
23 designee of the President;

24 (6) The President of the University of Maryland, Baltimore or a designee
25 of the President;

26 (7) The President of Morgan State University or a designee of the
27 President;

28 (8) The President of The Johns Hopkins University or a designee of the
29 President;

30 (9) One member of the Board of Regents of the University System of
31 Maryland;

32 (10) The Chancellor of the University System of Maryland or a designee of
33 the Chancellor;

1 (11) Three community college presidents, appointed jointly by the
2 President of the Senate and the Speaker of the House;

3 (12) One representative of the Maryland Independent College and
4 University Association; and

5 (13) Two members of the public appointed by the Governor.

6 (d) The chairman of the commission shall be jointly appointed by the
7 Governor, the President of the Senate, and the Speaker of the House.

8 (e) The commission shall solicit the views of the public, the Board of Regents
9 of the University System of Maryland, the members of the boards of visitors
10 established by the presidents of the constituent institutions of the University System
11 of Maryland, the members of the Maryland Higher Education Commission, and
12 leading national experts in higher education, including the American Association of
13 State Colleges and Universities, the National Association of State Universities and
14 Land Grant Colleges, the Education Commission of the States, and the Southern
15 Regional Education Board.

16 (f) The commission shall engage the services of a consultant to conduct a
17 study of the current and future funding needs of the constituent institutions of the
18 University System of Maryland to assist each institution in reaching its stated
19 mission and goals, including a history of State funding prior to the formation of the
20 University System of Maryland in 1988 and during the years following the formation
21 of the System.

22 (g) The commission shall review options and make recommendations relating
23 to the establishment of a consistent and stable funding mechanism to ensure
24 accessibility while at the same time promoting policies to achieve national eminence
25 at Maryland's public institutions of higher education.

26 (h) The commission shall report its findings and recommendations to the
27 Governor and, in accordance with § 2-1246 of the State Government Article, to the
28 General Assembly by December 1, 2007.

29 (i) The staff for the commission shall be provided and coordinated by the
30 Department of Legislative Services. The Department of Budget and Management, the
31 Maryland Higher Education Commission, and the University System of Maryland
32 also shall assign staff to assist the commission.

33 (j) Notice of each meeting of the commission shall be made public by
34 delivering a copy of the meeting notice to the Legislative Information Officer, Room
35 B-6, Department of Legislative Services, Legislative Services Building, 90 State
36 Circle, Annapolis, Maryland 21401-1991. The notice should be delivered no later than
37 Tuesday afternoon at 4:00 p.m. for inclusion in the weekly Hearing Schedule.

38 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 July 1, 2005.