

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 435

(Senator King, *et al.*)

Education, Health, and Environmental Affairs

Appropriations

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Higher Education - St. Mary's College of Maryland - Governing Authority

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This bill clarifies that the authority of the Board of Trustees of St. Mary's College of Maryland (SMCM) may not be superseded by any State agency or office in specified management affairs except by a provision of law that specifically references SMCM *by name*.

The bill takes effect July 1, 2017.

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Fiscal Summary

**State Effect:** None. The bill does not affect the finances of the State or SMCM as a comparable provision is already in statute.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:**

*St. Mary's College of Maryland*

In addition to any other powers granted and duties imposed by Title 14 of the Education Article, and subject to the provisions related to the powers and duties of the Maryland Higher Education Commission (MHEC) in Title 11 and any other restrictions *expressly* imposed by law or by any trust agreement involving a pledge of property or money, the

Board of Trustees is responsible for the governance and management of SMCM. It has all the powers, rights, and privileges that go with that responsibility, including the powers and duties set forth in Title 14, Subtitle 4.

The Board of Trustees of SMCM (1) has the care, control, and management of SMCM and all of its property and assets; (2) may not be superseded in its authority by any other provision of law except by specific reference to SMCM; and (3) may appoint a President of the College who must be the Chief Executive Officer of SMCM and the Chief of Staff for the Board of Trustees.

*University System of Maryland and Morgan State University*

As detailed below, the authority of the University System of Maryland (USM) or Morgan State University (MSU) may not be superseded except when specifically referenced by name.

In addition to any other powers granted and duties imposed by Title 12 of the Education Article, and subject to the provisions related to the powers and duties of MHEC in Title 11 and any other restriction imposed by law by specific reference to USM, or by any trust agreement involving a pledge of property or money, the Board of Regents of USM has the powers and duties set forth in Title 12.

The Board of Regents of USM (1) is responsible for the management of USM and has all the powers, rights, and privileges that go with that responsibility, including the power to conduct or maintain any institutions, schools, or departments in USM at the locations the board determines; (2) must consult with the presidents in developing policies, guidelines, and plans for USM; and (3) may not be superseded in its authority by any other State agency or office in managing the affairs of USM or of any constituent institutions and centers under the board's jurisdiction.

In addition to any other powers granted and duties imposed by Section 14-104 of the Education Article and subject to provisions related to the powers and duties of MHEC in Title 11 and any other restriction imposed by law by specific reference to MSU or by any trust agreement involving a pledge of property or money, the Board of Regents of MSU (1) is responsible for the management of MSU and has all the powers, rights, and privileges that go with that responsibility, including the powers and duties set forth in Section 14-104; (2) may not be superseded in its authority by any other State agency or office in managing the affairs of MSU; and (3) must have all the powers of a Maryland corporation which are not limited by law by specific reference to MSU.

## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 561 (Delegate Jones, *et al.*) - Appropriations.

**Information Source(s):** St. Mary's College of Maryland; Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2017  
md/rhh Third Reader - March 20, 2017

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