
By: **Charles County Delegation and St. Mary's County Delegation**

Introduced and read first time: March 5, 1999

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 10, 1999

Committee Report: Favorable

House action: Adopted

Read second time: March 27, 1999

CHAPTER _____

1 AN ACT concerning

2 **Community Colleges - College of Southern Maryland**

3 FOR the purpose of creating the College of Southern Maryland as a successor to the
4 Charles County Community College; creating a Board of Trustees for the
5 governance of the College of Southern Maryland; providing for membership on
6 the Board of Trustees; specifying the powers and duties of the Board of Trustees;
7 specifying the duties of the president of the College of Southern Maryland;
8 providing for a budget for the operation of the College of Southern Maryland;
9 repealing certain provisions of law relating to the Board of Community College
10 Trustees for Charles County; defining certain terms; providing for the transfer
11 of certain functions, powers, duties, equipment, assets, liabilities, and
12 employees to the College of Southern Maryland and the Board of Trustees of the
13 College; requiring the Board of Community College Trustees for Charles County
14 to take certain actions relating to the transition of the Charles County
15 Community College to the College of Southern Maryland; specifying the terms of
16 the initial members of the Board of Trustees of the College of Southern
17 Maryland; providing that the Charles County Community College and its St.
18 Mary's branch campus shall be considered a regional community college for
19 certain purposes for a certain fiscal year; providing for a delayed effective date
20 for certain provisions of this Act; and generally relating to the creation of the
21 College of Southern Maryland.

22 BY renumbering

23 Article - Education

24 Section 16-405

25 to be Section 16-607

1 Annotated Code of Maryland
2 (1997 Replacement Volume and 1998 Supplement)

3 BY repealing
4 Article - Education
5 Section 16-404
6 Annotated Code of Maryland
7 (1997 Replacement Volume and 1998 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 11-105(i)(1) and (6)
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1998 Supplement)

13 BY adding to
14 Article - Education
15 Section 16-601 through 16-606 and 16-608 through 16-610 to be under the new
16 subtitle "Subtitle 6. College of Southern Maryland"
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1998 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Education
21 Section 16-607
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 1998 Supplement)
24 (As enacted by Section 1 of this Act)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That Section(s) 16-405 of Article - Education of the Annotated Code of
27 Maryland be renumbered to be Section(s) 16-607.

28 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16-404 of
29 Article - Education of the Annotated Code of Maryland be repealed.

30 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
31 read as follows:

32 **Article - Education**

33 11-105.

34 (i) (1) In this subsection "community college" includes the Carroll County
35 Community College and the Calvert County and St. Mary's County branch campuses
36 of [Charles County Community College] THE COLLEGE OF SOUTHERN MARYLAND

1 established under the authority granted by § 16-103(l) of this article, and does not
2 include the Baltimore City Community College.

3 (6) The amount of the grant shall be a percentage of total design and
4 construction costs, including site acquisition and development costs, as follows:

5 (i) For a regional community college established under § 16-202
6 OR TITLE 16, SUBTITLE 6 of this article, 75 percent; or

7 (ii) For a public junior or community college that is not a regional
8 community college, the greater of:

9 1. A percentage equal to that percentage of the expenditure
10 for basic current expenses that the State pays to the petitioning jurisdiction under §
11 5-202(b) of this article up to a maximum of 70 percent; or

12 2. 50 percent.

13 SUBTITLE 6. COLLEGE OF SOUTHERN MARYLAND.

14 16-601.

15 (A) THE ESTABLISHMENT OF THE COLLEGE OF SOUTHERN MARYLAND AS A
16 REGIONAL COLLEGE IS BASED ON THE FINDINGS AND POLICIES SET FORTH IN THIS
17 SECTION.

18 (B) (1) CHARLES COUNTY COMMUNITY COLLEGE HAS PROVIDED HIGHER
19 EDUCATION OPPORTUNITIES IN ST. MARY'S COUNTY FOR MORE THAN 20 YEARS
20 THROUGH A CONTRACTUAL ARRANGEMENT WITH THE COUNTY.

21 (2) THE CONTINUING GROWTH OF CHARLES COUNTY COMMUNITY
22 COLLEGE AS A QUALITY INSTITUTION REQUIRES THAT A PARTNERSHIP BE
23 ESTABLISHED TO PROVIDE A NEW COLLEGE IDENTITY REFLECTIVE OF THE TWO
24 SOUTHERN MARYLAND COUNTIES, A GOVERNANCE STRUCTURE OF SHARED
25 OWNERSHIP, AND THE EQUITABLE DISTRIBUTION OF FISCAL SUPPORT.

26 16-602.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES OF THE
30 COLLEGE OF SOUTHERN MARYLAND.

31 (C) "COLLEGE" MEANS THE COLLEGE OF SOUTHERN MARYLAND, FORMERLY
32 KNOWN AS THE CHARLES COUNTY COMMUNITY COLLEGE.

33 (D) "COUNTY COMMISSIONERS" MEANS THE ELECTED COUNTY
34 COMMISSIONERS FROM CHARLES AND ST. MARY'S COUNTIES.

1 (E) "OFFICER" MEANS THE PRESIDENT, VICE PRESIDENTS, DEANS, OR OTHER
2 OFFICERS OF THE COLLEGE AS SHALL BE APPOINTED BY THE BOARD OF TRUSTEES.

3 (F) "RESIDENT CAMPUS" MEANS A PRIMARY CAMPUS LOCATED IN CHARLES
4 COUNTY OR ST. MARY'S COUNTY.

5 (G) "SOUTHERN MARYLAND" MEANS THE AREA THAT INCLUDES ALL OF
6 CHARLES AND ST. MARY'S COUNTIES.

7 16-603.

8 (A) (1) THERE IS A COLLEGE OF SOUTHERN MARYLAND, FORMERLY KNOWN
9 AS THE CHARLES COUNTY COMMUNITY COLLEGE, LOCATED IN CHARLES AND ST.
10 MARY'S COUNTIES, MARYLAND.

11 (2) WITH OTHER EDUCATIONAL INSTITUTIONS, THE COLLEGE SHALL
12 PROVIDE THE SERVICES AND PROGRAMS DESCRIBED IN § 10-210 OF THIS ARTICLE.

13 (B) THE COLLEGE IS AN INSTITUTION OF HIGHER EDUCATION OF THE STATE
14 OF MARYLAND.

15 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE
16 COLLEGE SHALL BE CLASSIFIED AS A "LOCAL EDUCATIONAL AGENCY (LEA)", AS
17 DEFINED IN FEDERAL LAW, FOR PURPOSES OF FEDERAL SUBSIDIES, GRANTS,
18 CONTRACTS, AND OTHER PROGRAMS OF SUPPORT FOR WHICH A COMMUNITY
19 COLLEGE IS ELIGIBLE.

20 (D) CHARLES AND ST. MARY'S COUNTIES MAY APPROPRIATE MONEY TO PAY
21 THE COST OF OPERATING THE COLLEGE ACCORDING TO THE PROVISIONS OF THIS
22 ARTICLE.

23 (E) (1) EACH SOUTHERN MARYLAND COUNTY MAY BORROW MONEY TO
24 PURCHASE LAND AND CONSTRUCT CAPITAL IMPROVEMENTS FOR THE COLLEGE.

25 (2) MONEY MAY BE BORROWED ON TERMS AND CONDITIONS THE
26 COUNTY COMMISSIONERS CONSIDER PROPER, SUBJECT TO ANY REQUIREMENTS OF
27 LOCAL LAW APPLICABLE TO THE CREATION OF PUBLIC DEBT.

28 (F) (1) UNLESS OTHERWISE AGREED TO BY THE COUNTY COMMISSIONERS,
29 THE CAPITAL EXPENDITURES FOR EACH CAMPUS ARE THE RESPONSIBILITY OF THE
30 COUNTY IN WHICH THE CAMPUS IS LOCATED.

31 (2) THE DISTRIBUTION OF SHARED COSTS WILL BE THAT OF A
32 REGIONAL COMMUNITY COLLEGE AS DESIGNATED IN § 11-105(I)(6)(I) OF THIS
33 ARTICLE.

34 16-604.

35 (A) THE GOVERNMENT OF THE COLLEGE IS VESTED IN THE BOARD OF
36 TRUSTEES.

1 (B) (1) THE BOARD OF TRUSTEES CONSISTS OF EIGHT MEMBERS
2 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

3 (2) OF THE MEMBERS:

4 (I) EACH SHALL BE A RESIDENT OF THE STATE;

5 (II) EACH SHALL BE A RESIDENT OF CHARLES COUNTY OR ST.
6 MARY'S COUNTY;

7 (III) EACH SHALL REPRESENT A SHARE OF COUNTY RESIDENTS
8 EQUAL TO AT LEAST 11% OF THE TOTAL NUMBER OF STATE SUPPORTED FULL-TIME
9 EQUIVALENT STUDENTS ATTENDING THE COLLEGE DURING THE PRIOR FISCAL
10 YEAR;

11 (IV) EACH SHALL HAVE COMPLETED AT LEAST 60 HOURS OF
12 ACCREDITED COLLEGE WORK; AND

13 (V) NONE MAY BE AN ELECTED OFFICIAL OF THE STATE, A
14 COUNTY, A MUNICIPAL CORPORATION, OR A COUNTY BOARD.

15 (3) EACH OF THE SOUTHERN MARYLAND COUNTIES SHALL BE
16 REPRESENTED BY AT LEAST ONE MEMBER WHO IS A RESIDENT OF THAT COUNTY.

17 (C) (1) THE TERM OF A MEMBER IS 5 YEARS.

18 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
19 THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2000.

20 (3) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM
21 SERVES FOR THE REMAINDER OF THAT TERM.

22 (4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
23 TERMS.

24 (D) EACH MEMBER OF THE BOARD OF TRUSTEES IS ENTITLED TO RECEIVE UP
25 TO \$600 A YEAR FOR EXPENSES.

26 16-605.

27 (A) EACH YEAR PRIOR TO JUNE 30 THE BOARD OF TRUSTEES:

28 (1) SHALL ELECT A CHAIRMAN AND VICE CHAIRMAN FROM AMONG ITS
29 MEMBERS; AND

30 (2) MAY ELECT ANY OTHER OFFICERS IT REQUIRES.

31 (B) (1) THE BOARD OF TRUSTEES SHALL DETERMINE THE TIME AND PLACE
32 OF ITS MEETINGS.

1 (2) THE BOARD OF TRUSTEES MAY ADOPT RULES FOR THE CONDUCT OF
2 ITS MEETINGS AND THE TRANSACTION OF BUSINESS.

3 (C) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD OF
4 TRUSTEES IS A QUORUM FOR THE TRANSACTION OF BUSINESS.

5 16-606.

6 (A) IN ADDITION TO THE OTHER POWERS GRANTED AND DUTIES IMPOSED BY
7 THIS TITLE, AND SUBJECT TO THE AUTHORITY OF THE COMMISSION, THE BOARD OF
8 TRUSTEES HAS THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

9 (B) THE BOARD OF TRUSTEES SHALL EXERCISE GENERAL CONTROL OVER
10 THE COLLEGE, KEEP SEPARATE RECORDS AND MINUTES, AND ADOPT REASONABLE
11 RULES, REGULATIONS, AND BYLAWS TO CARRY OUT THE PROVISIONS OF THIS TITLE.

12 (C) THE BOARD OF TRUSTEES MAY FIX THE SALARIES AND TENURE OF THE
13 PRESIDENT, FACULTY, AND OTHER EMPLOYEES OF THE COLLEGE.

14 (D) THE BOARD OF TRUSTEES MAY PURCHASE, LEASE, CONDEMN, OR
15 OTHERWISE ACQUIRE ANY PROPERTY IT CONSIDERS NECESSARY FOR THE
16 OPERATION OF THE COLLEGE.

17 (E) (1) THE BOARD OF TRUSTEES MAY SELL, LEASE, OR OTHERWISE
18 DISPOSE OF ASSETS OR PROPERTY OF THE COLLEGE.

19 (2) THE PRESIDENT OF THE COLLEGE AND THE CHAIRMAN OF THE
20 BOARD OF TRUSTEES MAY EXECUTE A CONVEYANCE OR OTHER LEGAL DOCUMENT
21 UNDER AN APPROPRIATE RESOLUTION OF THE BOARD OF TRUSTEES.

22 (F) THE BOARD OF TRUSTEES MAY APPLY FOR AND ACCEPT ANY GIFT OR
23 GRANT FROM THE FEDERAL GOVERNMENT OR ANY OTHER PERSON.

24 (G) SUBJECT TO THE MINIMUM STANDARDS OF THE COMMISSION, THE BOARD
25 OF TRUSTEES MAY DETERMINE ENTRANCE REQUIREMENTS AND APPROVE
26 OFFERINGS THAT CONSIST OF:

27 (1) TRANSFER PROGRAMS OFFERING THE EQUIVALENT OF THE FIRST 2
28 YEARS OF A BACHELOR'S DEGREE PROGRAM;

29 (2) CAREER PROGRAMS OFFERING TECHNICAL, VOCATIONAL, AND
30 SEMIPROFESSIONAL EDUCATION; AND

31 (3) CONTINUING EDUCATION AND CONTRACT-TRAINING PROGRAMS.

32 (H) EXCEPT AS PROVIDED IN § 16-310 OF THIS TITLE, THE BOARD OF
33 TRUSTEES MAY CHARGE STUDENTS REASONABLE TUITION AND FEES SET BY IT WITH
34 A VIEW TO MAKING COLLEGE EDUCATION AVAILABLE TO ALL QUALIFIED STUDENTS
35 AT LOW COST.

36 (I) THE BOARD OF TRUSTEES MAY SUE AND BE SUED.

1 (J) THE BOARD OF TRUSTEES MAY MAKE AGREEMENTS WITH THE FEDERAL
2 GOVERNMENT OR ANY OTHER PERSON, INCLUDING AGREEMENTS BETWEEN
3 COUNTIES, IF THE BOARD OF TRUSTEES CONSIDERS THE AGREEMENT ADVISABLE
4 FOR THE ESTABLISHMENT OR OPERATION OF THE COLLEGE.

5 (K) THE BOARD OF TRUSTEES MAY ADOPT A CORPORATE SEAL.

6 (L) THE BOARD OF TRUSTEES SHALL APPOINT A PRESIDENT OF THE COLLEGE
7 WHO SHALL BE THE CHIEF EXECUTIVE OFFICER OF THE COLLEGE AND THE
8 SECRETARY/TREASURER OF THE BOARD OF TRUSTEES.

9 (M) THE BOARD OF TRUSTEES MAY CREATE A RESERVE FUND TO INSURE
10 AGAINST UNFORSEEN CONTINGENCIES.

11 16-607.

12 (a) [The Board of Community College Trustees for Charles County] THE
13 BOARD OF TRUSTEES may:

14 (1) Appoint an individual, other than the attorney to the Board OF
15 TRUSTEES, as hearing examiner; and

16 (2) Adopt rules governing proceedings before the hearing examiner.

17 (b) The hearing examiner:

18 (1) May hold an initial hearing on any matter brought before the Board
19 of Trustees; and

20 (2) Shall submit to the Board OF TRUSTEES and to the parties findings of
21 fact and conclusions of law, a transcript of the proceedings, and exhibits.

22 (c) The Board of Trustees shall:

23 (1) Hear arguments, if requested by a party; and

24 (2) After considering the arguments and the record, decide the matter.

25 (d) The decision of the Board of Trustees may not be appealed.

26 16-608.

27 THE PRESIDENT OF THE COLLEGE SHALL:

28 (1) REPORT DIRECTLY TO THE BOARD OF TRUSTEES;

29 (2) RECOMMEND THE APPOINTMENT BY THE BOARD OF TRUSTEES OF
30 QUALIFIED FACULTY MEMBERS AND OTHER EMPLOYEES NECESSARY FOR THE
31 EFFICIENT ADMINISTRATION OF THE COLLEGE;

1 (3) RECOMMEND THE DISCHARGE OF EMPLOYEES FOR GOOD CAUSE,
2 PROVIDED THAT ANY EMPLOYEE WITH TENURE SHALL BE GIVEN REASONABLE
3 NOTICE OF THE GROUNDS FOR DISMISSAL AND AN OPPORTUNITY TO BE HEARD;

4 (4) BE RESPONSIBLE FOR THE CONDUCT OF THE COLLEGE AND FOR THE
5 ADMINISTRATION AND SUPERVISION OF ITS DEPARTMENTS; AND

6 (5) ATTEND ALL MEETINGS OF THE BOARD OF TRUSTEES, EXCEPT
7 THOSE INVOLVING THE POSITION OF PRESIDENT.

8 16-609.

9 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF §§
10 16-106 AND 16-107 OF THIS TITLE APPLY TO THE COLLEGE.

11 16-610.

12 (A) EACH YEAR THE BOARD OF TRUSTEES AND THE PRESIDENT OF THE
13 COLLEGE SHALL PREPARE AND SUBMIT TO THE COUNTY COMMISSIONERS:

14 (1) AN ANNUAL REPORT;

15 (2) AN OPERATING BUDGET;

16 (3) A CAPITAL BUDGET; AND

17 (4) IF REQUIRED, A LONG-TERM CAPITAL IMPROVEMENT PROGRAM.

18 (B) THE OPERATING BUDGET SHALL SHOW:

19 (1) ALL REVENUES ESTIMATED FOR THE NEXT FISCAL YEAR
20 CLASSIFIED BY FUNDS AND SOURCES OF INCOME FOR EACH CAMPUS;

21 (2) ALL EXPENDITURES REQUESTED, INCLUDING THE MAJOR
22 FUNCTIONS LISTED UNDER § 16-304(B) OF THIS TITLE AND SPECIFICATION FOR THE
23 DIRECT EXPENDITURES FOR EACH CAMPUS BY MAJOR FUNCTION ESTABLISHED BY
24 THE COMMISSION;

25 (3) ALL INDIRECT EXPENDITURES FOR INSTITUTIONAL SUPPORT,
26 ONE-THIRD OF WHICH SHALL BE FUNDED BY ST. MARY'S COUNTY;

27 (4) ALL OTHER INDIRECT EXPENDITURES DISTRIBUTED BY THE
28 PERCENTAGE OF FULL-TIME EQUIVALENT STUDENTS BY COUNTY OF RESIDENCE;
29 AND

30 (5) ANY OTHER INFORMATION OR SUPPORTING DATA REQUIRED BY THE
31 COUNTY COMMISSIONERS.

32 (C) (1) THE COUNTY COMMISSIONERS IN EACH COUNTY SHALL REVIEW
33 AND APPROVE THE BUDGET OF THE RESIDENT CAMPUS IN THAT COUNTY AND MAY
34 REDUCE IT.

1 (2) THE BOARD OF TRUSTEES OF THE COLLEGE MAY APPROVE
2 TRANSFERS OF APPROPRIATIONS FOR DIRECT OR INDIRECT COSTS IN ORDER TO
3 INSURE THE MISSION OF THE COLLEGE.

4 (D) THE OPERATING BUDGET OF THE COLLEGE AS OUTLINED IN THIS
5 SECTION SHALL BE SUBMITTED TO THE COMMISSION FOR INFORMATIONAL
6 PURPOSES.

7 SECTION 4. AND BE IT FURTHER ENACTED, That, on July 1, 2000, all the
8 functions, powers, duties, equipment, assets, liabilities, and employees of the Charles
9 County Community College shall be transferred to the College of Southern Maryland.

10 SECTION 5. AND BE IT FURTHER ENACTED, That all assets, land, and
11 equipment under permanent use by the Charles County Community College in St.
12 Mary's County shall be transferred to the Board of Trustees of the College of Southern
13 Maryland.

14 SECTION 6. AND BE IT FURTHER ENACTED, That the Board of Community
15 College Trustees for Charles County shall endeavor to secure a stable transition of the
16 Charles County Community College to the College of Southern Maryland prior to July
17 1, 2000, through advertising, changing of College letterhead and signs, preparation of
18 materials, processes, and activities as stated and implied by this Act.

19 SECTION 7. AND BE IT FURTHER ENACTED, That any current member of
20 the Board of Trustees may continue to serve the remainder of their term. The initial
21 Board of Trustees of the College of Southern Maryland shall consist of six members
22 from Charles County and two members from St. Mary's County. The terms of initial
23 members of the Board of Trustees of the College of Southern Maryland shall expire as
24 follows:

- 25 (1) Two members in 2002;
- 26 (2) Two members in 2003;
- 27 (3) Two members in 2004; and
- 28 (4) Two members in 2005.

29 SECTION 8. AND BE IT FURTHER ENACTED, That notwithstanding any
30 other provision of law, for fiscal year 2000, the Charles County Community College
31 and its St. Mary's branch campus shall be considered a regional community college for
32 purposes of § 11-105(i)(6)(i) of the Education Article.

33 SECTION 9. AND BE IT FURTHER ENACTED, That Sections 6 and 8 of this
34 Act shall take effect July 1, 1999.

35 SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in
36 Section 9 of this Act, this Act shall take effect July 1, 2000.

