

SENATE BILL 339

Unofficial Copy  
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1998 Regular Session  
(8lr1646)

**ENROLLED BILL**

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

Introduced by **Senator Lawlah (Chairman, Health, Education and Human Resources Subcommittee) and Senators Hoffman, Hogan, Kasemeyer, Neall, ~~and Van Hollen~~ Van Hollen, Blount, Collins, Conway, Craig, Dyson, Frosh, Hollinger, McCabe, Pinsky, Sfikas, and Stoltzfus**

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.

\_\_\_\_\_  
President.

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

1 Article - Education  
2 Section 16-317  
3 Annotated Code of Maryland  
4 (1997 Replacement Volume and 1997 Supplement)

5 Preamble

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

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

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

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

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

21 **Article - Education**

22 16-317.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

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

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

29 (4) (I) "ELIGIBLE DONOR" MEANS ANY INDIVIDUAL, CORPORATION,  
30 PARTNERSHIP, OR OTHER FORM OF BUSINESS ORGANIZATION, PUBLIC OR PRIVATE  
31 FOUNDATION, OR OTHER NONPROFIT ORGANIZATION.

32 (II) "ELIGIBLE DONOR" DOES NOT INCLUDE A LOCAL  
33 GOVERNMENT, THE STATE, THE FEDERAL GOVERNMENT, OR ANY FOREIGN  
34 GOVERNMENT.

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

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

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

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

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

2           (7)        (9)        (I)        "TECHNOLOGY" MEANS THE HARDWARE, SOFTWARE,  
3 COMMUNICATIONS INFRASTRUCTURE, AND ASSOCIATED TRAINING AND  
4 CONTRACTED SERVICES THAT ENABLE LOCAL OR GLOBAL PRESENTATION,  
5 EXCHANGE, AND TRANSMISSION OF INFORMATION IN DIGITAL OR ANALOG FORM  
6 FOR TEACHING, LEARNING, STUDENT SUPPORT SERVICES, AND ADMINISTRATION.

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

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

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

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

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

25           (1)        IN THE FIRST ELIGIBLE PERIOD, ONLY WITH RESPECT TO  
26 CONTRIBUTIONS WHICH ARE PAID BY THE ELIGIBLE DONORS TO THE ELIGIBLE  
27 INSTITUTION BEFORE JULY 1, 2001 2000; AND

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

31           (2)        (3)        IN THE SECOND FISCAL YEAR FOLLOWING THE FISCAL YEAR  
32 DURING WHICH THE CONTRIBUTIONS ARE MADE.

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

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

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

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

4 (2) A CONTRIBUTION RECEIVED DURING THE BASE YEAR THAT  
5 FULFILLS A PLEDGE MADE PRIOR TO THE BASE YEAR MAY NOT BE INCLUDED IN THE  
6 DETERMINATION OF THE CONTRIBUTION MADE DURING THE BASE YEAR.

7 (3) EACH CONTRIBUTION MUST BE SPECIFICALLY DESIGNATED FOR  
8 TECHNOLOGY.

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

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

15 (H) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL:

16 (1) ADOPT REGULATIONS NECESSARY FOR THE ADMINISTRATION OF  
17 THIS SECTION; AND

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

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