SENATE BILL 112

F2 4lr0075

(PRE–FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)**
Requested: October 9, 2013
Introduced and read first time: January 8, 2014
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Maryland Higher Education Commission – Innovative Partnerships for Technology Program – Repeal

FOR the purpose of repealing the Innovative Partnerships for Technology Program for State community colleges, including the authority of the Maryland Higher Education Commission to adopt regulations relating to the Program; repealing a certain cross–reference to the Program; and generally relating to the Innovative Partnerships for Technology Program.

BY repealing
Article – Education
Section 16–317 and 17–302(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Education

[16–317.

(a) (1) In this section the following words have the meanings indicated.

(2) "Base year" means July 1, 2001 through June 30, 2002.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

(3) "Contribution" means monetary and equipment donations that have been assessed a monetary value amount for the purposes of determining the State payment.

(4) (i) "Eligible donor" means any individual, corporation, partnership, or other form of business organization, public or private foundation, or other nonprofit organization.

(ii) "Eligible donor" does not include a local government, the State, the federal government, or any foreign government.

(5) "Eligible institution" refers to the following community college campuses:

(i) Allegany;

(ii) Anne Arundel;

(iii) Baltimore City;

(iv) Carroll;

(v) Catonsville;

(vi) Cecil;

(vii) Chesapeake;

(viii) Dundalk;

(ix) Essex;

(x) Frederick;

(xi) Garrett;

(xii) Germantown;

(xiii) Hagerstown;

(xiv) Harford;

(xv) Howard;

(xvi) La Plata;

(xvii) Leonardtown;

(xviii) Prince Frederick;

(xix) Prince George's;

(xx) Rockville;

(xxi) Takoma Park; and

(xxii) Wor–Wic.

(6) "Eligible program" means any contribution for technology which does not contain unreasonable restrictions as to use as further defined by the Maryland Higher Education Commission.

(7) "First eligible period" means fiscal years 2003 and 2004.

(8) "Second eligible period" means fiscal years 2005 and 2006.

(9) (i) "Technology" means the hardware, software, communications infrastructure, and associated training and contracted services that enable local or global presentation, exchange, and transmission of information in digital or analog form for teaching, learning, student support services, and administration.

(ii) "Technology" may include capital expenditures.

(iii) "Technology" does not include staff.

(b) (1) Each eligible institution shall receive from the State, in the manner and subject to the limitations of this section, with respect to the contributions made by eligible donors as voluntary donations at any time during the first eligible period to the eligible institution for eligible programs, an amount equal to the first $150,000 or any portion thereof from contributions by eligible donors.

(2) If an eligible institution qualifies for the maximum State contribution of $150,000 in the first eligible period, the eligible institution shall receive from the State, in the manner and subject to the limitations of this section, with respect to the contributions made by eligible donors as voluntary donations at any time during the second eligible period to the eligible institution for eligible programs, an amount equal to the first $150,000 or any portion thereof from contributions by eligible donors.

(c) Payments shall be made by the State:

(1) In the first eligible period, only with respect to contributions which are paid by the eligible donors to the eligible institution before July 1, 2004;

(2) In the second eligible period, only with respect to contributions which are paid by the eligible donors to the eligible institution before July 1, 2006; and

(3) In the third fiscal year following the fiscal year during which the contributions are made.

(d) Contributions made by the State under this section may not exceed $150,000 during each eligible period to each eligible institution.

(e) (1) To determine eligibility for State payments, each contribution shall be compared to the amount contributed during the base year. The following criteria shall be the basis for comparison:

(i) Each contribution must be from a new donor; or

(ii) Each contribution must represent an increase over the amount contributed by the donor during the base year.

(2) A contribution received during the base year that fulfills a pledge made prior to the base year may not be included in the determination of the contribution made during the base year.

(3) Each contribution must be specifically designated for technology.

(f) Contributions made by the State under this section may be applied to any eligible technology expense at an eligible institution to which the payment is made.

(g) Contributions made by the State to any eligible institution under this section may not directly or indirectly reduce the State General Fund or capital fund support for the eligible institution.

(h) The Maryland Higher Education Commission shall:

(1) Adopt regulations necessary for the administration of this section; and

(2) Submit to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly an annual report summarizing the total amount of funds pledged by eligible donors and total amount of funds raised.**]**

17–302.

[(f) An institution may not receive funds for a donation that qualifies for a contribution by the State under § 16–317 of this article.**]**

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