

# SENATE BILL 1039

F2

4r3216  
CF HB 1194

---

By: **Senators Conway, McFadden, and Pugh**  
Introduced and read first time: February 14, 2014  
Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Historically Black Colleges and Universities – Parity and Investment**

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

18 BY repealing and reenacting, with amendments,  
19 Article – Education  
20 Section 12–104(c) and 12–105(a)(1)  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume and 2013 Supplement)

23 BY adding to  
24 Article – Education  
25 Section 13–704 and 14–111  
26 Annotated Code of Maryland  
27 (2008 Replacement Volume and 2013 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 12–104.

5 (c) The Board of Regents:

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

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

12 (3) **[May] EXCEPT AS PROVIDED IN § 13–704 OF THIS ARTICLE,**  
13 **MAY** not be superseded in its authority by any other State agency or office **OR**  
14 **CONSTITUENT INSTITUTION** in managing the affairs of the University System of  
15 Maryland or of any constituent institutions and centers under the Board’s jurisdiction.

16 12–105.

17 (a) (1) **[In] EXCEPT AS PROVIDED IN § 13–704 OF THIS ARTICLE, IN**  
18 consultation with the institutions and the Chancellor, the Board shall:

19 (i) Establish standards for funding based on differences in the  
20 size and mission of the constituent institutions;

21 (ii) Review, modify, as necessary, and approve consolidated  
22 budget requests for appropriations for the University System of Maryland with respect  
23 to:

24 1. The operating budget; and

25 2. The capital budget; and

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

28 **13–704.**

29 **(A) THIS SECTION APPLIES ONLY TO THE FOLLOWING CONSTITUENT**  
30 **INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND, WHICH ARE**  
31 **HISTORICALLY BLACK COLLEGES AND UNIVERSITIES:**

1           (1)    **BOWIE STATE UNIVERSITY;**

2           (2)    **COPPIN STATE UNIVERSITY; AND**

3           (3)    **UNIVERSITY OF MARYLAND EASTERN SHORE.**

4           **(B) (1) IN ACCORDANCE WITH THIS SECTION, FOR EACH OF FISCAL**  
5 **YEARS 2016 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL**  
6 **STATE OPERATING AND CAPITAL BUDGETS THE FUNDING REQUESTED IN THE**  
7 **10-YEAR PLANS SUBMITTED TO THE COMMISSION IN SEPTEMBER 2013 BY**  
8 **BOWIE STATE UNIVERSITY, COPPIN STATE UNIVERSITY, AND THE UNIVERSITY**  
9 **OF MARYLAND EASTERN SHORE.**

10           **(2) FUNDING PROVIDED UNDER THIS SECTION IS INTENDED TO**  
11 **BE ENHANCEMENT FUNDING FOR BOWIE STATE UNIVERSITY, COPPIN STATE**  
12 **UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN SHORE FOR THE**  
13 **PURPOSE OF ENSURING THAT THESE UNIVERSITIES ARE COMPARABLE AND**  
14 **COMPETITIVE WITH OTHER PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**  
15 **IN ALL FACETS OF THEIR OPERATIONS AND PROGRAMS AS MEASURED BY**  
16 **GENERALLY RECOGNIZED INDICATORS OF DISPARITY.**

17           **(3) FUNDING PROVIDED UNDER THIS SECTION IN EACH FISCAL**  
18 **YEAR SHALL BE IN ADDITION TO THE BASE FUNDS APPROPRIATED TO BOWIE**  
19 **STATE UNIVERSITY, COPPIN STATE UNIVERSITY, AND THE UNIVERSITY OF**  
20 **MARYLAND EASTERN SHORE IN THE STATE BUDGET IN THE PRIOR FISCAL**  
21 **YEAR.**

22           **(C) (1) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING**  
23 **DISTRIBUTED TO EACH INSTITUTION TO IMPLEMENT ITS 10-YEAR PLAN DURING**  
24 **THE 10-YEAR PERIOD FROM FISCAL 2016 THROUGH FISCAL 2025 SHALL BE AS**  
25 **PROVIDED IN THIS SUBSECTION.**

26           **(2) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING**  
27 **DISTRIBUTED TO BOWIE STATE UNIVERSITY TO IMPLEMENT ITS 10-YEAR PLAN**  
28 **SHALL BE \$798,250,000.**

29           **(3) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING**  
30 **DISTRIBUTED TO COPPIN STATE UNIVERSITY TO IMPLEMENT ITS 10-YEAR**  
31 **PLAN SHALL BE \$870,310,000.**

1           **(4) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING**  
2 **DISTRIBUTED TO THE UNIVERSITY OF MARYLAND EASTERN SHORE TO**  
3 **IMPLEMENT ITS 10-YEAR PLAN SHALL BE \$657,009,819.**

4           **(D) (1) (I) ON OR BEFORE JULY 1, 2014, AND EACH YEAR**  
5 **THROUGH JULY 1, 2023, THE BOARD OF VISITORS FOR BOWIE STATE**  
6 **UNIVERSITY, COPPIN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND**  
7 **EASTERN SHORE SHALL SUBMIT TO THE BOARD OF REGENTS REQUESTS FOR**  
8 **APPROPRIATIONS NECESSARY TO IMPLEMENT THE INSTITUTION'S 10-YEAR**  
9 **PLAN FOR THE NEXT FISCAL YEAR.**

10           **(II) THE BOARD OF REGENTS SHALL HAVE 30 DAYS TO**  
11 **REVIEW AND COMMENT ON THE REQUESTS FOR APPROPRIATIONS SUBMITTED**  
12 **BY AN INSTITUTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

13           **(2) ON OR BEFORE AUGUST 31, 2014, AND EACH YEAR THROUGH**  
14 **AUGUST 31, 2023, THE BOARD OF VISITORS FOR BOWIE STATE UNIVERSITY,**  
15 **COPPIN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN**  
16 **SHORE SHALL SUBMIT TO THE GOVERNOR AND THE COMMISSION REQUESTS**  
17 **FOR APPROPRIATIONS NECESSARY TO IMPLEMENT THE INSTITUTION'S**  
18 **10-YEAR PLAN FOR THE NEXT FISCAL YEAR.**

19 **14-111.**

20           **(A) (1) IN ACCORDANCE WITH THIS SECTION, FOR EACH OF FISCAL**  
21 **YEARS 2016 THROUGH 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL**  
22 **STATE OPERATING AND CAPITAL BUDGETS THE FUNDING REQUESTED IN THE**  
23 **10-YEAR PLAN SUBMITTED TO THE COMMISSION IN SEPTEMBER 2013 BY**  
24 **MORGAN STATE UNIVERSITY.**

25           **(2) FUNDING PROVIDED UNDER THIS SECTION IS INTENDED TO**  
26 **BE ENHANCEMENT FUNDING FOR MORGAN STATE UNIVERSITY FOR THE**  
27 **PURPOSE OF ENSURING THAT THE UNIVERSITY IS COMPARABLE AND**  
28 **COMPETITIVE WITH OTHER PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**  
29 **IN ALL FACETS OF THEIR OPERATIONS AND PROGRAMS AS MEASURED BY**  
30 **GENERALLY RECOGNIZED INDICATORS OF DISPARITY.**

31           **(3) FUNDING PROVIDED UNDER THIS SECTION IN EACH FISCAL**  
32 **YEAR SHALL BE IN ADDITION TO THE BASE FUNDS APPROPRIATED TO MORGAN**  
33 **STATE UNIVERSITY IN THE STATE BUDGET IN THE PRIOR FISCAL YEAR.**

34           **(B) THE TOTAL AMOUNT OF OPERATING AND CAPITAL FUNDING**  
35 **DISTRIBUTED TO MORGAN STATE UNIVERSITY TO IMPLEMENT ITS 10-YEAR**

1 PLAN DURING THE 10-YEAR PERIOD FROM FISCAL 2016 THROUGH FISCAL 2025  
2 SHALL BE \$1,111,977,588.

3 (C) ON OR BEFORE AUGUST 31, 2014, AND EACH YEAR THROUGH  
4 AUGUST 31, 2023, THE BOARD OF REGENTS SHALL SUBMIT TO THE GOVERNOR  
5 AND THE COMMISSION REQUESTS FOR APPROPRIATIONS NECESSARY TO  
6 IMPLEMENT THE UNIVERSITY'S 10-YEAR PLAN FOR THE NEXT FISCAL YEAR.

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