

HOUSE BILL 621

Unofficial Copy  
F2

1998 Regular Session  
(8lr1157)

**ENROLLED BILL**

-- Appropriations/Economic and Environmental Affairs and Budget and Taxation --

Introduced by **Delegates Kopp, Taylor, Busch, Guns, Harrison, Hixson, Rawlings, Heller, R. Baker, W. Baker, Baldwin, Barve, Bobo, Bonsack, Bozman, Cadden, Crumlin, Cryor, DeCarlo, Dembrow, Dewberry, Dypski, Faulkner, Finifter, Franchot, Frank, Frush, Genn, Goldwater, Healey, Hubbard, B. Hughes, Klausmeier, Leopold, Love, Mandel, McIntosh, McKee, Miller, Minnick, V. Mitchell, Mohorovic, Morgan, Petzold, Pitkin, Preis, Proctor, Rudolph, Shriver, Slade, Stup, Turner, Wood, and Workman**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Higher Education - Community Colleges - Innovative Partnerships for**  
3 **Technology Program**

4 FOR the purpose of establishing an Innovative Partnerships for Technology Program  
5 for State community colleges; defining certain terms; setting forth how a certain  
6 match will be determined and how certain payments will be made; requiring  
7 that the payments made to certain institutions not exceed a certain amount;  
8 establishing certain eligibility criteria; providing for the application of certain  
9 funds; prohibiting certain funds from being included in the computation of a  
10 certain type of aid; providing for the administration of the Program; and

1 generally relating to an Innovative Partnerships for Technology Program for  
2 State community colleges.

3 BY adding to  
4 Article - Education  
5 Section 16-317  
6 Annotated Code of Maryland  
7 (1997 Replacement Volume and 1997 Supplement)

8 Preamble

9 WHEREAS, Public-private partnerships are becoming increasingly important  
10 to the success of Maryland's community colleges; and

11 WHEREAS, A good example of such a partnership is the Advanced Technology  
12 Center Initiative, which has led to regional cooperative training efforts in the area of  
13 technology amongst community colleges, local businesses, and county governments;  
14 and

15 WHEREAS, While public-private partnerships have grown dramatically over  
16 the last decade, community colleges continue to face fiscal constraints in providing  
17 the most up-to-date technology required by today's businesses and students; and

18 WHEREAS, The creation of an Innovative Partnerships for Technology Program  
19 would provide a means of acquiring technology through a public-private effort,  
20 whereby State funds can be used to leverage private ~~and local~~ support for community  
21 colleges; now, therefore,

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

24 **Article - Education**

25 16-317.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (2) "BASE YEAR" MEANS JULY 1, 1997 THROUGH JUNE 30, 1998.

29 (3) "CONTRIBUTION" MEANS MONETARY AND EQUIPMENT DONATIONS  
30 THAT HAVE BEEN ASSESSED A MONETARY VALUE AMOUNT FOR THE PURPOSES OF  
31 DETERMINING THE STATE PAYMENT.

32 (4) (I) "ELIGIBLE DONOR" MEANS ANY INDIVIDUAL, CORPORATION,  
33 PARTNERSHIP, OR OTHER FORM OF BUSINESS ORGANIZATION, PUBLIC OR PRIVATE  
34 FOUNDATION, ~~LOCAL GOVERNMENT~~, OR OTHER NONPROFIT ORGANIZATION.

1 (II) "ELIGIBLE DONOR" DOES NOT INCLUDE A LOCAL  
2 GOVERNMENT, THE STATE, THE FEDERAL GOVERNMENT, OR ANY FOREIGN  
3 GOVERNMENT.

4 (5) "ELIGIBLE INSTITUTION" REFERS TO THE FOLLOWING COMMUNITY  
5 COLLEGE CAMPUSES:

- 6 (I) ALLEGANY;
- 7 (II) ANNE ARUNDEL;
- 8 (III) BALTIMORE CITY;
- 9 (IV) CALVERT;
- 10 ~~(IV)~~ (V) CARROLL;
- 11 ~~(V)~~ (VI) CATONSVILLE;
- 12 ~~(VI)~~ (VII) CECIL;
- 13 ~~(VII)~~ (VIII) CHARLES;
- 14 ~~(VIII)~~ (IX) CHESAPEAKE;
- 15 ~~(IX)~~ (X) DUNDALK;
- 16 ~~(X)~~ (XI) ESSEX;
- 17 ~~(XI)~~ (XII) FREDERICK;
- 18 ~~(XII)~~ (XIII) GARRETT;
- 19 ~~(XIII)~~ (XIV) GERMANTOWN;
- 20 ~~(XIV)~~ (XV) HAGERSTOWN;
- 21 ~~(XV)~~ (XVI) HARFORD;
- 22 ~~(XVI)~~ (XVII) HOWARD;
- 23 ~~(XVII)~~ (XVIII) PRINCE GEORGE'S;
- 24 ~~(XVIII)~~ (XIX) ROCKVILLE;
- 25 (XX) ST. MARY'S;
- 26 ~~(XIX)~~ (XXI) TAKOMA PARK; AND
- 27 ~~(XX)~~ (XXII) WOR-WIC.

1 (6) "ELIGIBLE PROGRAM" MEANS ANY CONTRIBUTION FOR  
 2 TECHNOLOGY WHICH DOES NOT CONTAIN UNREASONABLE RESTRICTIONS AS TO  
 3 USE AS FURTHER DEFINED BY THE MARYLAND HIGHER EDUCATION COMMISSION.

4 (7) "FIRST ELIGIBLE PERIOD" MEANS FISCAL YEARS 1999 AND 2000.

5 (8) "SECOND ELIGIBLE PERIOD" MEANS FISCAL YEARS 2001 AND 2002.

6 ~~(7)~~ (9) (I) "TECHNOLOGY" MEANS THE HARDWARE, SOFTWARE,  
 7 COMMUNICATIONS INFRASTRUCTURE, AND ASSOCIATED TRAINING AND  
 8 CONTRACTED SERVICES THAT ENABLE LOCAL OR GLOBAL PRESENTATION,  
 9 EXCHANGE, AND TRANSMISSION OF INFORMATION IN DIGITAL OR ANALOG FORM  
 10 FOR TEACHING, LEARNING, STUDENT SUPPORT SERVICES, AND ADMINISTRATION.

11 (II) "TECHNOLOGY" MAY INCLUDE CAPITAL EXPENDITURES.

12 (III) "TECHNOLOGY" DOES NOT INCLUDE STAFF.

13 (B) (1) ~~EACH COMMUNITY COLLEGE ELIGIBLE INSTITUTION SHALL~~  
 14 ~~RECEIVE FROM THE STATE, IN THE MANNER AND SUBJECT TO THE LIMITATIONS OF~~  
 15 ~~THIS SECTION, WITH RESPECT TO THE CONTRIBUTIONS MADE BY ELIGIBLE DONORS~~  
 16 ~~AS VOLUNTARY DONATIONS AT ANY TIME DURING FISCAL YEARS 1999, 2000, AND 2001~~  
 17 THE FIRST ELIGIBLE PERIOD TO THE ELIGIBLE INSTITUTION FOR ELIGIBLE  
 18 PROGRAMS, AN AMOUNT EQUAL TO THE FIRST ~~\$500,000~~ \$200,000 OR ANY PORTION  
 19 THEREOF FROM CONTRIBUTIONS BY ELIGIBLE DONORS.

20 (2) IF AN ELIGIBLE INSTITUTION QUALIFIES FOR THE MAXIMUM STATE  
 21 CONTRIBUTION OF \$200,000 IN THE FIRST ELIGIBLE PERIOD, THE ELIGIBLE  
 22 INSTITUTION SHALL RECEIVE FROM THE STATE, IN THE MANNER AND SUBJECT TO  
 23 THE LIMITATIONS OF THIS SECTION, WITH RESPECT TO THE CONTRIBUTIONS MADE  
 24 BY ELIGIBLE DONORS AS VOLUNTARY DONATIONS AT ANY TIME DURING THE  
 25 SECOND ELIGIBLE PERIOD TO THE ELIGIBLE INSTITUTION FOR ELIGIBLE  
 26 PROGRAMS, AN AMOUNT EQUAL TO THE FIRST \$200,000 OR ANY PORTION THEREOF  
 27 FROM CONTRIBUTIONS BY ELIGIBLE DONORS.

28 (C) PAYMENTS SHALL BE MADE BY THE STATE:

29 (1) IN THE FIRST ELIGIBLE PERIOD, ONLY WITH RESPECT TO  
 30 CONTRIBUTIONS WHICH ARE PAID BY THE ELIGIBLE DONORS TO THE ELIGIBLE  
 31 INSTITUTION BEFORE ~~JULY 1, 2001;~~ AND JULY 1, 2000;

32 (2) IN THE SECOND ELIGIBLE PERIOD, ONLY WITH RESPECT TO  
 33 CONTRIBUTIONS WHICH ARE PAID BY THE ELIGIBLE DONORS TO THE ELIGIBLE  
 34 INSTITUTION BEFORE JULY 1, 2002; AND

35 ~~(2)~~ (3) IN THE SECOND FISCAL YEAR FOLLOWING THE FISCAL YEAR  
 36 DURING WHICH THE CONTRIBUTIONS ARE MADE.

1 (D) CONTRIBUTIONS MADE BY THE STATE UNDER THIS SECTION MAY NOT  
2 EXCEED ~~\$500,000~~ \$200,000 DURING EACH ELIGIBLE PERIOD TO EACH ELIGIBLE  
3 INSTITUTION.

4 (E) (1) TO DETERMINE ELIGIBILITY FOR STATE PAYMENTS, EACH  
5 CONTRIBUTION SHALL BE COMPARED TO THE AMOUNT CONTRIBUTED DURING THE  
6 BASE YEAR. THE FOLLOWING CRITERIA SHALL BE THE BASIS FOR COMPARISON:

7 (I) EACH CONTRIBUTION MUST BE FROM A NEW DONOR; OR

8 (II) EACH CONTRIBUTION MUST REPRESENT AN INCREASE OVER  
9 THE AMOUNT CONTRIBUTED BY THE DONOR DURING THE BASE YEAR.

10 (2) A CONTRIBUTION RECEIVED DURING THE BASE YEAR THAT ~~FULFILLS~~  
11 FULFILLS A PLEDGE MADE PRIOR TO THE BASE YEAR MAY NOT BE INCLUDED IN THE  
12 DETERMINATION OF THE CONTRIBUTION MADE DURING THE BASE YEAR.

13 (3) EACH CONTRIBUTION MUST BE SPECIFICALLY DESIGNATED FOR  
14 TECHNOLOGY.

15 (F) CONTRIBUTIONS MADE BY THE STATE UNDER THIS SECTION MAY BE  
16 APPLIED TO ANY ELIGIBLE TECHNOLOGY EXPENSE AT AN ELIGIBLE INSTITUTION TO  
17 WHICH THE PAYMENT IS MADE.

18 (G) CONTRIBUTIONS MADE BY THE STATE TO ANY ELIGIBLE INSTITUTION  
19 UNDER THIS SECTION MAY NOT DIRECTLY OR INDIRECTLY REDUCE THE STATE  
20 GENERAL FUND OR CAPITAL FUND SUPPORT FOR THE ELIGIBLE INSTITUTION.

21 (H) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL:

22 (1) ADOPT REGULATIONS NECESSARY FOR THE ADMINISTRATION OF  
23 THIS SECTION; AND

24 (2) SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF  
25 THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AN ANNUAL  
26 REPORT SUMMARIZING THE TOTAL AMOUNT OF FUNDS PLEDGED BY ELIGIBLE  
27 DONORS AND TOTAL AMOUNT OF FUNDS RAISED.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 1998.