

HOUSE BILL 621

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1998 Regular Session
8r1157

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**

Introduced and read first time: February 9, 1998
Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 27, 1998

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
11 generally relating to an Innovative Partnerships for Technology Program for
12 State community colleges.

13 BY adding to
14 Article - Education
15 Section 16-317
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1997 Supplement)

1 Preamble

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

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

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

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

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

17 **Article - Education**

18 16-317.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

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

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

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

28 (II) "ELIGIBLE DONOR" DOES NOT INCLUDE THE STATE, THE
29 FEDERAL GOVERNMENT, OR ANY FOREIGN GOVERNMENT.

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

32 (I) ALLEGANY;

33 (II) ANNE ARUNDEL;

34 (III) BALTIMORE CITY;

1 ~~(IV)~~ (IV) CALVERT;

2 ~~(V)~~ (V) CARROLL;

3 ~~(VI)~~ (VI) CATONSVILLE;

4 ~~(VII)~~ (VII) CECIL;

5 ~~(VIII)~~ (VIII) CHARLES;

6 ~~(IX)~~ (IX) CHESAPEAKE;

7 ~~(X)~~ (X) DUNDALK;

8 ~~(XI)~~ (XI) ESSEX;

9 ~~(XII)~~ (XII) FREDERICK;

10 ~~(XIII)~~ (XIII) GARRETT;

11 ~~(XIV)~~ (XIV) GERMANTOWN;

12 ~~(XV)~~ (XV) HAGERSTOWN;

13 ~~(XVI)~~ (XVI) HARFORD;

14 ~~(XVII)~~ (XVII) HOWARD;

15 ~~(XVIII)~~ (XVIII) PRINCE GEORGE'S;

16 ~~(XIX)~~ (XIX) ROCKVILLE;

17 (XX) ST. MARY'S;

18 ~~(XXI)~~ (XXI) TAKOMA PARK; AND

19 ~~(XXII)~~ (XXII) WOR-WIC.

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

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

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

25 ~~(7)~~ (9) (I) "TECHNOLOGY" MEANS THE HARDWARE, SOFTWARE,
 26 COMMUNICATIONS INFRASTRUCTURE, AND ASSOCIATED TRAINING AND
 27 CONTRACTED SERVICES THAT ENABLE LOCAL OR GLOBAL PRESENTATION,
 28 EXCHANGE, AND TRANSMISSION OF INFORMATION IN DIGITAL OR ANALOG FORM
 29 FOR TEACHING, LEARNING, STUDENT SUPPORT SERVICES, AND ADMINISTRATION.

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

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

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

10 (2) IF AN ELIGIBLE INSTITUTION QUALIFIES FOR THE MAXIMUM STATE
11 CONTRIBUTION OF \$200,000 IN THE FIRST ELIGIBLE PERIOD, THE ELIGIBLE
12 INSTITUTION SHALL RECEIVE FROM THE STATE, IN THE MANNER AND SUBJECT TO
13 THE LIMITATIONS OF THIS SECTION, WITH RESPECT TO THE CONTRIBUTIONS MADE
14 BY ELIGIBLE DONORS AS VOLUNTARY DONATIONS AT ANY TIME DURING THE
15 SECOND ELIGIBLE PERIOD TO THE ELIGIBLE INSTITUTION FOR ELIGIBLE
16 PROGRAMS, AN AMOUNT EQUAL TO THE FIRST \$200,000 OR ANY PORTION THEREOF
17 FROM CONTRIBUTIONS BY ELIGIBLE DONORS.

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

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

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

25 ~~(3)~~ (3) IN THE FISCAL YEAR FOLLOWING THE FISCAL YEAR DURING
26 WHICH THE CONTRIBUTIONS ARE MADE.

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

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

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

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

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

1 (3) EACH CONTRIBUTION MUST BE SPECIFICALLY DESIGNATED FOR
2 TECHNOLOGY.

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

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

9 (H) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL:

10 (1) ADOPT REGULATIONS NECESSARY FOR THE ADMINISTRATION OF
11 THIS SECTION; AND

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

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