

# HOUSE BILL 1194

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CF SB 1039

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By: Delegates Braveboy, Anderson, Barkley, Barnes, Branch, Burns, Carr, Carter, Conaway, Davis, Fraser-Hidalgo, Gaines, Gilchrist, Glass, Glenn, Gutierrez, Harper, Haynes, Holmes, Howard, Ivey, Mitchell, Mizeur, Nathan-Pulliam, Oaks, Pena-Melnyk, Proctor, B. Robinson, Stukes, Summers, Swain, Tarrant, F. Turner, V. Turner, Valderrama, Valentino-Smith, Vaughn, Waldstreicher, Walker, A. Washington, and M. Washington M. Washington, Bohanan, Jones, Griffith, Stocksdale, Zucker, and Eckardt

Introduced and read first time: February 7, 2014

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Historically Black Colleges and Universities – ~~Parity and Investment~~**  
3 **Evaluation**

4 ~~FOR the purpose of requiring the Governor, for certain fiscal years, to include in the~~  
5 ~~annual State operating and capital budgets certain funding requested in certain~~  
6 ~~10-year plans of certain historically black colleges and universities (HBCUs);~~  
7 ~~providing for the intent of certain funding; providing that certain funding shall~~  
8 ~~be in addition to certain base funding appropriated to certain HBCUs;~~  
9 ~~specifying the total amount of operating and capital funding that shall be~~  
10 ~~distributed to certain HBCUs during a certain period of time; requiring certain~~  
11 ~~HBCUs to submit certain requests for certain appropriations to the Board of~~  
12 ~~Regents of the University System of Maryland on or before a certain date in~~  
13 ~~certain years and providing for a certain review and comment period by the~~  
14 ~~Board of Regents; requiring certain HBCUs to submit certain requests for~~  
15 ~~certain appropriations to the Governor and the Maryland Higher Education~~  
16 ~~Commission on or before certain dates in certain years; providing for certain~~  
17 ~~exceptions to the authority of the Board of Regents; and generally relating to~~  
18 ~~parity and investment for historically black colleges and universities.~~

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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.



1 ~~BY repealing and reenacting, with amendments,~~  
 2 ~~Article — Education~~  
 3 ~~Section 12-104(e) and 12-105(a)(1)~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(2008 Replacement Volume and 2013 Supplement)~~

6 ~~BY adding to~~  
 7 ~~Article — Education~~  
 8 ~~Section 13-704 and 14-111~~  
 9 ~~Annotated Code of Maryland~~  
 10 ~~(2008 Replacement Volume and 2013 Supplement)~~

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

13 ~~Article — Education~~

14 ~~12-104.~~

15 ~~(e) The Board of Regents:~~

16 ~~(1) Is responsible for the management of the University System of~~  
 17 ~~Maryland and has all the powers, rights, and privileges that go with that~~  
 18 ~~responsibility, including the power to conduct or maintain any institutions, schools, or~~  
 19 ~~departments in the University at the locations the Board determines;~~

20 ~~(2) Shall consult with the presidents in developing policies, guidelines,~~  
 21 ~~and plans for the University System of Maryland; and~~

22 ~~(3) [May] EXCEPT AS PROVIDED IN § 13-704 OF THIS ARTICLE,~~  
 23 ~~MAY not be superseded in its authority by any other State agency or office OR~~  
 24 ~~CONSTITUENT INSTITUTION in managing the affairs of the University System of~~  
 25 ~~Maryland or of any constituent institutions and centers under the Board's jurisdiction.~~

26 ~~12-105.~~

27 ~~(a) (1) [In] EXCEPT AS PROVIDED IN § 13-704 OF THIS ARTICLE, IN~~  
 28 ~~consultation with the institutions and the Chancellor, the Board shall:~~

29 ~~(i) Establish standards for funding based on differences in the~~  
 30 ~~size and mission of the constituent institutions;~~

31 ~~(ii) Review, modify, as necessary, and approve consolidated~~  
 32 ~~budget requests for appropriations for the University System of Maryland with respect~~  
 33 ~~to:~~

1                   ~~1. The operating budget; and~~

2                   ~~2. The capital budget; and~~

3                   ~~(iii) Submit these requests for appropriations organized by~~  
4 ~~constituent institutions to the Commission, Governor, and General Assembly.~~

5 ~~13-704.~~

6           ~~(A) THIS SECTION APPLIES ONLY TO THE FOLLOWING CONSTITUENT~~  
7 ~~INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND, WHICH ARE~~  
8 ~~HISTORICALLY BLACK COLLEGES AND UNIVERSITIES:~~

9                   ~~(1) BOWIE STATE UNIVERSITY;~~

10                   ~~(2) COPPIN STATE UNIVERSITY; AND~~

11                   ~~(3) UNIVERSITY OF MARYLAND EASTERN SHORE.~~

12           ~~(B) (1) IN ACCORDANCE WITH THIS SECTION, FOR EACH OF FISCAL~~  
13 ~~YEARS 2016 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL~~  
14 ~~STATE OPERATING AND CAPITAL BUDGETS THE FUNDING REQUESTED IN THE~~  
15 ~~10-YEAR PLANS SUBMITTED TO THE COMMISSION IN SEPTEMBER 2013 BY~~  
16 ~~BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, AND THE UNIVERSITY~~  
17 ~~OF MARYLAND EASTERN SHORE.~~

18                   ~~(2) FUNDING PROVIDED UNDER THIS SECTION IS INTENDED TO~~  
19 ~~BE ENHANCEMENT FUNDING FOR BOWIE STATE UNIVERSITY, COPPIN STATE~~  
20 ~~UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN SHORE FOR THE~~  
21 ~~PURPOSE OF ENSURING THAT THESE UNIVERSITIES ARE COMPARABLE AND~~  
22 ~~COMPETITIVE WITH OTHER PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS~~  
23 ~~IN ALL FACETS OF THEIR OPERATIONS AND PROGRAMS AS MEASURED BY~~  
24 ~~GENERALLY RECOGNIZED INDICATORS OF DISPARITY.~~

25                   ~~(3) FUNDING PROVIDED UNDER THIS SECTION IN EACH FISCAL~~  
26 ~~YEAR SHALL BE IN ADDITION TO THE BASE FUNDS APPROPRIATED TO BOWIE~~  
27 ~~STATE UNIVERSITY, COPPIN STATE UNIVERSITY, AND THE UNIVERSITY OF~~  
28 ~~MARYLAND EASTERN SHORE IN THE STATE BUDGET IN THE PRIOR FISCAL~~  
29 ~~YEAR.~~

30           ~~(C) (1) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING~~  
31 ~~DISTRIBUTED TO EACH INSTITUTION TO IMPLEMENT ITS 10-YEAR PLAN DURING~~  
32 ~~THE 10-YEAR PERIOD FROM FISCAL 2016 THROUGH FISCAL 2025 SHALL BE AS~~  
33 ~~PROVIDED IN THIS SUBSECTION.~~

1           ~~(2) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING~~  
2 ~~DISTRIBUTED TO BOWIE STATE UNIVERSITY TO IMPLEMENT ITS 10 YEAR PLAN~~  
3 ~~SHALL BE \$798,250,000.~~

4           ~~(3) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING~~  
5 ~~DISTRIBUTED TO COPPIN STATE UNIVERSITY TO IMPLEMENT ITS 10 YEAR~~  
6 ~~PLAN SHALL BE \$870,310,000.~~

7           ~~(4) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING~~  
8 ~~DISTRIBUTED TO THE UNIVERSITY OF MARYLAND EASTERN SHORE TO~~  
9 ~~IMPLEMENT ITS 10 YEAR PLAN SHALL BE \$657,009,819.~~

10           ~~(D) (1) (i) ON OR BEFORE JULY 1, 2014, AND EACH YEAR~~  
11 ~~THROUGH JULY 1, 2023, THE BOARD OF VISITORS FOR BOWIE STATE~~  
12 ~~UNIVERSITY, COPPIN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND~~  
13 ~~EASTERN SHORE SHALL SUBMIT TO THE BOARD OF REGENTS REQUESTS FOR~~  
14 ~~APPROPRIATIONS NECESSARY TO IMPLEMENT THE INSTITUTION'S 10 YEAR~~  
15 ~~PLAN FOR THE NEXT FISCAL YEAR.~~

16           ~~(H) THE BOARD OF REGENTS SHALL HAVE 30 DAYS TO~~  
17 ~~REVIEW AND COMMENT ON THE REQUESTS FOR APPROPRIATIONS SUBMITTED~~  
18 ~~BY AN INSTITUTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

19           ~~(2) ON OR BEFORE AUGUST 31, 2014, AND EACH YEAR THROUGH~~  
20 ~~AUGUST 31, 2023, THE BOARD OF VISITORS FOR BOWIE STATE UNIVERSITY,~~  
21 ~~COPPIN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN~~  
22 ~~SHORE SHALL SUBMIT TO THE GOVERNOR AND THE COMMISSION REQUESTS~~  
23 ~~FOR APPROPRIATIONS NECESSARY TO IMPLEMENT THE INSTITUTION'S~~  
24 ~~10 YEAR PLAN FOR THE NEXT FISCAL YEAR.~~

25 ~~14 111.~~

26           ~~(A) (1) IN ACCORDANCE WITH THIS SECTION, FOR EACH OF FISCAL~~  
27 ~~YEARS 2016 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL~~  
28 ~~STATE OPERATING AND CAPITAL BUDGETS THE FUNDING REQUESTED IN THE~~  
29 ~~10 YEAR PLAN SUBMITTED TO THE COMMISSION IN SEPTEMBER 2013 BY~~  
30 ~~MORGAN STATE UNIVERSITY.~~

31           ~~(2) FUNDING PROVIDED UNDER THIS SECTION IS INTENDED TO~~  
32 ~~BE ENHANCEMENT FUNDING FOR MORGAN STATE UNIVERSITY FOR THE~~  
33 ~~PURPOSE OF ENSURING THAT THE UNIVERSITY IS COMPARABLE AND~~  
34 ~~COMPETITIVE WITH OTHER PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS~~  
35 ~~IN ALL FACETS OF THEIR OPERATIONS AND PROGRAMS AS MEASURED BY~~  
36 ~~GENERALLY RECOGNIZED INDICATORS OF DISPARITY.~~

1           ~~(3) FUNDING PROVIDED UNDER THIS SECTION IN EACH FISCAL~~  
2 ~~YEAR SHALL BE IN ADDITION TO THE BASE FUNDS APPROPRIATED TO MORGAN~~  
3 ~~STATE UNIVERSITY IN THE STATE BUDGET IN THE PRIOR FISCAL YEAR.~~

4           ~~(b) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING~~  
5 ~~DISTRIBUTED TO MORGAN STATE UNIVERSITY TO IMPLEMENT ITS 10 YEAR~~  
6 ~~PLAN DURING THE 10 YEAR PERIOD FROM FISCAL 2016 THROUGH FISCAL 2025~~  
7 ~~SHALL BE \$1,111,977,588.~~

8           ~~(c) ON OR BEFORE AUGUST 31, 2014, AND EACH YEAR THROUGH~~  
9 ~~AUGUST 31, 2023, THE BOARD OF REGENTS SHALL SUBMIT TO THE GOVERNOR~~  
10 ~~AND THE COMMISSION REQUESTS FOR APPROPRIATIONS NECESSARY TO~~  
11 ~~IMPLEMENT THE UNIVERSITY'S 10 YEAR PLAN FOR THE NEXT FISCAL YEAR.~~

12 FOR the purpose of requiring the Maryland Higher Education Commission in  
13 collaboration with a certain agency to contract for a certain evaluation of  
14 Historically Black Colleges and Universities in Maryland; requiring the  
15 evaluation to include certain information and recommendations in certain  
16 areas; requiring that a report be submitted by a certain date to the Governor  
17 and certain legislative entities; and generally relating to Historically Black  
18 Colleges and Universities.

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That:

21           (a) The Maryland Higher Education Commission, in consultation with the  
22 Department of Budget and Management, shall contract with a third party to conduct  
23 an evaluation of the needs of the State's Historically Black Colleges and Universities  
24 (HBCUs) in order to be comparable and competitive with other public universities in  
25 the State.

26           (b) The evaluation shall serve as a basis for development of a plan to ensure  
27 the long-term stability, comparability, and success of the HBCUs.

28           (c) The study shall include an evaluation and recommendations in the  
29 following areas:

30                   (1) Institutional resources and State funding, including the 10-year  
31 enhancement plans developed by the HBCUs in 2013;

32                   (2) Affordability for students and adequacy of student financial aid;

33                   (3) College readiness of students and the programs and strategies  
34 needed to improve student success;

- 1           (4) Degree completion;
- 2           (5) Proportion of full-time faculty; and
- 3           (6) Any other issues pertaining to the long-term success of the  
4 HBCUs.
- 5           (d) The evaluation shall review recent studies on HBCUs, including the  
6 Commission to Develop the Maryland Model for Funding Higher Education's 2008  
7 Final Report.
- 8           (e) The evaluation shall propose a funding plan to meet the institutional  
9 needs identified in the report and recommendations.
- 10          (f) The evaluation and recommendations shall be submitted by December 31,  
11 2014, to the Governor and, in accordance with § 2-1246 of the State Government  
12 Article, the Senate Budget and Taxation Committee, the House Appropriations  
13 Committee, and the Maryland Legislative Black Caucus.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.