

BY: Budget and Taxation and Economic and Environmental Affairs Committees

AMENDMENTS TO SENATE BILL NO. 682

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Neall” and substitute “Neall, Ruben, Currie, DeGrange, Hogan, Kasemeyer, McFadden, Munson, Stoltzfus, and Van Hollen”.

AMENDMENT NO. 2

On page 1, in line 8, after “Maryland” insert “; requiring the Commission to ensure that the State Plan for Higher Education complies with certain requirements of State and federal law”; in line 24, after “Maryland” insert “and Morgan State University”; in line 25, after “Regents” insert “of the University System of Maryland and the Board of Regents of Morgan State University”; and in the same line, after “Works” insert “and the Administrative, Executive, and Legislative Review Committee”.

On page 2, strike beginning with “the” in line 7 down through “Maryland” in line 8 and substitute “certain institutions of higher education”; in lines 10 and 15, in each instance, after “Maryland” insert “and Morgan State University”; in line 17, after “Works” insert “and the Administrative, Executive, and Legislative Review Committee”; strike beginning with “requiring” in line 24 down through “programs” in line 25 and substitute “authorizing the Commission to veto implementation of a proposed new program or recommend certain reductions in State aid under certain circumstances”; in line 27, after the second “the” insert “mission and”; and in line 33, after “date” insert “; requiring the Board of Regents of the University System of Maryland to develop a certain long-range capital plan for the University; requiring the Commission to consider certain goals for the University System of Maryland and for higher education in general in the development of a State Plan for Higher Education; requiring the Boards of Regents of the University System of Maryland and Morgan State University to submit certain reports by a certain date; establishing certain transitional provisions for the development and review of mission statements; repealing the termination provision on the ability to create positions in the University System of Maryland under certain circumstances”.

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AMENDMENT NO. 3

On page 2, in line 39, after “12-113” insert “, 14-104(b)(4)”; and in line 45, strike “11-105(h)” and substitute “11-105(b)(2) and (h)”.

On page 3, in line 1, after “(16)” insert “and (f)”; in line 7, after “Section” insert “11-105(b)(3)(i) and”; in line 12, strike “4-410, and”; in the same line, after “11-203” insert “, and 12-107 (b)”; after line 14, insert:

“BY repealing

Article - State Finance and Procurement

Section 4-410

Annotated Code of Maryland

(1995 Replacement Volume and 1998 Supplement)”;

and strike lines 18 through 23, inclusive.

AMENDMENT NO. 4

On page 3, in line 12, after “3-703,” insert “3-704,”.

On page 5, strike line 31 in its entirety; and in lines 32 and 34, strike “(v)” and “(vi)”, respectively, and substitute “(IV)” and “(V)”, respectively.

On page 6, in line 1, strike “(vii)” and substitute “(VI)”.

On page 13, in line 32, strike “GIFT,”; in the same line, strike “, OR” and substitute “OR”; in lines 32 and 33, strike “OR PERSONAL PROPERTY,” and substitute “PROPERTY”; and in line 33, after “IN” insert “REAL”.

On page 14, strike line 15 and substitute “APPLICABLE LIABILITY INSURANCE PURCHASED BY THE UNIVERSITY OR THE STATE TREASURER,”; and strike beginning with “INVOLVING” in line 27 down through “SYSTEM” in line 29 and substitute “UNDER TITLE 13, SUBTITLE 2 OF THIS ARTICLE”.

On page 15, in line 19, strike the first “THE” and substitute “EACH”.

On page 16, strike beginning with “Subject” in line 15 down through “property.” in line 16; in line 17, strike “(2)”; and after line 18, insert:

“(2) ALL PROPERTY OF THE UNIVERSITY IS THE PROPERTY OF THE STATE.”.

On page 24, in line 34, strike “SECTOR” and substitute “SENIOR”; and in line 35, strike “§§ 10-101(J) AND 12-101(4)” and substitute “§ 10-101(J) OR § 12-101(4)”.

On page 27, after line 30, insert:

“3-704.

Telecommunications, including those of the [University System of Maryland and] Maryland Public Broadcasting System, shall be consistent with statewide information technology policies and standards and the statewide information technology master plan.”.

AMENDMENT NO. 5

On page 5, after line 20, insert:

“(b) (2) (I) In consultation with the governing boards and agencies concerned with postsecondary education in the State, the Commission shall develop and periodically update an overall plan consistent with the Charter, KNOWN AS THE STATE PLAN FOR HIGHER EDUCATION, that shall identify:

[(i)] 1. The present and future needs for postsecondary education and research throughout the State;

[(ii)] 2. The present and future capabilities of the different institutions and segments of postsecondary education in the State; and

[(iii)] 3. The long-range and short-range objectives and priorities for postsecondary education and methods and guidelines for achieving and maintaining them.

(II) THE COMMISSION SHALL ENSURE THAT THE STATE PLAN FOR HIGHER EDUCATION COMPLIES WITH THE STATE’S EQUAL EDUCATIONAL

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OPPORTUNITY OBLIGATIONS UNDER STATE AND FEDERAL LAW, INCLUDING TITLE VI OF THE CIVIL RIGHTS ACT AND THE SUPREME COURT'S DECISION IN UNITED STATES V. FORDICE.

(3) (i) The Commission shall submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly a biennial review of the plan by July 1, 1995 and by July 1 of each alternate year thereafter.”.

On page 5, in line 21, strike “(b)”.

AMENDMENT NO. 6

On pages 7 through 9, strike beginning with line 26 on page 7 through line 22 on page 9.

On page 39, strike in their entirety lines 12 through 18, inclusive, and substitute:

“11-302.

(a) (1) The president of each public institution of higher education is responsible for developing a mission statement.

(2) The president shall submit the mission statement to the institution's governing board.

(3) Upon the direction of the governing board, the president shall update the mission statement at least every 5 years.

(b) (1) The governing board:

(i) Shall review the mission statement and may require the president to prepare a revised mission statement;

(ii) May adopt the mission statement as submitted or with amendments;
and

(iii) Shall submit the statement to the Commission.

(2) (i) In the case of constituent institutions of the University System of Maryland, the Chancellor of the University System of Maryland shall review the statement prior to its consideration by the Board of Regents and make recommendations.

(ii) Before adopting the mission statements, the Board of Regents shall review the statements individually and on a systemwide basis to assure that:

1. They are consistent with the Charter and the systemwide plan; AND

2. [They will not result in unnecessary duplication of academic programs; and

3.1 They will promote the efficient and effective use of the institution's and System's resources.

(iii) The Board shall consolidate the statements into an adopted systemwide statement.

(c) (1) The Commission shall review the mission statement TO DETERMINE WHETHER THE MISSION STATEMENT IS CONSISTENT WITH THE STATE PLAN FOR HIGHER EDUCATION.

(2) [The Commission shall approve the statement if the Commission finds that the statement:

(i) Is consistent with the Charter and the statewide plan;

(ii) Will not result in the unreasonable duplication of academic programs; and

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(iii) Will promote the efficient and effective use of the State's higher education resources.

(3) (i) If the Commission does not approve the statement, the Commission shall return the statement together with its objections to the governing board.

(ii) The governing board shall negotiate with the Commission and amend the statement or direct the president of the institution to prepare a new statement] IF THE COMMISSION DETERMINES THAT THE MISSION STATEMENT IS INCONSISTENT WITH THE STATE PLAN FOR HIGHER EDUCATION, THE COMMISSION SHALL RETURN THE STATEMENT TO THE GOVERNING BOARD WITH COMMENTS THAT INCLUDE THE SPECIFIC AREAS OF INCONSISTENCY.

11-303.

(A) The Commission, WITH THE ASSISTANCE OF THE PRESIDENTS OF THE INSTITUTIONS REQUIRED TO DEVELOP MISSION STATEMENTS UNDER THIS SUBTITLE, shall establish AND PERIODICALLY UPDATE the format of mission statements to include [at least the following items:

(1) Specific] SPECIFIC short and long-range goals and measurable objectives to be achieved THROUGH THE IMPLEMENTATION OF THE INSTITUTIONS' PERFORMANCE ACCOUNTABILITY PLAN AS REQUIRED UNDER § 11-304 OF THIS SUBTITLE[, including graduation and retention rates and equal opportunity goals;

(2) Level of academic degrees offered;

(3) Fields of academic degrees offered;

(4) Characteristics of students and other populations to be served;

(5) Characteristics of faculty;

(6) A list of institutional peers;

- (7) Areas of research activity;
- (8) Areas of service activity including economic development and services to the public schools; and
- (9) Other items as required by the Commission].”;

strike beginning with “STATEMENT” in line 19 down through “MARYLAND” in line 20 and substitute “STATEMENTS”.

On page 44, in line 10, after the first “Plan” insert “which shall be complete by April 30, 2000”; and after line 25, insert:

“SECTION 12. AND BE IT FURTHER ENACTED, That mission statements currently under development in accordance with § 11-202 of the Education Article shall be developed by the presidents of the public institutions of higher education, submitted by the appropriate governing boards, and reviewed by the Maryland Higher Education Commission by June 30, 1999 in accordance with the provisions of law in effect prior to July 1, 1999. Since the State Plan for Higher Education will be developed by April 30, 2000, revised mission statements, based on the new State Plan, shall be submitted by June 30, 2000 for review by the Maryland Higher Education Commission. On or before January 1, 2002, the Commission shall submit a report to the Governor, and in accordance with § 2-1246 of the State Government Article, the General Assembly on the impact of the mission statement development and review process on the quality and accessibility of postsecondary education in Maryland.”.

AMENDMENT NO. 7

On page 35, strike in their entirety lines 4 and 5 and substitute:

“(1) NEW PROGRAMS PROPOSED TO BE IMPLEMENTED BY AN INSTITUTION OF HIGHER EDUCATION USING EXISTING PROGRAM RESOURCES IN ACCORDANCE WITH § 11-206.1 OF THIS SUBTITLE.”.

On page 37, strike beginning with “CONSTITUENT” in line 28 down through “MARYLAND” in line 29 and substitute “PUBLIC INSTITUTION OF HIGHER EDUCATION”; in

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line 28, after “(1)” insert “(I)”; in line 29, after “MAY” insert “PROPOSE TO”; in line 31, strike “APPROVED” and substitute “ADOPTED”; in lines 31 and 33, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 33, after “EXISTING” insert “PROGRAM”; after line 34, insert:

“(II) A PRESIDENT OF A NONPUBLIC INSTITUTION OF HIGHER EDUCATION MAY PROPOSE TO ESTABLISH A NEW PROGRAM OR ABOLISH AN EXISTING PROGRAM IF THE ACTION:

1. IS CONSISTENT WITH THE INSTITUTION’S MISSION STATEMENT FILED WITH THE COMMISSION; AND

2. CAN BE IMPLEMENTED WITHIN THE EXISTING PROGRAM RESOURCES OF THE INSTITUTION.”;

and in line 35, after “ARE” insert “PROPOSED TO BE”.

On page 38, in lines 1, 3, and 18, in each instance, strike “BOARD OF REGENTS” and substitute “INSTITUTION’S GOVERNING BOARD”; in line 1, strike “AND”; in line 2, after “COMMISSION” insert “; AND

(III) ALL OTHER INSTITUTIONS OF HIGHER EDUCATION IN THE STATE”;

in lines 6 and 14, in each instance, after “PROGRAM” insert “PROPOSED TO BE”; in line 7, after “(I)” insert “1. OF A PUBLIC INSTITUTION OF HIGHER EDUCATION”; in line 8, strike “AND” and substitute “OR

2. OF A NONPUBLIC INSTITUTION OF HIGHER EDUCATION IS CONSISTENT WITH THE INSTITUTION’S MISSION STATEMENT FILED WITH THE COMMISSION; AND”;

in line 9, after “EXISTING” insert “PROGRAM”; after line 10, insert:

“(C) (1) WITHIN 30 DAYS OF RECEIPT OF A NOTICE OF AN INSTITUTION’S INTENT TO ESTABLISH A NEW PROGRAM IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, AN INSTITUTION MAY FILE AN OBJECTION TO THE IMPLEMENTATION OF THE PROGRAM WITH THE COMMISSION IF THE OBJECTION IS BASED ON:

(I) INCOMPATIBILITY OF THE PROPOSED PROGRAM WITH THE MISSION OF THE INSTITUTION;

(II) LACK OF MARKET DEMAND FOR THE PROPOSED PROGRAM;

(III) PROGRAM DUPLICATION; OR

(IV) VIOLATION OF THE STATE’S EQUAL EDUCATIONAL OPPORTUNITY REQUIREMENTS OF STATE AND FEDERAL LAW.

(2) (I) IF AN OBJECTION IS NOT FILED WITHIN 30 DAYS, THE INSTITUTION MAY IMPLEMENT THE PROGRAM.

(II) IF AN OBJECTION IS FILED WITHIN 30 DAYS, THE COMMISSION SHALL REVIEW THE REASONS FOR THE PROPOSED PROGRAM AND THE REASONS FOR THE OBJECTION AND WITHIN 30 DAYS MAKE A DETERMINATION:

1. FOR A PROGRAM PROPOSED TO BE ESTABLISHED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION, WHETHER THE PROGRAM MAY BE IMPLEMENTED; AND

2. FOR A PROGRAM PROPOSED TO BE ESTABLISHED BY A NONPUBLIC INSTITUTION OF HIGHER EDUCATION, WHETHER TO RECOMMEND THAT THE GENERAL ASSEMBLY REDUCE THE STATE APPROPRIATION FOR THE NONPUBLIC INSTITUTION IN ACCORDANCE WITH § 17-105 OF THIS ARTICLE.”;

in line 11, after “PROGRAM” insert “PROPOSED TO BE”; in line 14, after “(2)” insert “(I)”; in

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lines 16 and 17, strike “: (I)” and substitute a comma; in line 18, strike “COMMISSION’S CONCERNS” and substitute “VIOLATION”; strike beginning with “; AND” in line 18 down through “PROGRAM” in line 20; after line 20, insert:

“(II) IF THE INSTITUTION FAILS TO RESOLVE THE VIOLATION IDENTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. IF THE INSTITUTION IS A PUBLIC INSTITUTION OF HIGHER EDUCATION, THE COMMISSION SHALL REQUIRE THE INSTITUTION TO NOT IMPLEMENT THE PROGRAM; AND

2. IF THE INSTITUTION IS A NONPUBLIC INSTITUTION OF HIGHER EDUCATION, THE COMMISSION SHALL RECOMMEND THAT THE GENERAL ASSEMBLY REDUCE THE STATE APPROPRIATION FOR THE NONPUBLIC INSTITUTION IN ACCORDANCE WITH § 17-105 OF THIS ARTICLE.”;

in lines 11, 21, 29, and 32, strike “(C)”, “(D)”, “(E)”, and “(F)”, respectively, and substitute “(D)”, “(E)”, “(F)”, and “(G)”, respectively; and in lines 29 and 30, strike “BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND” and substitute “GOVERNING BOARDS OF THE INSTITUTIONS OF HIGHER EDUCATION”.

On page 39, in line 9, strike “FOR THE UNIVERSITY SYSTEM OF MARYLAND”.

On page 40, in line 25, strike “With” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WITH”; in lines 28 and 34, in each instance strike the bracket; and strike beginning with “EACH” in line 34 down through “PROGRAM:” in line 36 and substitute a semicolon.

On page 41, strike in their entirety lines 1 through 5, inclusive; in lines 6, 7, 8, and 15, in each instance, strike the bracket; in lines 6, 7, 8, and 15, strike “(2)”, “(3)”, “(4)”, and “(5)”, respectively; after line 21, insert:

“(D) WITH RESPECT TO EACH INSTITUTION UNDER ITS JURISDICTION, AND SUBJECT TO THE PROVISIONS OF TITLE 11 OF THIS ARTICLE, IN CONSULTATION WITH THE CHANCELLOR, THE BOARD SHALL:

(1) REVIEW EACH NEW PROGRAM PROPOSED TO BE ESTABLISHED AND IMPLEMENTED WITHIN EXISTING PROGRAM RESOURCES IN ACCORDANCE WITH § 11-206.1 OF THIS ARTICLE; AND

(2) ENSURE THAT THE NEW PROGRAM:

(I) IS CONSISTENT WITH THE INSTITUTION'S ADOPTED MISSION STATEMENT IN ACCORDANCE WITH TITLE 11, SUBTITLE 3 OF THIS ARTICLE; AND

(II) CAN BE IMPLEMENTED WITHIN EXISTING PROGRAM RESOURCES OF THE INSTITUTION.”;

in line 22, strike “(d)” and substitute “(E)”; and in line 33, strike “§ 11-206.1” and substitute “§§ 11-206 AND 11-206.1”.

AMENDMENT NO. 8

On page 9, in line 25, after “PUBLIC” insert “AND NONPUBLIC”; and in line 26, after “PARTNERSHIP,” insert “THE MARYLAND STATE DEPARTMENT OF EDUCATION,”.

AMENDMENT NO. 9

On page 12, in line 22, strike the second “AND” and substitute:

“(7) BORROW MONEY FROM ANY SOURCE TO ACQUIRE PERSONAL PROPERTY AS PROVIDED IN § 12-105(C) OF THIS SUBTITLE; AND”;

and in line 23, strike “(7)” and substitute “(8)”.

AMENDMENT NO. 10

On page 12, in line 35, strike “AND”; and after line 35, insert:

“(2) SHALL CONSULT WITH THE PRESIDENTS IN DEVELOPING POLICIES, GUIDELINES, AND PLANS FOR THE UNIVERSITY; AND”.

On page 13, in line 1, strike “(2)” and substitute “(3)”.

On page 15, in line 4, after “AUTHORITY” insert “NEEDED TO MANAGE THAT INSTITUTION, INCLUDING AUTHORITY”.

AMENDMENT NO. 11

On page 15, in line 28, strike “MAY” and substitute “SHALL”; in the same line, after “DISTRIBUTE” insert “APPROPRIATED”; in line 29, strike “A”; in the same line, strike “INSTITUTION” and substitute “INSTITUTIONS”; and in the same line, strike “ITS” and substitute “THEIR”.

On page 43, in line 4, strike “to include” and substitute “to increase the base budgets of certain University System of Maryland institutions by including”; after line 8, insert:

“(2) A minimum funding level of \$1,357 per full-time equivalent student stateside in fiscal year 2000 as specified in the Maryland Fiscal Year 2000 Operating Budget Book to the University of Maryland University College;”;

in lines 9, 12, 13, 15, 16, and 17, strike “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively; in line 20, strike “A” and substitute “The fiscal 2000”; and in the same line, after “\$5,000” insert “, adjusted for inflation in accordance with the Higher Education Price Index,”; in line 23, strike “and”; and after line 23, insert:

“(2) A minimum funding level of \$1,800 per full-time equivalent student stateside in fiscal year 2001 as specified in the Maryland Fiscal Year 2001 Operating Budget Book to the University of Maryland University College; and”;

in line 24, strike “(2)” and substitute “(3)”; after line 26, insert:

“If the funding guidelines are not operational by December 1, 2000, the Governor is requested to put in the fiscal 2002 operating budget and each subsequent operating budget until the funding guidelines are developed, the fiscal 2001 minimum funding levels, adjusted annually for

inflation in accordance with the Higher Education Price Index.”;

in line 28, strike “provide funds to” and substitute “include in the operating budget starting in fiscal 2001 an appropriation to”.

AMENDMENT NO. 12

On page 18, after line 6, insert:

“(f) (1) The institutional boards established under subsection (e)(16) of this section shall be known as boards of visitors. Each board shall submit a report by October 1 of each year to:

(i) The Governor;

(ii) The Chairman of the Board of Regents of the University System of Maryland;

(iii) The Secretary of the Maryland Higher Education Commission; and

(iv) The presiding officers of the Maryland General Assembly.

(2) Except as provided in paragraph (3) of this subsection, each report submitted under paragraph (1) of this subsection shall include the comments of the appropriate board on the institution's progress toward meeting its goals consistent with its mission.

(3) The report of the University of Maryland, College Park Board of Visitors shall include:

(i) The Board's evaluation of the status of the effort by the University System of Maryland and the State in meeting the requirements of the Maryland Charter for Higher Education set forth in § 10-209 of this article which require the University System of Maryland to:

1. Provide the College Park campus with the level of operating funding and facilities necessary to place it among the upper echelon of its peer institutions;

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2. Maintain and enhance the College Park campus as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge;

3. Admit as freshmen to the College Park campus highly qualified students who have academic profiles that suggest exceptional ability; and

4. Provide access to the upper division undergraduate level of the College Park campus for students who have excelled in completing lower division study;

(ii) A status report on the University's effort to achieve national eminence;

(iii) A status report on success in attaining federal research grants, private gifts, and other sources of nonstate revenue; and

(iv) Other matters in support of institutional priorities as determined by the Board.

(4) (I) THE BOARDS OF VISITORS ARE ENCOURAGED TO MEET PERIODICALLY WITH THE CHANCELLOR AND BOARD OF REGENTS TO DEVELOP CLOSE WORKING RELATIONSHIPS.

(II) THE MEMBERS OF THE BOARDS OF VISITORS SHOULD SERVE ON COMMITTEES OF THE BOARD OF REGENTS AND ACTIVELY PARTICIPATE IN ALL SEARCHES FOR CAMPUS PRESIDENTS.”.

AMENDMENT NO. 13

On page 18, in line 16, after “WORKS” insert “AND THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE OF THE GENERAL ASSEMBLY”.

On page 34, in line 27, after “WORKS” insert “AND THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE OF THE GENERAL ASSEMBLY”.

AMENDMENT NO. 14

On page 24, after line 10, insert:

“14-104.

(b) (4) (I) EXCEPT AS PROVIDED IN § 11-203(E) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE UNIVERSITY IS EXEMPT FROM DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) 1. SUBJECT TO REVIEW AND APPROVAL BY THE BOARD OF PUBLIC WORKS AND THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE OF THE GENERAL ASSEMBLY, THE BOARD OF REGENTS SHALL DEVELOP POLICIES AND PROCEDURES GOVERNING PROCUREMENTS BY THE UNIVERSITY.

2. THE POLICIES AND PROCEDURES DEVELOPED UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL PROMOTE THE PURPOSES OF THE STATE PROCUREMENT LAW AS SET FORTH IN § 11-201 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”.

On page 27, in line 17, strike “OR”; in line 18, after “MARYLAND” insert “; OR

(4) MORGAN STATE UNIVERSITY”;

in line 23, after “MARYLAND” insert “AND MORGAN STATE UNIVERSITY”; and in line 27, after “MARYLAND” insert “; MORGAN STATE UNIVERSITY,”.

On page 28, in line 7, strike “OR”; in line 8, after “MARYLAND” insert “; OR

(VIII) MORGAN STATE UNIVERSITY”;

in line 9, strike “; 4-410,”; in lines 10 and 11, strike “Morgan State University”; in line 11, strike “and”; in the same line, strike “are” and substitute “IS”; strike in their entirety lines 30 through 33, inclusive; and in line 34, strike “(5)” and substitute “(4)”.

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On page 29, in line 4, strike “§§ 4-410 and” and substitute “§”.

On pages 29 through 31, strike beginning with line 32 on page 29 down through line 15 on page 31.

On page 29, in line 3, after “MARYLAND” insert “OR MORGAN STATE UNIVERSITY”.

AMENDMENT NO. 15

On page 34, in line 22, after “(1)” insert “(I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

(II) “BOARD OF REGENTS” MEANS THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND OR THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY.

(III) “UNIVERSITY” MEANS THE UNIVERSITY SYSTEM OF MARYLAND OR MORGAN STATE UNIVERSITY.

(2)”;

strike beginning with “PROVIDED” in line 22 down through “ARTICLE” in line 23 and substitute “OTHERWISE PROVIDED IN THIS SUBSECTION”; in line 24, after “MARYLAND” insert “OR MORGAN STATE UNIVERSITY”; in line 25, strike “(2)” and substitute “(3)”; in the same line, strike “SYSTEM OF MARYLAND”; after line 36, insert:

“(4) THE UNIVERSITY’S POLICIES SHALL:

(I) PROMOTE PROCUREMENT FROM VENDORS DESCRIBED IN § 14-103 OF THIS ARTICLE; AND

(II) REFLECT THE REGULATIONS ADOPTED BY THE DEPARTMENT OF GENERAL SERVICES GOVERNING THE PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES.

(5) (I) EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, THE FOLLOWING PROVISIONS OF DIVISION II OF THIS ARTICLE APPLY TO THE UNIVERSITY:

1. § 11-205 OF THIS SUBTITLE;
2. § 11-205.1 OF THIS SUBTITLE;
3. § 13-219 OF THIS ARTICLE;
4. TITLE 14, SUBTITLE 3 OF THIS ARTICLE;
5. TITLE 15, SUBTITLE 1 OF THIS ARTICLE; AND
6. TITLE 16 OF THIS ARTICLE.

(II) IF A PROCUREMENT VIOLATES THE PROVISIONS OF THIS SUBSECTION OR POLICIES ADOPTED IN ACCORDANCE WITH THIS SUBSECTION, THE PROCUREMENT CONTRACT IS VOID OR VOIDABLE IN ACCORDANCE WITH THE PROVISIONS OF § 11-204 OF THIS SUBTITLE.

(6) (I) THE STATE BOARD OF CONTRACT APPEALS SHALL HAVE AUTHORITY OVER CONTRACT CLAIMS RELATED TO PROCUREMENT CONTRACTS AWARDED BY THE UNIVERSITY BEFORE JULY 1, 1999; AND

(II) AT THE ELECTION OF THE BOARD OF REGENTS AND SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS, THE STATE BOARD OF CONTRACT APPEALS SHALL HAVE AUTHORITY OVER CONTRACT CLAIMS RELATED TO PROCUREMENT CONTRACTS AWARDED BY THE UNIVERSITY AFTER JUNE 30, 1999.

(7) PARAGRAPHS (2), (3), (4), AND (5) OF THIS SUBSECTION DO NOT

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APPLY TO:

(I) PROCUREMENT BY THE UNIVERSITY FROM:

1. ANOTHER UNIT;
2. A POLITICAL SUBDIVISION OF THE STATE;
3. AN AGENCY OF A POLITICAL SUBDIVISION OF THE STATE;
4. A GOVERNMENT, INCLUDING THE GOVERNMENT OF ANOTHER STATE, OF THE UNITED STATES, OR OF ANOTHER COUNTRY;
5. AN AGENCY OR POLITICAL SUBDIVISION OF A GOVERNMENT; OR
6. A BISTATE, MULTISTATE, BICOUNTY, OR MULTICOUNTY GOVERNMENTAL AGENCY; OR

(II) PROCUREMENT BY THE UNIVERSITY IN SUPPORT OF ENTERPRISE ACTIVITIES FOR THE PURPOSE OF:

1. DIRECT RESALE;
2. REMANUFACTURE AND SUBSEQUENT RESALE; OR
3. PROCUREMENT BY THE UNIVERSITY FOR OVERSEAS PROGRAMS.

12-107.

- (b) Subject to the authority of the Board, jurisdiction over procurement is as follows:
- (1) the State Treasurer may engage in or control procurement of banking and

financial services, insurance, and insurance services, as provided in Division I of this article and Article VI, § 3 of the Maryland Constitution;

(2) the Department of Budget and Management may control procurement of:

(i) information processing equipment and associated services, as provided in Title 3, Subtitle 4 of this article;

(ii) services by a unit, subject to any limitation in this Division II; and

(iii) leases of motor vehicles, as provided in Title 3, Subtitle 5 of this article;

(3) the Department of General Services may engage in or control procurement of:

(i) leases of real property, including leases under Title 4, Subtitle 3 of this article;

(ii) supplies, including supplies under Title 4, Subtitle 3 of this article, but excluding insurance, information processing equipment, and motor vehicle leases;

(iii) construction, including construction under Title 4, Subtitle 4 of this article;

(iv) construction related services, including those under Title 4, Subtitle 4 of this article; and

(v) architectural or engineering services under Title 13, Subtitle 3 of this article;

(4) the Department of Transportation and the Maryland Transportation Authority, without the approval of any of the other primary procurement units, may engage in the procurement of:

(i) construction that is related to transportation, as provided in the Transportation Article;

(ii) construction related services that are related to transportation, as provided in the Transportation Article;

(iii) architectural or engineering services that are related to transportation, under Title 13, Subtitle 3 of this article; and

(iv) rolling stock and other property peculiar to the operation of a transit system, as provided in § 7-403 of the Transportation Article;

(5) [the University System of Maryland, without the approval of any of the other primary procurement units, may engage in the procurement of:

(i) supplies for the University, including motor vehicles and, to the extent provided by Title 3, Subtitle 4 of this article, information processing supplies, but excluding insurance;

(ii) services for the University, including information processing services to the extent provided in Title 3, Subtitle 4 of this article, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection;

(iii) construction and construction related services for the University, regardless of the source of funds, to the extent that the Board grants authority over specific projects or classes of projects; and

(iv) leases of real property for the University if the lease payments are not paid from the General Fund of the State;

(6) the Maryland Port Commission, without the approval of any of the other primary procurement units, may engage in the procurement of:

(i) supplies for port related activities, including motor vehicles and

information processing supplies, but excluding:

1. supplies funded by the proceeds from State general obligation bonds; and

2. insurance;

(ii) services for port related activities, including information processing services, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection;

(iii) construction and construction related services for a port facility as defined in § 6-101(e) of the Transportation Article;

(iv) port related architectural and engineering services under Title 13, Subtitle 3 of this article; and

(v) leases of real property for port related activities unless the lease payments are from the General Fund of the State;

[(7)] (6) the Department of Public Safety and Correctional Services may, without the approval of any of the other primary procurement units;

(i) engage in the procurement of construction and construction related services for State correctional facilities; and

(ii) engage in the procurement of supplies, materials, and equipment in support of construction and construction related services for State correctional facilities in accordance with this Division II and Article 41, Title 4, Subtitle 1 of the Code]; and

(8) Morgan State University, without the approval of any of the other primary procurement units, may engage in the procurement of:

(i) supplies for the University, including motor vehicles and, to the extent

(Over)

provided by Title 3, Subtitle 4 of this article, information processing supplies, but excluding:

1. supplies funded by the proceeds from State general obligation bonds; and

2. insurance;

(ii) services for the University, including information processing services to the extent provided in Title 3, Subtitle 4 of this article, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection;

(iii) construction and construction related services for the University, regardless of the source of funds, to the extent that the Board grants authority over specific projects or classes of projects; and

(iv) leases of real property for the University if the lease payments are not paid from the General Fund of the State].”

AMENDMENT NO. 16

On page 25, strike in their entirety lines 1 and 2 and substitute:

“(2) THE FOLLOWING COMMUNITY COLLEGE CAMPUSES OR THEIR AFFILIATED FOUNDATIONS:

(I) ALLEGANY;

(II) ANNE ARUNDEL;

(III) BALTIMORE CITY;

(IV) CALVERT;

(V) CARROLL;

- (VI) CATONSVILLE;
- (VII) CECIL;
- (VIII) CHARLES;
- (IX) CHESAPEAKE;
- (X) DUNDALK;
- (XI) ESSEX;
- (XII) FREDERICK;
- (XIII) GARRETT;
- (XIV) GERMANTOWN;
- (XV) HAGERSTOWN;
- (XVI) HARFORD;
- (XVII) HOWARD;
- (XVIII) PRINCE GEORGE'S;
- (XIX) ROCKVILLE;
- (XX) ST. MARY'S;
- (XXI) TAKOMA PARK; AND
- (XXII) WOR-WIC.”;

and in line 34, after “COLLEGE” insert “CAMPUS”.

AMENDMENT NO. 17

On page 43, in line 2, after “education” insert “and the presidents of the institutions of the University System of Maryland, Morgan State University, and St. Mary’s College of Maryland”.

AMENDMENT NO. 18

On page 44, in line 1, after “That” insert “the Board of Regents should develop a long-range capital plan for the University System of Maryland institutions that is consistent with the capital facilities goals established in the Maryland Charter for Higher Education and identifies capital needs by project and institution for at least a 10-year period. The plan should identify funding sources to meet these capital needs based on the assumption that State capital funding will continue at present levels, adjusted for inflation. Given that the capital needs of the universities exceed the State’s ability to fund these projects, the Regents should identify alternative capital funding sources to meet these needs. The Regents should submit the plan to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, by December 1, 1999.”

SECTION 8. AND BE IT FURTHER ENACTED, That”.

AMENDMENT NO. 19

On page 44, after line 12, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That as a starting point for the development of the State Plan for Higher Education in accordance with Section 8 of this Act, the Maryland Higher Education Commission and the other participants in the strategic planning process shall consider the following goals for the University System of Maryland, and for higher education in general, as recommended in the Final Report of the Task Force to Study the Governance, Coordination, and Funding of the University System of Maryland:

1. Enhance the University of Maryland, College Park as the State’s flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge; admit freshmen to the campus who have academic profiles that suggest exceptional ability; provide access to the upper division undergraduate level of the campus for students who have excelled in completing lower division study; and provide the

campus with the level of operating funding and facilities necessary to place it among the upper echelon of its peer institutions;

2. Maintain and enhance an academic health center and a coordinated higher education center for research and graduate and professional study in the Baltimore area (University of Maryland, Baltimore and University of Maryland Baltimore County) with a focus on science and technology;

3. Enhance and support high quality undergraduate, teacher preparation, and masters programs at the regional comprehensive institutions, recognizing and supporting the very unique mission of each of these institutions;

4. Support Towson University as the largest comprehensive institution;

5. Enhance the historically black institutions and recognize the unique role of University of Maryland Eastern Shore as the State's 1890 land grant institution;

6. Encourage collaboration among institutions for the benefit of students;

7. Encourage and enhance higher education centers, such as the Shady Grove Center in Montgomery County, through the use of technology, as points of collaboration and access for underserved areas of the State;

8. Recognize and promote the unique potential of University of Maryland University College to be a national and global leader in the new international marketplace of electronic and continuing education;

9. Promote excellence at each campus;

10. Recruit and retain nationally and internationally prominent faculty;

11. Promote economic development;

12. Stimulate outreach to the community;
 13. Promote access for economically disadvantaged students;
 14. Increase access, retention, and advancement of African American students;
- and
15. Promote equal education and employment opportunities.

SECTION 10. AND BE IT FURTHER ENACTED, That on or before January 1, 2002, the Board of Regents of the University System of Maryland and the Board of Regents of Morgan State University each shall submit a report to the Governor, and in accordance with § 2-1246 of the State Government Article, the General Assembly on the status and effect of the implementation of the changes in procurement authority granted under § 11-203(e) of the State Finance and Procurement Article. On or before January 1, 2002, the Board of Regents of the University System of Maryland shall submit a report to the Governor, and in accordance with § 2-1246 of the State Government Article, the General Assembly on the status and effect of the changes in the grievance procedures under Title 13, Subtitle 2 of the Education Article.”;

and in lines 13, 26, 30, and 38, strike “8.”, “9.”, “10.”, and “11.”, respectively, and substitute “11.”, “13.”, “14.”, and “15.”, respectively.