

SENATE BILL 682

Unofficial Copy
F2

1999 Regular Session
(9r1094)

ENROLLED BILL

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

Introduced by **The President (Administration) and Senators Blount, Hoffman, Lawlah, Middleton, and Neall Neall, Ruben, Currie, DeGrange, Hogan, Kasemeyer, McFadden, Munson, Stoltzfus, and Van Hollen**

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 - University System of Maryland - Coordination,**
3 **Governance, and Funding**

4 FOR the purpose of authorizing the Maryland Higher Education Commission and the
5 Board of Regents of the University System of Maryland to distribute certain
6 incentive funding to certain institutions under certain circumstances; altering
7 the role of the Commission in reviewing the operating and capital budgets of the
8 University System of Maryland; *clarifying the duties of the University System of*
9 *Maryland; requiring the Commission to ensure that the State Plan for Higher*
10 *Education complies with certain requirements of State and federal law; altering*
11 *the role of the Commission in the review of mission statements developed by*
12 *public institutions of higher education; altering the requirements for the*
13 *contents of mission statements and requiring the Commission, with the*
14 *assistance of the presidents of certain institutions, to establish and periodically*
15 *update the format of mission statements; reestablishing the College*

1 Intervention Preparation Program to raise the level of academic preparedness of
2 disadvantaged students who go on to college; exempting a student member of the
3 Board of Regents who is a student in good academic standing at the University of
4 Maryland University College from a certain requirement; altering the
5 governance and management of the University System of Maryland and
6 establishing the University as a public corporation with certain powers and
7 responsibilities; requiring the Board of Regents to delegate certain authority to
8 certain presidents under certain circumstances; requiring the Board of Regents
9 to develop certain policies on standards of operation and accountability;
10 requiring the Board of Regents to include members of the Boards of Visitors in
11 certain activities; requiring the Board of Regents to adopt a certain policy by a
12 certain date to govern the public ethics of members of the Board of Regents;
13 providing the president of the University of Maryland, College Park with the
14 opportunity to meet with the Governor to present the University's budget
15 request at a certain time; clarifying that the presidents have the authority to
16 appoint institutional boards; exempting the University System of Maryland ~~and~~
17 ~~Morgan State University~~ from certain provisions of the State procurement law;
18 altering the requirements of an overall plan for the University System of
19 Maryland to include certain priorities, goals, and duties; requiring the Board of
20 Regents of the University System of Maryland ~~and the Board of Regents of~~
21 ~~Morgan State University~~, subject to review and approval by the Board of Public
22 Works ~~and the Administrative, Executive, and Legislative Review Committee~~, to
23 develop certain policies and procedures governing procurement; requiring the
24 Board of Regents to develop an information technology plan that meets certain
25 requirements; authorizing the Board of Regents to establish, invest in, operate,
26 and finance certain business entities under certain circumstances; altering
27 certain employee grievance procedures; reestablishing the Private Donation
28 Incentive Program; establishing how the amount of matching funds under the
29 Private Donation Incentive Program will be determined and payments under
30 the Private Donation Incentive Program will be made; requiring that the
31 payments to certain institutions not exceed certain amounts; establishing
32 certain eligibility criteria; requiring certain foundations to provide certain
33 information annually; defining certain terms; providing for the application of
34 Private Donation Incentive Program funds; prohibiting Private Donation
35 Incentive Program funds from being included in the computation of certain
36 types of aid; providing for the administration of the Private Donation Incentive
37 Program; establishing a new program review and approval process for ~~the~~
38 ~~institutions in the University System of Maryland~~ certain institutions of higher
39 education the institutions in the University System of Maryland; exempting the
40 University System of Maryland from certain requirements for information
41 technology and telecommunication; exempting the University System of
42 Maryland ~~and Morgan State University~~ from certain provisions of law
43 governing the oversight of public improvement projects by the Department of
44 General Services; requiring the Department of General Services to advise the
45 Board of Public Works on certain contracts that exceed a certain amount under
46 certain circumstances; requiring certain procurements by the University System
47 of Maryland ~~and Morgan State University~~ to comply with certain policies and
48 procedures; requiring certain contracts that exceed a certain amount to be

1 subject to review and approval by the Board of Public Works ~~and the~~
 2 ~~Administrative, Executive, and Legislative Review Committee~~; making certain
 3 employees of the University System of Maryland eligible to participate in
 4 collective bargaining under certain circumstances and contingent on the
 5 passage of certain legislation *altering the time period after which certain*
 6 *proposals submitted to the Commission shall be deemed approved*; authorizing
 7 presidents to establish and abolish certain programs under certain
 8 circumstances; requiring the Board of Regents to review *and approve* certain
 9 ~~actions~~ *proposed new programs*; requiring the Commission to review certain
 10 actions to determine whether they comply with certain requirements of State
 11 and federal law; ~~requiring presidents to resolve certain concerns regarding~~
 12 ~~compliance with certain laws before implementing certain programs~~ *authorizing*
 13 *the Commission to veto implementation of a proposed new program or*
 14 *recommend certain reductions in State aid under certain circumstances* *make*
 15 *the final determination on approval of certain proposed new programs for certain*
 16 *reasons*; requiring the Commission to monitor the new program development
 17 and review process and submit a certain report; providing for the termination of
 18 the ~~mission and~~ program development and review process after a certain period
 19 of time; defining a certain term; requiring the Commission to develop certain
 20 funding guidelines; requesting the Governor to include certain funding in
 21 certain budgets; requiring the Governor to convene a certain conference for
 22 certain purposes and to establish a group to review certain reporting
 23 requirements and make certain recommendations by a certain date; *requiring*
 24 *the Board of Regents of the University System of Maryland to develop a certain*
 25 *long-range capital plan for the University*; *requiring the Commission to*
 26 *consider certain goals for the University System of Maryland and for higher*
 27 *education in general in the development of a State Plan for Higher Education*;
 28 *requiring the Board of Regents of the University System of Maryland*
 29 *and Morgan State University to submit certain reports by a certain date*;
 30 *establishing certain transitional provisions for the development and review of*
 31 *mission statements*; *repealing the termination provision on the ability to create*
 32 *positions in the University System of Maryland under certain circumstances*;
 33 *prohibiting the University System of Maryland, Headquarters from creating new*
 34 *positions or reallocating certain existing positions for certain purposes*; and
 35 generally relating to the coordination, governance, and funding of higher
 36 education in the State.

37 BY adding to

38 Article - Education

39 Section 10-101(l), 11-105(b)(7), 11-206.1; 11-701 through 11-705, inclusive, to

40 be under the new subtitle "Subtitle 7. College Preparation Intervention

41 Program"; 12-112, 12-113, ~~14-104(b)(4)~~; and 17-301 through 17-306,

42 inclusive, to be under the new subtitle "Subtitle 3. Private Donation

43 Incentive Program"

44 Annotated Code of Maryland

45 (1997 Replacement Volume and 1998 Supplement)

46 BY repealing and reenacting, with amendments,

1 Article - Education
 2 Section ~~10-209(c), 11-105(h)~~ 11-105(b)(2) and (h), 11-206, 11-302, 11-303,
 3 12-102, 12-104, 12-105, 12-106, 12-109(e)(1), (2), (3), and (16) and (f),
 4 ~~12-111~~, 13-203, 13-205, 13-207, and 17-104
 5 Annotated Code of Maryland
 6 (1997 Replacement Volume and 1998 Supplement)

7 BY repealing and reenacting, without amendments,
 8 Article - Education
 9 Section 10-209(a) and (b), 11-105(b)(3)(i), and 12-109(e)(5) and (g)
 10 Annotated Code of Maryland
 11 (1997 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article - State Finance and Procurement
 14 Section 3-401, 3-703, 3-704, 4-402, 4-406, ~~4-410, 4-410~~, and 11-203, and
 15 12-107(b)
 16 Annotated Code of Maryland
 17 (1995 Replacement Volume and 1998 Supplement)

18 BY repealing
 19 Article - State Finance and Procurement
 20 Section 4-410
 21 Annotated Code of Maryland
 22 (1995 Replacement Volume and 1998 Supplement)

23 BY repealing
 24 Chapter 345 of the Acts of the General Assembly of 1995
 25 Section 4

26 ~~BY repealing and reenacting, with amendments,~~
 27 ~~Article - Education~~
 28 ~~Section 11-303~~
 29 ~~Annotated Code of Maryland~~
 30 ~~(1997 Replacement Volume and 1998 Supplement)~~
 31 ~~(As enacted by Section 1 of this Act)~~

32 Preamble

33 WHEREAS, The Task Force to Study the Governance, Coordination and
 34 Funding of the University System of Maryland was charged with examining issues
 35 related to the University System 10 years after its creation in 1988. The Task Force
 36 completed this examination and submitted its findings and recommendations to the
 37 Governor and General Assembly; and

1 WHEREAS, The Task Force found that, despite changes caused by technology
2 which are redefining the delivery of higher education, the goals, principles, and duties
3 of public higher education set forth in the 1988 legislation remain valid, vital and
4 essential. Every institution within the University System of Maryland has made
5 significant progress towards reaching these goals despite less State funding than
6 anticipated due to the recession of the 1990's. However, the Task Force also found that
7 the goals should be augmented and set in priority order; and

8 WHEREAS, The Task Force clearly affirmed that the State's first priority is the
9 enhancement of the flagship campus, University of Maryland, College Park, to
10 achieve national eminence; and

11 WHEREAS, The Task Force found that the 1988 legislation envisioned the
12 University System of Maryland as a decentralized system with the Board of Regents,
13 Chancellor and administration responsible for system-wide policy and governance
14 and the Presidents responsible for management of the campuses; and

15 WHEREAS, The Task Force found that the University System does add value to
16 the quality and goals of higher education in Maryland, and should be fine-tuned, not
17 abandoned. However, the Task Force also found that management authority had not
18 been delegated by the Board to the presidents to the extent envisioned, and that the
19 University System of Maryland and the individual campuses are encumbered by
20 State administrative regulations and procedures and an excessive number of
21 mandated reports; and

22 WHEREAS, The Task Force found that the presidents of University institutions
23 must have significant autonomy to manage their institutions, while being
24 accountable to the Board of Regents, as envisioned in the 1988 legislation; and

25 WHEREAS, The Task Force recommended the concept of reestablishing the
26 University System of Maryland as a public corporation with management flexibility
27 necessary to respond to the needs of the students, State and citizens in a changing
28 economy; and

29 WHEREAS, The Task Force found that the Maryland Higher Education
30 Commission has a vital role in assessing and articulating the statewide higher
31 education needs and goals of the State, and in coordinating the segments of higher
32 education; and

33 WHEREAS, The Task Force also found that the role of the Maryland Higher
34 Education Commission in the budget process appears to overlap with the authority of
35 the Board of Regents and requires clarification. It also found that the Maryland
36 Higher Education Commission academic program approval process and review of
37 existing programs are also areas of significant overlap and potential barriers to the
38 ability of University institutions to respond quickly to public demands and needs; and

39 WHEREAS, The Task Force reviewed the 1998 State Plan for Higher Education
40 and found it to be a useful strategic planning document, but felt that the Plan did not
41 contain sufficient detail to provide a complete framework to guide higher education
42 and lacked buy-in from major stakeholders. Further, the Task Force believes that

1 institutional mission statements should lend support to the State Plan for Higher
2 Education and must evolve to reflect environmental and market conditions; and

3 WHEREAS, The Task Force recognizes that the University must gain greater
4 private financial support. The Task Force supports the reestablishment of the Private
5 Donation Incentive Program to encourage private giving and promote excellence in
6 higher education; and

7 WHEREAS, The Task Force supports the College Preparation Intervention
8 Program and encourages the State to take advantage of matching federal funds to
9 reestablish this successful program; and

10 WHEREAS, The Task Force recommended that the University System
11 institutions receive greater, more stable State funding in order to meet its mission
12 goals. While calculating a funding base for all institutions should be treated as an
13 urgent matter, certain allocations are needed immediately to provide a head-start on
14 addressing serious fiscal deficiencies; and

15 WHEREAS, The Task Force reaffirmed that higher education is an engine that
16 drives economic growth and will be key to competing successfully in the 21st century.
17 The Governor and General Assembly are strongly committed to higher education in
18 Maryland; 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 10-101.

23 (L) "STATE PLAN FOR HIGHER EDUCATION" MEANS THE PLAN FOR
24 POSTSECONDARY EDUCATION AND RESEARCH REQUIRED TO BE DEVELOPED BY THE
25 MARYLAND HIGHER EDUCATION COMMISSION UNDER § 11-105(B) OF THIS ARTICLE.

26 10-209.

27 (a) The University System of Maryland shall provide through its various
28 campuses and programs a continuum of educational services, including
29 undergraduate education, graduate education, professional programs, and research.

30 (b) The goal of the University System of Maryland is to achieve and sustain
31 national eminence with each component fulfilling a distinct and complementary
32 mission.

33 (c) The University System of Maryland shall:

34 (1) Promote excellence at each campus, in accordance with the skills of the
35 faculty, the needs of the region, and the academic programs offered;

1 (2) Develop a mission for each campus which builds upon the unique
2 strength of the campus and embodies a diversity of programs;

3 (3) Recruit and retain nationally and internationally prominent AND
4 DIVERSE faculty members;

5 (4) Actively pursue research funding and private support; [and]

6 (5) Promote economic development by creating a well educated work force
7 through undergraduate, graduate, and professional education, targeted research,
8 education extension services, and technical assistance[.];

9 (6) INCREASE ACCESS FOR ECONOMICALLY DISADVANTAGED AND
10 MINORITY STUDENTS;

11 (7) STIMULATE OUTREACH TO THE COMMUNITY AND THE STATE
12 THROUGH CLOSE RELATIONSHIPS WITH PUBLIC ELEMENTARY AND SECONDARY
13 SCHOOLS, BUSINESS AND INDUSTRY, AND GOVERNMENTAL AGENCIES;

14 (8) ENCOURAGE COLLABORATION AMONG INSTITUTIONS FOR THE
15 BENEFIT OF THE STUDENTS; AND

16 (9) ADDRESS AND RESPOND TO CONTINUING HIGHER EDUCATION
17 NEEDS IN ORDER TO MAINTAIN AN EDUCATED WORK FORCE IN THE STATE.

18 11-105.

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

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

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

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

30 (II) THE COMMISSION SHALL ENSURE THAT THE STATE PLAN FOR
31 HIGHER EDUCATION COMPLIES WITH THE STATE'S EQUAL EDUCATIONAL
32 OPPORTUNITY OBLIGATIONS UNDER STATE AND FEDERAL LAW, INCLUDING TITLE VI
33 OF THE CIVIL RIGHTS ACT AND THE SUPREME COURT'S DECISION IN UNITED STATES
34 V. FORDICE.

35 (III) IN DEVELOPING THE STATE PLAN FOR HIGHER EDUCATION,
36 THE COMMISSION SHALL INCORPORATE THE GOALS AND PRIORITIES FOR HIGHER

1 EDUCATION IDENTIFIED IN THIS DIVISION III AND, FOR THE UNIVERSITY SYSTEM OF
 2 MARYLAND, INCLUDING THOSE IDENTIFIED IN §§ 10-209 AND 12-106 OF THIS
 3 ARTICLE.

4 (3) (i) The Commission shall submit to the Governor and, subject to §
 5 2-1246 of the State Government Article, to the General Assembly a biennial review of
 6 the plan by July 1, 1995 and by July 1 of each alternate year thereafter.

7 ~~(b)~~ (7) THE COMMISSION MAY DISTRIBUTE STRATEGIC INCENTIVE FUNDS
 8 TO AN INSTITUTION OF HIGHER EDUCATION TO ENCOURAGE ATTAINMENT OF THE
 9 GOALS AND PRIORITIES SET FORTH IN THE STATE PLAN FOR HIGHER EDUCATION.

10 (h) (1) On or before a date set by the Commission, each of the following
 11 governing boards and agencies shall submit to the Commission its annual operating
 12 budget requests and proposals for capital projects, by constituent institutions for the
 13 next fiscal year:

14 (i) The Board of Regents of the University System of Maryland;

15 (ii) The Board of Regents of Morgan State University;

16 (iii) The Board of Trustees of St. Mary's College of Maryland;

17 ~~(iv) The Maryland Higher Education Loan Corporation;~~

18 ~~(v)~~ (IV) The State Advisory Council for Title I of the Higher
 19 Education Act of 1965;

20 ~~(vi)~~ (V) The Board of Trustees of Baltimore City Community
 21 College; and

22 ~~(vii)~~ (VI) The Board of the Maryland Higher Education Investment
 23 Program.

24 (2) In consultation with the Department of Budget and Management, the
 25 Commission shall present to the Governor, on or before a date set by the Governor,
 26 and simultaneously submit a copy to the General Assembly, a consolidated operating
 27 and capital budget for higher education that includes the operating and capital
 28 budget requests of the governing boards and institutions listed in paragraph (1) of
 29 this subsection, the operating budget request of the Commission, a report on the
 30 current funding of the adopted sets of peer institutions, and recommendations
 31 regarding the funding of higher education.

32 (3) In cooperation with the Department of Budget and Management, and
 33 without affecting the authority or responsibility of the Department under the State
 34 Finance and Procurement Article, the Commission shall:

35 (i) Review proposals for capital projects and improvements
 36 proposed by the public institutions of higher education in this State, and by the
 37 Maryland Independent College and University Association; and

1 (ii) Develop and submit to the Governor and the General Assembly
2 recommendations as to these projects, which shall be consistent with the [plan]
3 STATE PLAN FOR HIGHER EDUCATION provided for in this section.

4 (4) In submitting recommendations pursuant to paragraph (2) of this
5 subsection, the Commission shall comment on the overall level of funding for higher
6 education IN ORDER TO ACHIEVE THE GOALS ESTABLISHED IN THE STATE PLAN FOR
7 HIGHER EDUCATION, and may comment regarding funding priorities among
8 segments of higher education and, within public senior higher education, among
9 institutions. In reviewing the various budgets and submitting recommendations
10 thereon, the Commission:

11 (i) May not require, of any segment or institution, a detailed
12 budget presentation that tends to duplicate other presentations required in the
13 budget process; [and]

14 (ii) As to the funding priority of any institution, may comment only
15 on the entity as a whole and not on any separate unit of the institution; AND

16 (III) AS TO THE OPERATING AND CAPITAL BUDGETS OF THE BOARD
17 OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND:

18 1. MAY REVIEW AND COMMENT ONLY WITHIN THE BROAD
19 CONTEXT OF THE STATE PLAN FOR HIGHER EDUCATION; AND

20 2. MAY NOT ~~DISAGREE WITH~~ RECOMMEND AGAINST A
21 BUDGET ITEM APPROVED BY THE BOARD OF REGENTS UNLESS THE ITEM IS CLEARLY
22 INCONSISTENT WITH THE STATE PLAN FOR HIGHER EDUCATION.

23 (5) (i) In this paragraph, "higher education" means:

24 1. The University System of Maryland;

25 2. Morgan State University;

26 3. St. Mary's College of Maryland;

27 4. All funding for the Maryland Higher Education
28 Commission, including the funding of:

29 A. The Joseph A. Sellinger Program;

30 B. The Senator John A. Cade Funding Formula;

31 C. Fringe benefits provided under aid to community colleges;

32 and

33 D. All scholarship and grant programs administered by the
34 Commission; and

35 5. Baltimore City Community College.

1 (ii) It is the intent of the General Assembly that, barring
 2 unforeseen economic conditions, the Governor shall include in the annual budget
 3 submission for Fiscal Year 2000 and each year thereafter, an amount of General Fund
 4 State support for higher education equal to or greater than the amount appropriated
 5 in the prior year.

6 (iii) It is the goal of the State that General Fund and capital state
 7 support for higher education be funded annually in amounts that are no less than the
 8 following percentages of total General Fund State revenues:

- 9 1. 12.5 percent in Fiscal Year 2000;
- 10 2. 13.5 percent in Fiscal Year 2001;
- 11 3. 14.5 percent in Fiscal Year 2002;
- 12 4. 15 percent in Fiscal Year 2003; and
- 13 5. 15.5 percent in Fiscal Year 2004.

14 ~~11-302.~~

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

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

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

21 (b) (1) ~~The governing board:~~

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

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

26 (iii) ~~Shall submit the statement to the Commission.~~

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

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

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

- 1 (4) ~~Characteristics of students and other populations to be served;~~
- 2 (5) ~~Characteristics of faculty;~~
- 3 (6) ~~A list of institutional peers;~~
- 4 (7) ~~Areas of research activity;~~
- 5 (8) ~~Areas of service activity including economic development and~~
6 ~~services to the public schools; and~~
- 7 (9) ~~Other items as required by the Commission].~~

8 11-302.

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

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

13 (3) Upon the direction of the governing board, the president shall update
14 the mission statement at least every [5] 4 years.

15 (b) (1) The governing board:

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

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

20 (iii) Shall submit the statement to the Commission.

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

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

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

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

31 3.] They will promote the efficient and effective use of the
32 institution's and System's resources.

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

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

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

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

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

11 (iii) Will promote the efficient and effective use of the State's higher
 12 education resources] THE MISSION STATEMENT SHALL BE DEEMED APPROVED
 13 WITHIN 30 DAYS OF RECEIPT UNLESS THE COMMISSION FINDS THE STATEMENT IS
 14 NOT CONSISTENT WITH THE STATE PLAN FOR HIGHER EDUCATION.

15 (3) (i) If the Commission [does not approve] FINDS THAT the
 16 statement IS NOT CONSISTENT WITH THE STATE PLAN FOR HIGHER EDUCATION, the
 17 Commission shall return the statement together with its objections THAT INCLUDE
 18 THE SPECIFIC AREAS OF INCONSISTENCY WITH THE STATE PLAN FOR HIGHER
 19 EDUCATION to the governing board.

20 (ii) The governing board AND THE INSTITUTION PRESIDENT shall
 21 negotiate with the Commission and amend the statement or [direct the president of the
 22 institution to] prepare a new statement.

23 11-303.

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

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

32 (2) Level of academic degrees offered;

33 (3) Fields of academic degrees offered;

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

35 (5) Characteristics of faculty;

36 (6) A list of institutional peers;

1 (4) PROVIDE INFORMATION REGARDING COLLEGE PREPARATION TO
2 HIGH SCHOOL STUDENTS IN A TIMELY MANNER SO THE STUDENT CAN MAKE
3 COURSE CHANGES TO BE BETTER PREPARED FOR COLLEGE; ~~AND~~

4 (5) IMPROVE INFORMATION TO HIGH SCHOOLS AND LOCAL SCHOOL
5 SYSTEMS CONCERNING THE PERFORMANCE OF THEIR GRADUATES AT THE COLLEGE
6 LEVEL IN AT LEAST THE FOLLOWING AREAS:

7 (I) THE ADEQUACY OF PREPARATION OF THE STUDENTS IN BASIC
8 SKILLS ON THE STUDENTS' ENTRY INTO COLLEGE;

9 (II) THE CAMPUS ENROLLMENT AND TRANSFER PATTERNS OF
10 STUDENTS;

11 (III) THE PROGRAM CHOICES OF THE STUDENTS;

12 (IV) THE PERFORMANCE OF THE STUDENTS ON ACHIEVEMENT
13 TESTS; AND

14 (V) THE RATE OF RETENTION AND GRADUATION OF STUDENTS;
15 AND

16 (6) ASSIST HIGH SCHOOLS AND LOCAL SCHOOL SYSTEMS IN THE USE
17 OF THIS INFORMATION TO IMPROVE STUDENT OUTCOMES.

18 11-704.

19 EACH YEAR, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR
20 AND THE GENERAL ASSEMBLY OF MARYLAND ADDRESSING THE STATUS OF THE
21 COLLEGE PREPARATION INTERVENTION PROGRAM.

22 11-705.

23 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN
24 APPROPRIATION OF AT LEAST \$750,000 FROM THE GENERAL FUND OF THE STATE FOR
25 THE COLLEGE PREPARATION INTERVENTION PROGRAM.

26 12-102.

27 (A) (1) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS THE
28 UNIVERSITY SYSTEM OF MARYLAND.

29 (2) THE UNIVERSITY IS AN INSTRUMENTALITY OF THE STATE AND A
30 PUBLIC CORPORATION.

31 (3) THE UNIVERSITY IS AN INDEPENDENT UNIT OF STATE
32 GOVERNMENT.

33 (4) THE EXERCISE BY THE UNIVERSITY OF THE POWERS CONFERRED BY
34 THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.

1 [(a)] (B) The government of the University System of Maryland is vested in
2 the Board of Regents of the University System of Maryland.

3 [(b)] (C) The Board of Regents consists of 17 members as follows:

4 (1) One member shall be a full-time student in good academic standing
5 at an institution under the jurisdiction of the Board *OR A STUDENT MEMBER WHO IS*
6 *IN GOOD ACADEMIC STANDING AT THE UNIVERSITY OF MARYLAND UNIVERSITY*
7 *COLLEGE*;

8 (2) One member shall be the State Secretary of Agriculture ex officio;
9 and

10 (3) The remaining members of the Board shall be residents of the State
11 and shall be appointed from the general public.

12 [(c)] (D) In making appointments to the Board, the Governor shall consider
13 representation from all parts of the State.

14 [(d)] (E) Except for the Secretary of Agriculture, each member of the Board
15 shall be appointed by the Governor, with the advice and consent of the Senate.

16 [(e)] (F) (1) Except for the student member, each appointed member serves
17 for a term of 5 years from July 1 of the year of appointment and until a successor is
18 appointed and qualifies. These members may be reappointed.

19 (2) The student member shall be appointed for a term of 1 year, from
20 July 1, and may be reappointed if the student remains a student at any campus of the
21 University System of Maryland.

22 (3) A member appointed to fill a vacancy in an unexpired term serves
23 only for the remainder of that term and until a successor is appointed and qualifies.

24 [(f)] (G) Except for the Secretary of Agriculture, a member may not serve
25 more than 2 consecutive full terms.

26 [(g)] (H) Each member of the Board:

27 (1) Serves without compensation; and

28 (2) Is entitled to reimbursement for expenses in accordance with the
29 Standard State Travel Regulations.

30 12-104.

31 (a) In addition to any other powers granted and duties imposed by this title,
32 and subject to the provisions of Title 11 and any other restriction expressly imposed
33 by law, or by any trust agreement involving a pledge of property or money, the Board
34 of Regents has the powers and duties set forth in this section.

1 (B) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE
2 UNIVERSITY MAY:

3 (1) EXERCISE ALL THE CORPORATE POWERS GRANTED MARYLAND
4 CORPORATIONS UNDER THE MARYLAND GENERAL CORPORATION LAW;

5 (2) ADOPT AND ALTER AN OFFICIAL SEAL;

6 (3) SUE AND BE SUED, COMPLAIN, AND DEFEND IN ALL COURTS;

7 (4) MAINTAIN AN OFFICE AT THE PLACE THE BOARD OF REGENTS MAY
8 DESIGNATE;

9 (5) ENTER INTO CONTRACTS OF ANY KIND, AND EXECUTE ALL
10 INSTRUMENTS NECESSARY OR CONVENIENT WITH RESPECT TO ITS CARRYING OUT
11 THE POWERS IN THIS SUBTITLE TO ACCOMPLISH THE PURPOSES OF THE
12 UNIVERSITY;

13 (6) SUBJECT TO THE PROVISIONS OF SUBSECTION (H) OF THIS SECTION,
14 ACQUIRE, HOLD, LEASE, USE, ENCUMBER, TRANSFER, EXCHANGE, OR DISPOSE OF
15 REAL AND PERSONAL PROPERTY; ~~AND~~

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

18 ~~(7)~~ (8) IN ADDITION TO THE POWERS SET FORTH IN TITLE 19 OF THIS
19 ARTICLE AND SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS,
20 BORROW MONEY FROM ANY SOURCE FOR ANY CORPORATE PURPOSE, INCLUDING
21 WORKING CAPITAL FOR ITS OPERATIONS, RESERVE FUNDS OR INTEREST, AND
22 MORTGAGE, PLEDGE, OR OTHERWISE ENCUMBER THE PROPERTY OR FUNDS OF THE
23 UNIVERSITY, AND CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON IN
24 CONNECTION WITH ANY FINANCING, INCLUDING FINANCIAL INSTITUTIONS,
25 ISSUERS OF CREDIT, OR INSURERS.

26 [(b)] (C) The Board of Regents:

27 (1) Is responsible for the management of the University System of
28 Maryland and has all the powers, rights, and privileges that go with that
29 responsibility, including the power to conduct or maintain any institutions, schools, or
30 departments in the University at the locations the Board determines; ~~AND~~

31 (2) SHALL CONSULT WITH THE PRESIDENTS IN DEVELOPING POLICIES,
32 GUIDELINES, AND PLANS FOR THE UNIVERSITY SYSTEM OF MARYLAND; AND

33 ~~(2)~~ (3) May not be superseded in its authority by any other State
34 agency or office in managing the affairs of the University System of Maryland or of
35 any constituent institutions and centers under the Board's jurisdiction [; and

36 (3) Shall have all the powers of a Maryland corporation which are not
37 expressly limited by law].

1 [(c)] (D) [The] IN ADDITION TO THE POWERS CONFERRED ON IT BY THIS
2 TITLE, THE Board has all the powers conferred on it by:

- 3 (1) The act of incorporation of the Maryland College of Agriculture;
4 (2) The Charter of the University of Maryland; and
5 (3) The charter of any constituent institution.

6 [(d)] (E) The Board may:

- 7 (1) Apply for, accept, and spend any gift or grant from the federal
8 government, any foundation, or any other person; and
9 (2) Maintain and manage GIFT AND endowment funds.

10 [(e)] (F) (1) The Board may establish new institutions and branches subject
11 to:

12 (i) The concurrence of the Maryland Higher Education
13 Commission; and

14 (ii) The approval of the Governor and the General Assembly.

15 (2) Without the approval of the Governor and the General Assembly, the
16 Board may not change the name of any constituent institution.

17 (3) Subject to the approval of the Governor and the General Assembly,
18 the Board may merge, consolidate, or close any constituent institution.

19 (4) In its discretion, the Board may establish, merge, consolidate, or close
20 any center or institute.

21 [(f)] (G) (1) With the approval of the Board of Public Works, the Board of
22 Regents may sell or exchange any part of its properties.

23 (2) Money received from the sale of property may be used, if approved by
24 the Board of Public Works, only to purchase or improve property and facilities. This
25 money may not be applied to the Annuity Bond Fund Account.

26 (H) WITH THE APPROVAL OF THE BOARD OF PUBLIC WORKS, THE BOARD OF
27 REGENTS MAY ACQUIRE BY ~~GIFT, PURCHASE, OR OR EXCHANGE~~, ANY REAL ~~OR~~
28 ~~PERSONAL PROPERTY, PROPERTY OR INTERESTS IN REAL PROPERTY.~~

29 [(g)] (1) The Board:

30 (i) Has the power to sue or be sued; and

31 (ii) May carry comprehensive liability insurance to protect the
32 Board, its agents and employees, and the agents and employees of any institution
33 under its jurisdiction.

1 (2) The determination whether to purchase insurance, and its scope and
 2 limitations, shall be within the Board's discretion, taking into account commercial
 3 availability and affordability and the existence and extent of insurance secured by the
 4 State Treasurer.

5 (3) (i) (I) (1) Title 12, Subtitle 1 of the State Government Article
 6 ("Maryland Tort Claims Act") applies to claims or actions against the University
 7 System of Maryland and its employees.

8 [(ii)] (2) Subject to all exclusions and limitations in that subtitle,
 9 the immunity of the University System of Maryland is waived to the extent of any
 10 ~~insurance coverage purchased under this subsection.~~ APPLICABLE LIABILITY
 11 INSURANCE PURCHASED BY THE UNIVERSITY OR THE STATE TREASURER.

12 [(4)] (3) Nothing in this subsection shall be construed to waive or
 13 abrogate sovereign immunity with respect to any claim that is not covered by or
 14 exceeds the limits of an insurance policy.

15 [(5)] (4) Nothing in this subsection shall be construed to waive or
 16 abrogate the immunity of the University System of Maryland under the Eleventh
 17 Amendment to the United States Constitution.

18 [(h)] (J) (1) Subject to Title 10, Subtitle 5 of the State Government Article
 19 ("Open Meetings" Law), the Board may make rules and regulations, and prescribe
 20 policies and procedures, for the management, maintenance, operation, and control of
 21 the University System of Maryland.

22 (2) Except with respect to [classified employee] grievance appeals
 23 ~~INVOLVING EMPLOYEES IN POSITIONS DESIGNATED BY THE BOARD OF REGENTS AS~~
 24 ~~COMPARABLE TO SKILLED SERVICE AND PROFESSIONAL SERVICE POSITIONS IN THE~~
 25 ~~STATE PERSONNEL MANAGEMENT SYSTEM UNDER TITLE 13, SUBTITLE 2 OF THIS~~
 26 ARTICLE, Title 10, Subtitles 1 and 2 of the State Government Article ("Administrative
 27 Procedure Act") are not applicable to the [Board of Regents] UNIVERSITY.

28 [(i)] (K) (1) Except as provided in subsections [(e) and] (f) AND (G) of this
 29 section, the Board:

30 (I) [may] MAY delegate any part of its authority over the affairs of
 31 the [constituent institutions and centers] UNIVERSITY to the Chancellor or the
 32 Presidents, or to any advisory bodies that the Board establishes under § 12-201 of
 33 this title; AND

34 (II) CONSISTENT WITH THE GOALS, OBJECTIVES, AND PRIORITIES
 35 OF THE BOARD OF REGENTS AND ITS LEGAL RESPONSIBILITY FOR THE EFFICIENT
 36 MANAGEMENT OF THE UNIVERSITY, SHALL DELEGATE TO THE PRESIDENT OF EACH
 37 CONSTITUENT INSTITUTION AUTHORITY NEEDED TO MANAGE THAT INSTITUTION,
 38 INCLUDING AUTHORITY TO MAKE AND IMPLEMENT POLICIES PROMOTING THE
 39 MISSION OF THAT INSTITUTION, INCLUDING THE AUTHORITY TO ESTABLISH
 40 POLICIES APPROPRIATE TO THE INSTITUTION'S MISSION, SIZE, LOCATION, AND
 41 FINANCIAL RESOURCES.

1 (2) Any delegation of authority may be modified or rescinded by the
2 Board of Regents at any time in whole or in part.

3 (3) THE BOARD OF REGENTS SHALL DEVELOP POLICIES AND
4 GUIDELINES THAT:

5 (I) PROVIDE DIRECTION TO THE PRESIDENTS OF THE
6 CONSTITUENT INSTITUTIONS ON COMPLIANCE WITH APPLICABLE LAW AND POLICY;

7 (II) ESTABLISH AND MONITOR HIGH STANDARDS OF OPERATION,
8 INCLUDING MEETING APPROPRIATE QUALITY BENCHMARKS, USING RESOURCES
9 WISELY AND EFFICIENTLY, MANAGING PERSONNEL EQUITABLY, ADHERING TO
10 INSTITUTIONAL MISSION, AND MEETING THE EDUCATIONAL NEEDS OF THE
11 STUDENTS; AND

12 (III) HOLD ~~THE~~ EACH PRESIDENT ACCOUNTABLE FOR MEETING THE
13 OBJECTIVES IN THE INSTITUTION'S PERFORMANCE ACCOUNTABILITY PLAN
14 DEVELOPED IN ACCORDANCE WITH TITLE 11, SUBTITLE 3 OF THIS ARTICLE.

15 [(j)] (L) By September 1 of each year, the Board shall submit an annual
16 position accountability report to the Department of Budget and Management,
17 Department of Legislative Services, the Maryland Higher Education Commission,
18 and, in accordance with § 2-1246 of the State Government Article, the General
19 Assembly, reporting the total positions created and the cost and the funding source for
20 any positions created by the University in the previous fiscal year.

21 (M) THE BOARD OF REGENTS ~~MAY~~ SHALL DISTRIBUTE APPROPRIATED
22 STRATEGIC INCENTIVE FUNDS TO A CONSTITUENT INSTITUTION INSTITUTIONS TO
23 ENCOURAGE ATTAINMENT OF ~~THE~~ THEIR APPROVED MISSION.

24 (N) (1) THE BOARD OF REGENTS AND THE CHANCELLOR ARE ENCOURAGED
25 TO MEET PERIODICALLY WITH THE BOARDS OF VISITORS OF THE CONSTITUENT
26 INSTITUTIONS TO DEVELOP CLOSE WORKING RELATIONSHIPS.

27 (2) TO THE EXTENT POSSIBLE AND APPROPRIATE, THE BOARD OF
28 REGENTS SHOULD INCLUDE MEMBERS OF BOARDS OF VISITORS ACTIVELY IN ALL
29 SEARCHES FOR CAMPUS PRESIDENTS AND INVITE MEMBERS OF BOARDS OF
30 VISITORS TO PARTICIPATE IN MEETINGS OF THE BOARD OF REGENTS AND ITS
31 COMMITTEES.

32 12-105.

33 (a) (1) In consultation with the institutions and the Chancellor, the Board
34 shall:

35 [(1)] (I) Establish standards for funding based on differences in the size
36 and mission of the constituent institutions;

37 [(2)] (II) Review, modify, as necessary, and approve consolidated budget
38 requests for appropriations for the University System of Maryland with respect to:

- 1 [(i)] 1. The operating budget; and
- 2 [(ii)] 2. The capital budget; and
- 3 [(3)] (III) Submit these requests for appropriations organized by
- 4 constituent institutions to the Commission, Governor, and General Assembly.

5 (2) AFTER THE BOARD SUBMITS THE REQUESTS FOR APPROPRIATIONS

6 TO THE COMMISSION, GOVERNOR, AND GENERAL ASSEMBLY, ON A DATE SET BY THE

7 GOVERNOR, THE PRESIDENT OF THE UNIVERSITY OF MARYLAND, COLLEGE PARK

8 SHALL HAVE THE OPPORTUNITY TO MEET WITH THE GOVERNOR TO PRESENT THE

9 INSTITUTION'S ANNUAL BUDGET REQUEST AND PROPOSALS FOR CAPITAL PROJECTS

10 FOR THE NEXT FISCAL YEAR TO:

11 (I) DISCUSS HOW THE REQUESTS FOR APPROPRIATIONS

12 SUBMITTED BY THE BOARD IMPACTS THE MISSION OF THE UNIVERSITY OF

13 MARYLAND, COLLEGE PARK AS THE STATE'S FLAGSHIP INSTITUTION; AND

14 (II) RECOMMEND THAT THE GOVERNOR APPROVE OR ENHANCE

15 THE REQUESTS FOR APPROPRIATIONS SUBMITTED BY THE BOARD.

16 (b) (1) ~~Subject to [§ 12-104(f)] § 12-104(G) of this article and any other~~

17 ~~limitations of law, the Board may acquire, sell, exchange, and lease property.~~

18 (2) ~~The title to any land acquired by the University System of Maryland~~

19 ~~shall be in the State of Maryland for the use of the University System of Maryland.~~

20 (2) ALL PROPERTY OF THE UNIVERSITY IS THE PROPERTY OF THE

21 STATE.

22 (c) (1) The Board may borrow money to acquire interests in personal

23 property, including fixtures, for the University System of Maryland, on such terms

24 and conditions as the Board considers proper.

25 (2) Such borrowing may be secured by the personal property acquired or

26 revenues derived from such property.

27 (3) (i) Such borrowing does not create or constitute any indebtedness

28 or obligation of the State or any political subdivision of the State other than the

29 University.

30 (ii) Such borrowing does not constitute a debt or obligation

31 contracted by the General Assembly or pledge the faith and credit of the State within

32 the meaning of Article III, § 34 of the Maryland Constitution.

33 (d) (1) All income of the University shall be deposited:

34 (i) In the State treasury; or

35 (ii) As the State Treasurer directs.

1 (2) By an approved budget amendment, the University may spend, or
 2 encumber, within the fiscal year in which they are received, revenues received in
 3 excess of those estimated for any fiscal year.

4 (3) All unexpended or unencumbered balances of the University's
 5 revenues:

6 (i) Shall be reported to the Comptroller at the end of the fiscal year
 7 for which the appropriation was made;

8 (ii) Do not revert to the general treasury of the State at the end of
 9 each fiscal year; and

10 (iii) Shall be available for expenditure through an appropriation
 11 contained in a budget bill or through an approved budget amendment.

12 (4) The provisions of this subsection may not be interpreted in any way
 13 that would diminish the authority of the Board of Regents under [§ 12-104(b)] §
 14 12-104(C) of this article.

15 (5) The interest or other income from the investment of any funds of the
 16 University shall be credited to the University, provided that any interest estimated to
 17 be earned on the State appropriation must be offset by an equivalent reduction in
 18 State General Fund support, and such amount will be reported annually, subject to §
 19 2-1246 of the State Government Article, to the General Assembly.

20 (e) The University shall provide the Board of Public Works, and any member
 21 of the General Assembly, with any information on any phase of operation of the
 22 University that may be requested.

23 (f) The Legislative Auditor shall audit all expenditures and accounts of the
 24 University System of Maryland, in accordance with §§ 2-1220 through 2-1227 of the
 25 State Government Article.

26 (g) Notwithstanding any other provision of law, the University shall use the
 27 statewide Financial Management Information System as administered by the
 28 Executive Branch as its accounting, budgeting, personnel, and payroll system.

29 12-106.

30 (a) (1) In consultation with the Presidents of the constituent institutions, the
 31 Chancellor shall develop an overall plan that:

32 (i) Is consistent with the [statewide] STATE plan for higher
 33 education in accordance with the Charter and with the CONSTITUENT INSTITUTIONS'
 34 APPROVED mission statements [approved by the Commission];

35 (ii) Sets forth both long-range and short-range goals, objectives,
 36 and priorities for postsecondary education, research, and service provided by the

1 University System of Maryland and methods and guidelines for achieving and
 2 maintaining them;

3 (iii) INCORPORATES THE FOLLOWING PRIORITIES:

4 I. A. [Enhances] ENHANCE the mission of the University
 5 of Maryland, College Park as the State's flagship campus with programs and faculty
 6 nationally and internationally recognized for excellence in research and the
 7 advancement of knowledge;

8 B. ADMIT TO THE CAMPUS FRESHMEN WHO HAVE ACADEMIC
 9 PROFILES THAT SUGGEST EXCEPTIONAL ABILITY;

10 C. PROVIDE ACCESS TO THE UPPER DIVISION
 11 UNDERGRADUATE LEVEL OF THE CAMPUS FOR STUDENTS WHO HAVE EXCELLED IN
 12 COMPLETING LOWER DIVISION STUDY; AND

13 D. PROVIDE THE CAMPUS WITH THE LEVEL OF OPERATING
 14 FUNDING AND FACILITIES NECESSARY TO PLACE IT AMONG THE UPPER ECHELON
 15 OF ITS PEER INSTITUTIONS;

16 [(iv)] 2. [Maintains] MAINTAIN AND ENHANCE AN ACADEMIC
 17 HEALTH CENTER AND a coordinated Higher Education Center for Research and
 18 Graduate and Professional Study in the Baltimore area, COMPRISED OF THE
 19 UNIVERSITY OF MARYLAND, BALTIMORE AND THE UNIVERSITY OF MARYLAND
 20 BALTIMORE COUNTY, WITH A FOCUS ON SCIENCE AND TECHNOLOGY;

21 3. ENHANCE AND SUPPORT HIGH QUALITY
 22 UNDERGRADUATE, TEACHER PREPARATION, AND MASTERS PROGRAMS AT THE
 23 REGIONAL COMPREHENSIVE INSTITUTIONS, RECOGNIZING AND SUPPORTING THE
 24 UNIQUE MISSION OF EACH OF THESE INSTITUTIONS;

25 4. SUPPORT TOWSON UNIVERSITY AS THE LARGEST
 26 COMPREHENSIVE INSTITUTION;

27 5. ENHANCE THE HISTORICALLY AFRICAN AMERICAN
 28 INSTITUTIONS AND RECOGNIZE THE ROLE OF THE UNIVERSITY OF MARYLAND
 29 EASTERN SHORE AS THE STATE'S 1890 LAND GRANT INSTITUTION;

30 6. ENCOURAGE AND ENHANCE, INCLUDING THE USE OF
 31 TECHNOLOGY, HIGHER EDUCATION CENTERS, SUCH AS THE SHADY GROVE CENTER
 32 IN MONTGOMERY COUNTY, AS POINTS OF COLLABORATION AND ACCESS FOR
 33 UNDERSERVED AREAS OF THE STATE; AND

34 7. RECOGNIZE AND PROMOTE THE UNIQUE POTENTIAL OF
 35 THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE TO BE A NATIONAL AND
 36 GLOBAL LEADER IN THE NEW INTERNATIONAL MARKETPLACE OF ELECTRONIC AND
 37 CONTINUING EDUCATION; AND

1 (IV) INCORPORATES THE GOALS AND DUTIES OF THE UNIVERSITY
 2 SYSTEM OF MARYLAND IDENTIFIED IN §§ 10-209 AND 12-107 OF THIS ARTICLE.

3 [(v) Recognizes the need to enhance its historically African American
 4 institutions;

5 (vi) Affirms the need for increased access for
 6 economically-disadvantaged and minority students;

7 (vii) Encourages and supports high quality undergraduate and
 8 teacher preparation programs on its campuses;

9 (viii) Stimulates outreach to the community and the State through
 10 close relationships with public elementary and secondary schools, business and
 11 industry, and governmental agencies; and

12 (ix) Addresses and responds to continuing higher education needs in
 13 order to maintain an educated work force in Maryland.]

14 (2) The Board shall review, modify, as necessary, and approve the overall
 15 plan.

16 (3) By July 1 of each year, the Board shall submit to the Maryland Higher
 17 Education Commission, to the Governor and, subject to § 2-1246 of the State
 18 Government Article, to the General Assembly an annual review of the plan.

19 12-109.

20 (e) Subject to the authority and applicable regulations and policies of the
 21 Board of Regents, each president shall:

22 (1) Develop a plan of institutional mission[, goals, priorities, and a set of
 23 peer institutions] in accordance with Subtitle 3 of Title 11 of this article;

24 (3) Formulate operating and capital budget requests DESIGNED TO
 25 FURTHER THE MISSION OF THE INSTITUTION;

26 (5) Subject to the provisions of subsection (g) of this section, have
 27 authority to create any position within existing funds available to the University, to
 28 the extent the cost of the position, including the cost of any fringe benefits, is funded
 29 from existing funds;

30 (16) Have the authority to establish AND APPOINT an institutional board
 31 to:

32 (i) Provide advice to the president;

33 (ii) Assist in community relations;

34 (iii) Assist in institutional development; or

1 (iv) Provide any other assistance requested by the president;

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

5 (i) The Governor;

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (4) ~~(4)~~ THE BOARDS OF VISITORS ARE ENCOURAGED TO MEET
4 PERIODICALLY WITH THE CHANCELLOR AND BOARD OF REGENTS TO DEVELOP
5 CLOSE WORKING RELATIONSHIPS.

6 ~~(H)~~ THE MEMBERS OF THE BOARDS OF VISITORS SHOULD SERVE
7 ON COMMITTEES OF THE BOARD OF REGENTS AND ACTIVELY PARTICIPATE IN ALL
8 SEARCHES FOR CAMPUS PRESIDENTS.

9 (g) (1) Subsection (e)(5) of this section may not be construed to require any
10 additional State General Fund support.

11 (2) The total number of positions authorized under subsection (e)(5) of
12 this section shall be limited as specified annually in the State budget bill.

13 12-112.

14 (A) (1) EXCEPT AS PROVIDED IN § 11-203(E) OF THE STATE FINANCE AND
15 PROCUREMENT ARTICLE, THE UNIVERSITY IS EXEMPT FROM DIVISION II OF THE
16 STATE FINANCE AND PROCUREMENT ARTICLE.

17 (2) (I) SUBJECT TO REVIEW AND APPROVAL BY THE BOARD OF PUBLIC
18 WORKS AND THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW
19 COMMITTEE OF THE GENERAL ASSEMBLY, THE BOARD OF REGENTS SHALL DEVELOP
20 POLICIES AND PROCEDURES GOVERNING PROCUREMENTS BY THE UNIVERSITY.

21 (II) THE POLICIES AND PROCEDURES DEVELOPED UNDER
22 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL PROMOTE THE PURPOSES OF THE
23 STATE PROCUREMENT LAW AS SET FORTH IN § 11-201 OF THE STATE FINANCE AND
24 PROCUREMENT ARTICLE.

25 (B) THE BOARD OF REGENTS SHALL DEVELOP AN INFORMATION
26 TECHNOLOGY PLAN FOR THE UNIVERSITY SYSTEM OF MARYLAND THAT INCLUDES
27 INFORMATION TECHNOLOGY POLICIES AND STANDARDS, INCLUDING POLICIES AND
28 STANDARDS FOR INFORMATION MANAGEMENT AND TELECOMMUNICATION
29 SYSTEMS, THAT ARE FUNCTIONALLY COMPATIBLE WITH THE STATE INFORMATION
30 TECHNOLOGY PLAN ESTABLISHED UNDER TITLE 3, SUBTITLE 4 OF THE STATE
31 FINANCE AND PROCUREMENT ARTICLE.

32 12-113.

33 (A) CONSISTENT WITH § 15-107 OF THIS ARTICLE AND ANY OTHER
34 APPLICABLE LAW, THE BOARD OF REGENTS MAY ESTABLISH, INVEST IN, FINANCE,
35 AND OPERATE BUSINESSES OR BUSINESS ENTITIES WHEN THE BOARD FINDS THAT
36 DOING SO WOULD FURTHER ONE OR MORE GOALS OF THE UNIVERSITY AND IS
37 RELATED TO THE MISSION OF THE UNIVERSITY.

1 (B) (1) A BUSINESS ENTITY ESTABLISHED, INVESTED IN, FINANCED, OR
2 OPERATED IN ACCORDANCE WITH THIS SUBSECTION MAY NOT BE CONSIDERED AN
3 AGENCY OR INSTRUMENTALITY OF THE STATE OR A UNIT OF THE EXECUTIVE
4 BRANCH FOR ANY PURPOSE; AND

5 (2) A FINANCIAL OBLIGATION OR LIABILITY OF A BUSINESS ENTITY
6 ESTABLISHED, INVESTED IN, FINANCED, OR OPERATED IN ACCORDANCE WITH THIS
7 SUBSECTION MAY NOT BE A DEBT OR OBLIGATION OF THE STATE OR UNIVERSITY.

8 (C) THE BOARD OF REGENTS SHALL SUBMIT TO THE GOVERNOR, AND IN
9 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
10 ASSEMBLY, AN ANNUAL REPORT ON:

11 (1) THE BUSINESS ENTITIES ESTABLISHED IN ACCORDANCE WITH THIS
12 SECTION;

13 (2) FUNDS INVESTED IN, AND FINANCING PROVIDED TO, BUSINESS
14 ENTITIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION;

15 (3) OWNERSHIP INTERESTS IN ANY BUSINESS ENTITIES ESTABLISHED
16 IN ACCORDANCE WITH THIS SECTION; AND

17 (4) THE CURRENT STATUS OF THE BUSINESS ENTITIES.

18 13-203.

19 (a) If, following informal discussion with the supervisor, a dispute remains
20 unresolved, the grievance procedure is available. There are three steps in the
21 grievance procedure.

22 (b) (1) Step One. Step one is the initiation of a complaint. Grievances shall
23 be initiated within 30 calendar days of the action involved, or within 30 calendar days
24 of the employee having reasonable knowledge of the act, unless these time limits are
25 further delimited as stated in § 13-205. Appeals within the grievance procedure shall
26 be timed from receipt of the written opinion of management or from when such
27 opinion is due, whichever comes first. An aggrieved employee or the employee's
28 designated representative may present the grievance in writing to the department
29 head or chairman or designee for formal consideration. If the grievance is presented
30 to the department head or chairman or designee, within 5 days after the receipt of the
31 written grievance a conference shall be held with the aggrieved or the employee's
32 designated representative and within 5 days after the conclusion of the conference a
33 decision shall be rendered in writing to the aggrieved or the employee's designated
34 representative. If the aggrieved employee is not satisfied with the decision rendered
35 at this step, the employee or the employee's designated representative may appeal in
36 writing to step two within 5 days.

37 (2) Both employee and department head or chairman or designee shall
38 continue to review the matter, either privately or with the help of others in the
39 employee's immediate work unit who are directly involved in the grievance. Each
40 department head or chairman or designee shall use judgment in keeping superiors

1 informed of the status of each grievance and, if necessary, request guidance, advisory
2 committees, or other assistance consistent with departmental policy. If either the
3 employee or the department head or chairman or designee feels the need for aid in
4 arriving at a solution, the campus personnel department may be requested to provide
5 resource staff or any other available resource personnel may be invited to participate
6 in further discussions. The addition of such participants does not relieve the
7 department head or chairman or designee and the employee from responsibility for
8 resolving the problem.

9 (c) Step Two. The appeal shall be submitted to the president of the constituent
10 institution or the president's designated representative within 5 days after the receipt
11 of the written decision at step one. The president or the president's designated
12 representative shall hold a conference with the aggrieved or the employee's
13 designated representative within 10 days of receipt of the written grievance appeal
14 and render a written decision within 15 days after the conclusion of the conference.

15 (d) Step Three. In the case of any still unresolved grievance between an
16 employee and the constituent institution, the aggrieved employee, after exhausting
17 all available procedures provided by the constituent institution, may submit the
18 grievance to either arbitration or to the [Secretary of Budget and Management]
19 CHANCELLOR WHO MAY DELEGATE THIS RESPONSIBILITY TO THE OFFICE OF
20 ADMINISTRATIVE HEARINGS IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE
21 STATE GOVERNMENT ARTICLE. In either case, the appeal shall be submitted within
22 10 days after the receipt of any written decision pertaining to that grievance and
23 issued by the constituent institution. If the grievance is arbitrated, the parties shall
24 select an arbitrator by mutual agreement. If they are unable to reach a mutual
25 agreement, an arbitrator shall be supplied by the American Arbitration Association by
26 their procedures. Any fees resulting from arbitration are assessed by the arbitrator
27 equally between the two parties. The arbitration award is advisory to the [Secretary
28 of Budget and Management] CHANCELLOR OR ADMINISTRATIVE LAW JUDGE, AS
29 APPROPRIATE, and an additional appeal or hearing may not be considered. The
30 [Secretary of Budget and Management] CHANCELLOR OR ADMINISTRATIVE LAW
31 JUDGE, AS APPROPRIATE, shall make the final decision that is binding on all parties.

32 (e) The [Secretary of Budget and Management] CHANCELLOR OR
33 ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, shall have the power to award back
34 pay in any grievance and the president of the constituent institution shall enforce
35 such order. In any reclassification case in which the [Secretary] CHANCELLOR OR
36 ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, or his designated representative,
37 determines that an employee has been misclassified, the [Secretary] CHANCELLOR
38 OR ADMINISTRATIVE LAW JUDGE, AS APPROPRIATE, may, in his discretion, award
39 back pay to the employee for a period not to exceed one year prior to the initial filing
40 of the grievance.

41 (f) (1) During any stage of a complaint, grievance, or other administrative
42 or legal action that concerns State employment by a full-time or part-time employee
43 of an institution, or by a temporary or contractual employee of an institution, the
44 employee may not be subjected to coercion, discrimination, interference, reprisal, or
45 restraint by or initiated on behalf of an institution solely as a result of that employee's

1 pursuit of a grievance, complaint, or other administrative or legal action that
2 concerns State employment.

3 (2) An employee of an institution may not intentionally take or assist in
4 taking an act of coercion, discrimination, interference, reprisal, or restraint against
5 another employee solely as a result of that employee's pursuit of a grievance,
6 complaint, or other administrative or legal action that concerns State employment.

7 (3) An employee who violates the provisions of this subsection is subject
8 to disciplinary action, including termination of employment.

9 13-205.

10 (a) Within 5 days from the date on which the employee receives the charges
11 for removal as evidenced by the return receipt or other evidence of delivery of the
12 charges to the employee an employee who is suspended under charges for removal
13 may request an opportunity to be heard in his own defense. Within 30 days if possible
14 after receipt, the [Chancellor or the Chancellor's] PRESIDENT OR THE PRESIDENT'S
15 designated representative shall investigate the charges and give the employee an
16 opportunity to be heard. Testimony shall be taken under oath and both the
17 department head or chairman or designee and the employee has the right of
18 representation by counsel and the right to present witnesses and give evidence.
19 Within 15 days following the conclusion of the conference, the written decision shall
20 be rendered to the employee. In the case of appeals from charges pending removal,
21 the department head or chairman or designee may request through appropriate
22 channels the Attorney General's representative to the University to serve as counsel.
23 In case no hearing is timely requested, the Campus Director of Personnel shall act
24 upon the charges or order such other actions as are indicated by the findings in the
25 case. If a hearing is timely requested and the removal is upheld, step three of the
26 grievance procedure shall be available to the removed individual. The appeal shall be
27 submitted within 10 days after receipt of the written University decision.

28 (b) Within 5 days, an employee who is notified of demotion may file a written
29 answer with the [Chancellor or the Chancellor's] PRESIDENT OR THE PRESIDENT'S
30 designated representative and request an investigation of the demotion. Within 20
31 days, if possible, after receipt, the [Chancellor or the Chancellor's] PRESIDENT OR
32 THE PRESIDENT'S designated representative shall investigate the demotion and give
33 the employee an opportunity to be heard. Within 15 days following the conclusion of
34 the investigation, the written decision shall be rendered to the employee. If an
35 investigation is timely requested and the demotion is upheld, step three of the
36 grievance procedure is available to the demoted employee. The appeal shall be
37 submitted within 10 days after receipt of the written University decision.

38 (c) (1) Rejection on Original Probation. Within 5 days of the notice of
39 rejection, an employee who is rejected on original probation may file a written request
40 with the [Chancellor or the Chancellor's] PRESIDENT OR THE PRESIDENT'S
41 designated representative for a hearing. Within 20 days, if possible, after receipt, the
42 [Chancellor or the Chancellor's] PRESIDENT OR THE PRESIDENT'S designated
43 representative shall conduct a hearing. Within 15 days following the conclusion of the

1 hearing, the written decision shall be rendered to the employee. If the hearing is
2 timely requested and the rejection is upheld, step three of the grievance procedure is
3 available. The appeal shall be submitted within 10 days after receipt of the written
4 University decision. Rejection for cause is not required in the case of an employee
5 rejected on original probation.

6 (2) Rejection on Promotional, Transfer, or Horizontal Change Probation.
7 Within 5 days of receipt of the recommendation of the department head or chairman
8 to reject, an employee who is promoted and then rejected within the probationary
9 period for the new class and for whom a vacancy in the former class is not available
10 may file an answer with the [Chancellor or the Chancellor's] PRESIDENT OR THE
11 PRESIDENT'S designated representative and request an investigation of the proposed
12 rejection. Within 20 days, if possible, after receipt, the [Chancellor or the
13 Chancellor's] PRESIDENT OR THE PRESIDENT'S designated representative shall
14 investigate the proposed rejection. The same rule applies to an employee who has
15 completed a probationary period in one classification and makes a horizontal change
16 to a new classification, and is rejected in the new classification or who transfers to
17 another department in the same classification and is rejected. Within 15 days
18 following the conclusion of the investigation, the written decision shall be rendered to
19 the employee. If the investigation is timely requested and the rejection is upheld, step
20 three of the grievance procedure is available to the rejected employee. The appeal
21 shall be submitted within 10 days after receipt of the written University decision.

22 (d) (1) This subsection does not apply to suspensions pending charges for
23 removal.

24 (2) Alleged infractions shall be investigated by the responsible
25 supervisor or administrator or designee at the earliest opportunity following
26 knowledge of it, and the investigation shall be promptly completed. All suspensions of
27 employees shall be implemented within 3 days of the alleged infraction or knowledge
28 of the alleged infraction by the responsible supervisor or administrator. All
29 suspension days shall be consecutive.

30 (3) The employee or the employee's designated representative may
31 submit a written appeal on a disciplinary suspension to the [Chancellor or the
32 Chancellor's] PRESIDENT OR THE PRESIDENT'S designated representative within 5
33 days of notification of the suspension, or the employee or the employee's designated
34 representative may appeal the suspension within 3 days of notification of the
35 suspension to the department head or chairman or designee. The department head or
36 chairman or designee shall hear the case within 3 days from the receipt of the written
37 appeal. If the appeal is unheard or unanswered as a result of management delay, the
38 employee shall be reinstated with full back pay.

39 (4) If the suspension is upheld by the [Chancellor or the Chancellor's]
40 PRESIDENT OR THE PRESIDENT'S designated representative, step three of the
41 grievance procedure is available to the employee. If the employee chooses to appeal to
42 the department head or chairman or designee, any further appeals shall proceed
43 through steps two and three of the grievance procedure.

1 (e) (1) If an employee is suspended without pay pending a hearing on
2 disposition of charges for removal, the President or the President's designated
3 representative shall notify the employee in writing of the reasons for the suspension
4 at the time of the notice of the suspension.

5 (2) Within 5 working days of the notice of suspension, the employee may
6 request in writing that the [Chancellor or the Chancellor's] PRESIDENT OR THE
7 PRESIDENT'S designated representative, in addition to conducting a hearing on the
8 merits, conduct a preliminary hearing to determine whether or not the employee may
9 continue to work with pay pending the disposition of the charges.

10 (3) The President or the President's designated representative shall
11 conduct a preliminary hearing within 5 working days after the [Chancellor or the
12 Chancellor's] PRESIDENT OR THE PRESIDENT'S designated representative receives in
13 writing the request from the suspended employee for the preliminary hearing.

14 (4) The preliminary hearing shall be limited to the issues of:

15 (i) Whether suspension without pay is necessary to protect the
16 interests of the University of Maryland or the employee pending final disposition of
17 the charges; and

18 (ii) Whether other employment and status alternatives should be
19 considered.

20 (5) At the preliminary hearing, the employee may:

21 (i) Rebut the reasons given for the suspension;

22 (ii) Allege mitigating circumstances; and

23 (iii) Offer alternatives to the suspension, including:

24 1. Return to the position with pay;

25 2. Transfer to another position with pay; or

26 3. Suspension with pay.

27 (6) Within 5 days after the preliminary hearing is completed, the
28 [Chancellor or the Chancellor's] PRESIDENT OR THE PRESIDENT'S designated
29 representative shall render a written decision that is conclusive as to the issue of
30 whether or not the employee may continue to work with pay pending the disposition
31 of the charges.

32 13-207.

33 (a) The defense of sovereign immunity may not be available to the University,
34 unless otherwise specifically provided by the laws of Maryland, in any administrative,
35 arbitration, or judicial proceeding held pursuant to this section, [to the rules and
36 regulations of the Secretary of Budget and Management,] or the personnel policies,

1 rules, and regulations for classified employees of the University System of Maryland
 2 involving any type of employee grievance or hearing, including, but not limited to
 3 charges for removal, disciplinary suspensions, involuntary demotions, or
 4 reclassifications.

5 (b) The Governor shall provide in the annual State budget adequate funds for
 6 the satisfaction of any final monetary or benefit award or judgment that has been
 7 rendered in favor of the employee against the University in any administrative,
 8 arbitration, or judicial proceeding.

9 (c) Awards under this section that have not been satisfied pursuant to
 10 subsection (d) of this section, shall be reported to the Comptroller of the Treasury, who
 11 shall maintain and report annually to the Governor an accounting of existing awards.
 12 Upon appropriation of funds by the legislature, the Comptroller of the Treasury shall
 13 satisfy existing awards in order of date of award.

14 (d) If the University has sufficient funds available to satisfy any award under
 15 this section at the time the award is rendered, the award shall be satisfied as soon as
 16 practicable but not more than 20 days after the award becomes final.

17 ~~14-104.~~

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

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

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

29 17-104.

30 (a) The Maryland Higher Education Commission shall compute the amount of
 31 the annual apportionment for each institution that qualifies under this subtitle by
 32 multiplying:

33 (1) The number of full-time equivalent students enrolled at the
 34 institution during the fall semester of the fiscal year preceding the fiscal year for
 35 which the aid apportionment is made, as determined by the Maryland Higher
 36 Education Commission times;

37 (2) An amount equal to 16 percent of the State's General Fund per
 38 full-time equivalent student appropriation to the 4-year public institutions of higher
 39 education in this State for the preceding fiscal year.

1 (b) Full-time equivalent students enrolled in seminarian or theological
 2 programs shall be excluded from the computation required by subsection (a) of this
 3 section.

4 (C) PAYMENTS OF STATE GENERAL FUNDS UNDER SUBTITLE 3 OF THIS TITLE
 5 SHALL BE EXCLUDED FROM THE COMPUTATION REQUIRED BY SUBSECTION (A) OF
 6 THIS SECTION.

7 SUBTITLE 3. PRIVATE DONATION INCENTIVE PROGRAM.

8 17-301.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 10 INDICATED.

11 (B) "BASE YEAR" MEANS JULY 1, ~~1998~~ 1997 THROUGH JUNE 30, ~~1999~~ 1998.

12 (C) "ELIGIBLE INSTITUTION" MEANS:

13 (1) EACH PUBLIC ~~SECTOR~~ SENIOR HIGHER EDUCATION INSTITUTION
 14 IDENTIFIED IN ~~§§ 10-101(J) AND 12-101(4)~~ §§ 10-101(J) OR 12-101(4) OF THIS ARTICLE OR
 15 ITS AFFILIATED FOUNDATION; AND

16 ~~(2) EACH COMMUNITY COLLEGE THAT RECEIVES STATE FUNDING~~
 17 ~~UNDER TITLE 16, SUBTITLE 3 OF THIS ARTICLE OR ITS AFFILIATED FOUNDATION.~~

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

- 20 (I) ALLEGANY;
- 21 (II) ANNE ARUNDEL;
- 22 (III) BALTIMORE CITY;
- 23 (IV) CALVERT;
- 24 (V) CARROLL;
- 25 (VI) CATONSVILLE;
- 26 (VII) CECIL;
- 27 (VIII) CHARLES;
- 28 (IX) CHESAPEAKE;
- 29 (X) DUNDALK;
- 30 (XI) ESSEX;

- 1 (XII) FREDERICK;
2 (XIII) GARRETT;
3 (XIV) GERMANTOWN;
4 (XV) HAGERSTOWN;
5 (XVI) HARFORD;
6 (XVII) HOWARD;
7 (XVIII) PRINCE GEORGE'S;
8 (XIX) ROCKVILLE;
9 (XX) ST. MARY'S;
10 (XXI) TAKOMA PARK; AND
11 (XXII) WOR-WIC.

12 (D) (1) "ELIGIBLE PRIVATE DONOR" MEANS AN INDIVIDUAL, CORPORATION,
13 PARTNERSHIP, OR OTHER FORM OF BUSINESS ORGANIZATION, PUBLIC OR PRIVATE
14 FOUNDATION, OR OTHER NONPROFIT ORGANIZATION.

15 (2) "ELIGIBLE PRIVATE DONOR" DOES NOT INCLUDE THE STATE, A
16 SUBDIVISION OF THE STATE, THE FEDERAL GOVERNMENT, OR A FOREIGN
17 GOVERNMENT.

18 (E) "ELIGIBLE PROGRAM" MEANS AN ENDOWMENT FOR AN ACADEMIC
19 PURPOSE THAT DOES NOT CONTAIN UNREASONABLE RESTRICTIONS AS TO USE AS
20 FURTHER DEFINED BY THE MARYLAND HIGHER EDUCATION COMMISSION.

21 (F) "ENDOWMENT" MEANS A DONATION OR GIFT THAT HAS BEEN PROVIDED
22 UNDER THE CONDITION THAT THE PRINCIPAL REMAIN INTACT AND BE INVESTED IN
23 PERPETUITY FOR THE PURPOSE OF PRODUCING INCOME.

24 17-302.

25 (A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, EACH
26 ELIGIBLE INSTITUTION SHALL RECEIVE FROM THE STATE, IN THE MANNER AND
27 SUBJECT TO THE LIMITATIONS OF THIS SUBTITLE, WITH RESPECT TO THE AMOUNTS
28 PLEDGED BY ELIGIBLE PRIVATE DONORS AS VOLUNTARY DONATIONS AT ANY TIME
29 DURING THE PREVIOUS FISCAL YEAR TO THE ELIGIBLE INSTITUTION FOR ELIGIBLE
30 PROGRAMS AS FOLLOWS:

31 (1) AN AMOUNT EQUAL TO THE FIRST \$250,000 OR ANY PORTION
32 THEREOF OF PLEDGED AMOUNTS;

1 (2) AN AMOUNT EQUAL TO ONE-HALF OF THE NEXT \$1,000,000 OR ANY
2 PORTION THEREOF OF PLEDGED AMOUNTS; AND

3 (3) AN AMOUNT EQUAL TO ONE-THIRD OF THE AMOUNT IN EXCESS OF
4 \$1,250,000 OR ANY PORTION THEREOF OF PLEDGED AMOUNTS.

5 (B) PAYMENTS SHALL BE MADE BY THE STATE:

6 (1) ONLY WITH RESPECT TO PLEDGED AMOUNTS THAT ARE PAID BY THE
7 ELIGIBLE PRIVATE DONOR TO THE ELIGIBLE INSTITUTION BEFORE JULY 1, 2004; AND

8 (2) IN THE FISCAL YEAR FOLLOWING THE FISCAL YEAR DURING WHICH
9 THE AMOUNTS ARE PAID.

10 (C) PAYMENTS BY THE STATE UNDER THIS SUBTITLE MAY NOT EXCEED:

11 (1) \$250,000 TO EACH COMMUNITY COLLEGE CAMPUS;

12 (2) \$1,250,000 EACH TO THE UNIVERSITY OF MARYLAND, COLLEGE PARK,
13 AND THE UNIVERSITY OF MARYLAND, BALTIMORE; AND

14 (3) \$750,000 TO EACH OTHER ELIGIBLE INSTITUTION.

15 (D) (1) TO DETERMINE ELIGIBILITY FOR STATE PAYMENTS, EACH
16 DONATION SHALL BE COMPARED TO THE AMOUNT DONATED DURING THE BASE
17 YEAR. THE FOLLOWING CRITERIA SHALL BE THE BASIS FOR COMPARISON:

18 (I) EACH DONATION MUST BE FROM A NEW DONOR; OR

19 (II) EACH DONATION MUST REPRESENT AN INCREASE OVER THE
20 AMOUNT GIVEN BY THE DONOR DURING THE BASE YEAR.

21 (2) A DONATION RECEIVED DURING THE BASE YEAR THAT FULFILLS A
22 PLEDGE MADE PRIOR TO THE BASE YEAR MAY NOT BE INCLUDED IN THE
23 DETERMINATION OF THE AMOUNT DONATED DURING THE BASE YEAR.

24 (3) EACH DONATION MUST BE SPECIFICALLY DESIGNATED AS AN
25 ENDOWMENT.

26 (E) AN INSTITUTION MAY NOT RECEIVE FUNDS FOR A DONATION THAT
27 QUALIFIES FOR A CONTRIBUTION BY THE STATE UNDER § 16-317 OF THIS ARTICLE.

28 17-303.

29 AN AFFILIATED FOUNDATION OF AN ELIGIBLE INSTITUTION THAT RECEIVES
30 STATE PAYMENTS SHALL PROVIDE TO THE MARYLAND HIGHER EDUCATION
31 COMMISSION AN ANNUAL AUDIT OF ALL PLEDGED AND PAID AMOUNTS AND THEIR
32 SOURCES, AND A COPY OF THE ANNUAL AUDIT SHALL BE PROVIDED TO THE
33 LEGISLATIVE AUDITOR.

1 17-304.

2 (A) AMOUNTS PAID BY THE STATE UNDER THIS SUBTITLE MAY BE APPLIED TO
3 ANY ELIGIBLE PROGRAM AT THE ELIGIBLE INSTITUTION TO WHICH THE PAYMENT IS
4 MADE.

5 (B) NO MORE THAN ONE-HALF OF THE TOTAL AMOUNT TO BE PAID BY THE
6 STATE UNDER PROVISIONS OF THIS SUBTITLE MAY BE APPROPRIATED IN ANY
7 FISCAL YEAR. THE PROVISIONS OF § 7-302 OF THE STATE FINANCE AND
8 PROCUREMENT ARTICLE DO NOT APPLY TO UNUSED PROGRAM FUNDS.

9 17-305.

10 AMOUNTS PAID BY THE STATE TO AN ELIGIBLE INSTITUTION UNDER THIS
11 SUBTITLE MAY NOT DIRECTLY OR INDIRECTLY REDUCE THE STATE GENERAL FUND
12 OR CAPITAL FUND SUPPORT FOR THE ELIGIBLE INSTITUTION.

13 17-306.

14 THE MARYLAND HIGHER EDUCATION COMMISSION SHALL:

15 (1) ADOPT REGULATIONS NECESSARY FOR THE ADMINISTRATION OF
16 THIS SUBTITLE; AND

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

21 **Article - State Finance and Procurement**

22 3-401.

23 (a) This subtitle does not apply to changes relating to or the purchase, lease,
24 or rental of information technology by:

25 (1) [the University College of the University System of Maryland for use
26 in University College overseas programs;

27 (2)] public institutions of higher education solely for academic or research
28 purposes; [or

29 (3)] (2) the Maryland Port Administration; OR ~~OR~~

30 (3) THE UNIVERSITY SYSTEM OF MARYLAND; OR.

31 ~~(4) MORGAN STATE UNIVERSITY.~~

32 (b) Notwithstanding any other provision of law, except as provided in
33 subsection (a) of this section, this subtitle applies to all units of the Executive Branch
34 of State government including [the University System of Maryland and all other]

1 PUBLIC institutions of higher education OTHER THAN THE UNIVERSITY SYSTEM OF
2 MARYLAND ~~AND MORGAN STATE UNIVERSITY.~~

3 3-703.

4 (a) The provisions of this subtitle may not apply to a telecommunication
5 system or service that is owned or operated by THE UNIVERSITY SYSTEM OF
6 MARYLAND, ~~MORGAN STATE UNIVERSITY,~~ OR a unit of the Legislative or Judicial
7 Branch.

8 (b) The provisions of this subtitle may not preempt the authority of [the
9 University System of Maryland or] the Maryland Public Broadcasting Commission to
10 own, operate, or manage telecommunication systems, services, or equipment.

11 ~~3-704.~~

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

16 4-402.

17 (a) (1) Except as provided in § 4-409 of this subtitle, this subtitle does not
18 apply to any public improvement made by:

19 (i) the Department of Transportation or a unit in that Department;

20 (ii) any housing authority created under Article 44A of the Code;

21 (iii) the Maryland-National Capital Park and Planning
22 Commission;

23 (iv) the Washington Suburban Sanitary Commission;

24 (v) the Baltimore County Metropolitan District; [or]

25 (vi) a county, municipal corporation, or unit of a county or municipal
26 corporation; ~~OR OR~~

27 (VII) THE UNIVERSITY SYSTEM OF MARYLAND; ~~OR.~~

28 ~~(VIII) MORGAN STATE UNIVERSITY.~~

29 (2) Except as provided in §§ 4-406, ~~4-410,~~ 4-410, and 4-410.1 of this
30 subtitle or as otherwise provided by law, [the University System of Maryland,
31 ~~Morgan State University[,] and St. Mary's College of Maryland are~~ IS AND MORGAN
32 STATE UNIVERSITY ARE subject to the provisions of this subtitle.

33 (b) The Board of Public Works may exempt specific projects of a unit of the
34 State government from the provisions of this subtitle.

1 (c) The Board of Public Works shall adopt regulations in accordance with Title
 2 10, Subtitle 1 of the State Government Article establishing procedures for the
 3 exemption of specific projects of units of State government under subsection (b) of this
 4 section.

5 4-406.

6 (a) (1) Except as provided in paragraph (4) of this subsection, the
 7 Department shall advise the Board of Public Works and any unit of the State
 8 government in connection with any engineering question or matter concerning a
 9 public improvement.

10 (2) The Department shall supervise any engineering question or matter
 11 concerning a public improvement.

12 (3) Any contract, plan, or specification for any public improvement that
 13 involves an engineering question:

14 (i) shall be submitted to the Department; and

15 (ii) is subject to the approval of the Department.

16 ~~(4) With respect to any engineering question or a matter concerning a~~
 17 ~~public improvement, the Department shall advise [the University System of~~
 18 ~~Maryland and] Morgan State University in accordance with the provisions of § 4-410~~
 19 ~~of this subtitle.~~

20 (4) With respect to any engineering question or a matter concerning a
 21 public improvement, the Department shall advise [the University System of Maryland
 22 and] Morgan State University in accordance with the provisions of § 4-410 of this
 23 subtitle.

24 ~~(5) (4) (5) AT THE REQUEST OF THE BOARD OF PUBLIC WORKS, THE~~
 25 ~~DEPARTMENT SHALL ADVISE THE BOARD OF PUBLIC WORKS ON ANY CONTRACT~~
 26 ~~THAT EXCEEDS \$500,000 IF THE CONTRACT INVOLVES AN ENGINEERING QUESTION~~
 27 ~~OR A MATTER CONCERNING A PUBLIC IMPROVEMENT UNDERTAKEN BY THE~~
 28 ~~UNIVERSITY SYSTEM OF MARYLAND OR MORGAN STATE UNIVERSITY.~~

29 (b) Except as provided in ~~§§ 4-410 and § §§ 4-410 AND~~ 4-410.1 of this subtitle,
 30 the Department shall:

31 (1) represent the Board of Public Works at the opening of bids for a
 32 public improvement;

33 (2) tabulate and record the bids; and

34 (3) advise the Board of Public Works on the bids.

35 (c) The Department shall supervise each appraisal related to a public
 36 improvement.

1 (d) (1) The Department shall collect and maintain a complete and accurate
2 file of drawings and plats of the location of all public improvements.

3 (2) The Department shall collect and maintain records of construction
4 costs and progress on each public improvement.

5 (3) The Department shall adequately store and protect any original
6 drawing, plat, record, or specification.

7 (e) The Department shall examine and approve or disapprove each plan and
8 specification prepared in connection with the preparation or execution of a contract
9 for a public improvement.

10 (f) (1) The Department shall inspect and approve or disapprove any
11 material, equipment, and methods used in making public improvements and shall
12 inspect each public improvement during the course of construction or repair.

13 (2) The duty of the Department under this subsection does not relieve an
14 architect or engineer of any supervisory responsibility for which the architect or
15 engineer is employed.

16 (g) (1) The provisions of subsections (a), (b), (e), and (f) of this section do not
17 apply to State correctional facilities as defined in § 11-101 of this article.

18 (2) In accordance with Article 41, § 4-104.1 of the Code, the Department
19 of Public Safety and Correctional Services shall perform the duties specified in
20 subsections (a), (b), (e), and (f) of this section for State correctional facilities.

21 ~~4-410.~~

22 ~~(a) This section applies to any public improvement project of [the University~~
23 ~~System of Maryland and] Morgan State University.~~

24 ~~(b) [For purposes of this section, the University System of Maryland consists~~
25 ~~of the constituent institutions and centers specified in § 12-101 of the Education~~
26 ~~Article.~~

27 ~~(c) In this section, "University" means the [University System of Maryland~~
28 ~~and] Morgan State University.~~

29 ~~[(d)] (C) For any public improvement project regardless of the source of funds:~~

30 ~~(1) architectural and engineering services shall be procured in~~
31 ~~accordance with Title 13, Subtitle 3 of this article;~~

32 ~~(2) for architectural and engineering services costing more than~~
33 ~~\$100,000, the Department shall make a recommendation for the award of a contract;~~

34 ~~(3) for architectural and engineering services costing less than \$100,000,~~
35 ~~the Department shall make the procurement;~~

1 (4) for all design projects exceeding \$100,000 in contract value, the
2 University shall submit periodic status reports to the Department; and

3 (5) for all projects exceeding \$500,000 in contract value, the University
4 shall submit periodic status reports to the Department.

5 ~~[(e)]~~ ~~(D)~~ For any public improvement project financed in whole or in part with
6 proceeds of a consolidated capital bond loan or with State General Fund
7 appropriations, the following additional procedures shall apply:

8 (1) for architectural and engineering contracts exceeding \$100,000, the
9 Department must request the Board of Public Works to authorize the transfer of the
10 contract amount to University funds. Any additional funds that may be needed may
11 be transferred by an action of the Board of Public Works upon review by the
12 Department;

13 (2) plans, specifications, schematics, design development, contract and
14 bid documents shall be reviewed by the Department concurrent with University
15 review;

16 (3) the Department may have a representative present at bid openings;

17 (4) the University shall analyze construction bids, recommend contractor
18 selections, and notify the Department of its recommended selection and the date the
19 item will be on the Board of Public Works' agenda;

20 (5) the Department shall prepare an agenda item for the Board of Public
21 Works authorizing transfer to the University of the funds equal to the contract, plus
22 5% for use as a contingency fund for change orders. If the 5% contingency fund is
23 insufficient to complete the project, the Department shall review the change
24 conditions and make a recommendation to the Board of Public Works concerning the
25 transfer of additional funds;

26 (6) all program changes not authorized in the original scope of the
27 project shall be approved by the Department of Budget and Management and the
28 Department prior to commitment by the University;

29 (7) at completion of the project, any unused amount of construction
30 contingency funds or planning fund authorization shall be returned to the Board of
31 Public Works by an action agenda item of the University; and

32 (8) the Department shall be part of the final inspection of the project and
33 final acceptance may not occur without the Department's concurrence.

34 ~~[(f)]~~ ~~(E)~~ (1) For any public improvement project funded solely from funds
35 other than State general funds or the proceeds of a general obligation bond loan, the
36 University is responsible for procuring public improvement and public
37 improvement related services, for planning, and for management of all aspects of the
38 project.

1 (2) Any contract under this subsection is subject to approval by the
2 ~~Board of Public Works.~~

3 ~~4-410.~~

4 (a) This section applies to any public improvement project of [the University
5 System of Maryland and] Morgan State University.

6 (b) [For purposes of this section, the University System of Maryland consists of
7 the constituent institutions and centers specified in § 12-101 of the Education Article.

8 (c) In this section, "University" means [the University System of Maryland
9 and] Morgan State University.

10 [(d)] (C) For any public improvement project regardless of the source of funds:

11 (1) architectural and engineering services shall be procured in
12 accordance with Title 13, Subtitle 3 of this article;

13 (2) for architectural and engineering services costing more than \$100,000,
14 the Department shall make a recommendation for the award of a contract;

15 (3) for architectural and engineering services costing less than \$100,000,
16 the Department shall make the procurement;

17 (4) for all design projects exceeding \$100,000 in contract value, the
18 University shall submit periodic status reports to the Department; and

19 (5) for all projects exceeding \$500,000 in contract value, the University
20 shall submit periodic status reports to the Department.

21 [(e)] (D) For any public improvement project financed in whole or in part with
22 proceeds of a consolidated capital bond loan or with State General Fund
23 appropriations, the following additional procedures shall apply:

24 (1) for architectural and engineering contracts exceeding \$100,000, the
25 Department must request the Board of Public Works to authorize the transfer of the
26 contract amount to University funds. Any additional funds that may be needed may be
27 transferred by an action of the Board of Public Works upon review by the Department;

28 (2) plans, specifications, schematics, design development, contract and
29 bid documents shall be reviewed by the Department concurrent with University review;

30 (3) the Department may have a representative present at bid openings;

31 (4) the University shall analyze construction bids, recommend contractor
32 selections, and notify the Department of its recommended selection and the date the
33 item will be on the Board of Public Works' agenda;

34 (5) the Department shall prepare an agenda item for the Board of Public
35 Works authorizing transfer to the University of the funds equal to the contract, plus 5%

1 for use as a contingency fund for change orders. If the 5% contingency fund is
 2 insufficient to complete the project, the Department shall review the change conditions
 3 and make a recommendation to the Board of Public Works concerning the transfer of
 4 additional funds;

5 (6) all program changes not authorized in the original scope of the project
 6 shall be approved by the Department of Budget and Management and the Department
 7 prior to commitment by the University;

8 (7) at completion of the project, any unused amount of construction
 9 contingency funds or planning fund authorization shall be returned to the Board of
 10 Public Works by an action agenda item of the University; and

11 (8) the Department shall be part of the final inspection of the project and
 12 final acceptance may not occur without the Department's concurrence.

13 [(f)] (E) (1) For any public improvement project funded solely from funds
 14 other than State general funds or the proceeds of a general obligation bond loan, the
 15 University is responsible for procuring public improvement and public
 16 improvement-related services, for planning, and for management of all aspects of the
 17 project.

18 (2) Any contract under this subsection is subject to approval by the Board
 19 of Public Works.

20 11-203.

21 (a) Except as provided in subsection (b) of this section, this Division II does
 22 not apply to:

23 (1) procurement by:

24 (i) the Blind Industries and Services of Maryland;

25 (ii) the Maryland State Arts Council, for the support of the arts;

26 (iii) the Maryland Health and Higher Educational Facilities
 27 Authority, if no State money is to be spent on a procurement contract;

28 (iv) the Maryland Higher Education Supplemental Loan Authority,
 29 if no State money is to be spent on a procurement contract;

30 (v) the Maryland Industrial Training Program in the Department
 31 of Business and Economic Development, for training programs for new or expanding
 32 businesses or industries;

33 (vi) the Maryland Food Center Authority, to the extent the
 34 Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;

35 (vii) the Maryland Public Broadcasting Commission, for services of
 36 artists for educational and cultural television productions;

- 1 (viii) public institutions of higher education, for cultural,
2 entertainment, and intercollegiate athletic procurement contracts;
- 3 (ix) the Maryland State Planning Council on Developmental
4 Disabilities, for services to support demonstration, pilot, and training programs;
- 5 (x) the Maryland Automobile Insurance Fund;
- 6 (xi) the Maryland Historical Trust for:
- 7 1. surveying and evaluating architecturally, archeologically,
8 historically, or culturally significant properties; and
- 9 2. other than as to architectural services, preparing historic
10 preservation planning documents and educational material;
- 11 (xii) the University of Maryland, for University College Overseas
12 Programs, if the University adopts regulations that:
- 13 1. establish policies and procedures governing procurement
14 for University College Overseas Programs; and
- 15 2. promote the purposes stated in § 11-201(a) of this subtitle;
- 16 (xiii) St. Mary's College of Maryland;
- 17 (xiv) the Department of Business and Economic Development, for
18 negotiating and entering into private sector cooperative marketing projects that
19 directly enhance promotion of Maryland and the tourism industry where there will be
20 a private sector contribution to the project if not less than 50% of the total cost of the
21 project, if the project is reviewed by the Attorney General and approved by the
22 Secretary of Business and Economic Development or the Secretary's designee;
- 23 (xv) the Forvm for Rural Maryland; and
- 24 (xvi) the Maryland State Lottery Agency, for negotiating and
25 entering into private sector cooperative marketing projects that directly enhance
26 promotion of the Maryland State Lottery and its products, if the cooperative
27 marketing project:
- 28 1. provides a substantive promotional or marketing value
29 that the lottery determines acceptable in exchange for advertising or other
30 promotional activities provided by the lottery;
- 31 2. does not involve the advertising or other promotion of
32 alcohol or tobacco products; and
- 33 3. is reviewed by the Attorney General and approved by the
34 Maryland Lottery Director or the Director's designee.
- 35 (2) procurement by a unit from:

- 1 (i) another unit;
- 2 (ii) a political subdivision of the State;
- 3 (iii) an agency of a political subdivision of the State;
- 4 (iv) a government, including the government of another state, of the
5 United States, or of another country;
- 6 (v) an agency or political subdivision of a government; or
- 7 (vi) a bistate, multistate, bicounty, or multicounty governmental
8 agency; or

9 (3) procurement in support of enterprise activities for the purpose of:

- 10 (i) direct resale; or
- 11 (ii) remanufacture and subsequent resale.

12 (b) (1) The following provisions of this Division II apply to each procurement
13 enumerated in subsection (a) of this section:

- 14 (i) § 11-205 of this subtitle ("Fraud in procurement");
- 15 (ii) § 12-204 of this article ("Board approval for designated
16 contracts");
- 17 (iii) Title 12, Subtitle 2 of this article ("Supervision of Capital
18 Expenditures and Real Property Leases");
- 19 (iv) § 13-219 of this article ("Required clauses - Nondiscrimination
20 clause");
- 21 (v) § 13-221 of this article ("Disclosures to Secretary of State");
- 22 (vi) Title 16 of this article ("Debarment of Contractors"); and
- 23 (vii) Title 17 of this article ("Special Provisions - State and Local
24 Subdivisions").

25 (2) A procurement by an entity listed in subsection (a)(1)(i) through (xv)
26 of this section shall be made under procedures that promote the purposes stated in §
27 11-201(a) of this subtitle.

28 (3) (i) A unit that procures human, social, or educational services from
29 an entity enumerated in subsection (a)(2) of this section shall publish in the Contract
30 Weekly notice of a procurement contract or an extension or renewal of a procurement
31 contract if:

1 1. the procurement contract, extension, or renewal costs
2 more than \$25,000; and
3
4 2. the procurement is made for 3rd party clients described in
4 § 13-106 of this article.

5 (ii) The notice required under this paragraph shall be published not
6 more than 30 days after the execution and approval of the procurement contract or
7 the extension or renewal of the procurement contract.

8 (4) The purchase of advisory services from the General Selection Board
9 or the Transportation Selection Board under § 13-305 of this article shall be governed
10 by the Maryland Architectural and Engineering Services Act.

11 (c) Except as provided in Title 14, Subtitle 3 of this article, this Division II
12 does not apply to the Maryland Stadium Authority.

13 (d) Except as provided in Title 14, Subtitle 3 of this article and except for that
14 portion of any real property that is owned and occupied by the Board of Trustees of
15 the State Retirement and Pension System, this Division II does not apply to the
16 Board of Trustees of the State Retirement and Pension System for:

17 (1) services of managers to invest the assets of the State Retirement and
18 Pension System, including real and personal property;

19 (2) expenditures to manage, maintain, and enhance the value of the
20 assets of the State Retirement and Pension System in accordance with investment
21 guidelines adopted by the Board of Trustees; and

22 (3) services related to the administration of the optional retirement
23 program under Title 30 of the State Personnel and Pensions Article.

24 (E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
25 MEANINGS INDICATED.

26 (II) "BOARD OF REGENTS" MEANS THE BOARD OF REGENTS OF THE
27 UNIVERSITY SYSTEM OF MARYLAND OR THE BOARD OF REGENTS OF MORGAN STATE
28 UNIVERSITY.

29 (III) "UNIVERSITY" MEANS THE UNIVERSITY SYSTEM OF MARYLAND
30 OR MORGAN STATE UNIVERSITY.

31 (2) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND
32 TITLE 14, SUBTITLE 3 OF THIS ARTICLE OTHERWISE PROVIDED IN THIS SUBSECTION,
33 THIS DIVISION II DOES NOT APPLY TO THE UNIVERSITY SYSTEM OF MARYLAND OR
34 MORGAN STATE UNIVERSITY.

35 ~~(2)~~ (3) (1) A PROCUREMENT BY THE UNIVERSITY SYSTEM OF
36 MARYLAND SHALL COMPLY WITH THE POLICIES AND PROCEDURES DEVELOPED BY
37 THE UNIVERSITY AND APPROVED BY THE BOARD OF PUBLIC WORKS AND THE

1 ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE OF THE
 2 GENERAL ASSEMBLY IN ACCORDANCE WITH § 12-112 OF THE EDUCATION ARTICLE.

3 (II) 1. ANY CONTRACT FOR SERVICES OR CAPITAL IMPROVEMENTS
 4 WITH A VALUE THAT EXCEEDS \$500,000 SHALL REQUIRE THE REVIEW AND APPROVAL
 5 OF THE BOARD OF PUBLIC WORKS.

6 2. IN ITS REVIEW OF A CONTRACT FOR SERVICES OR
 7 CAPITAL IMPROVEMENTS WITH A VALUE THAT EXCEEDS \$500,000 THE BOARD OF
 8 PUBLIC WORKS MAY REQUEST THE COMMENTS OF THE APPROPRIATE AGENCIES,
 9 INCLUDING THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE
 10 DEPARTMENT OF GENERAL SERVICES.

11 (4) THE UNIVERSITY'S POLICIES SHALL:

12 ~~(I) PROMOTE PROCUREMENT FROM VENDORS DESCRIBED IN §~~
 13 ~~14 103 OF THIS ARTICLE:~~

14 (I) TO THE MAXIMUM EXTENT PRACTICABLE, REQUIRE THE
 15 PURCHASING OF SUPPLIES AND SERVICES IN ACCORDANCE WITH TITLE 14,
 16 SUBTITLE 1 OF THIS ARTICLE; AND

17 (II) ~~REFLECT PROMOTE THE PURPOSES OF THE REGULATIONS~~
 18 ~~ADOPTED BY THE DEPARTMENT OF GENERAL SERVICES GOVERNING THE~~
 19 ~~PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES.~~

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

23 1. § 11-205 OF THIS SUBTITLE ("FRAUD IN PROCUREMENT");

24 2. § 11-205.1 OF THIS SUBTITLE ("FALSIFICATION OF
 25 MATERIAL FACTS");

26 3. § 13-219 OF THIS ARTICLE ("REQUIRED
 27 CLAUSES-NONDISCRIMINATION CLAUSE");

28 4. TITLE 14, ~~SUBTITLE~~ SUBTITLES 1 AND 3 OF THIS ARTICLE
 29 ("PREFERENCES TO BENEFIT DISADVANTAGED INDIVIDUALS AND MINORITY
 30 BUSINESS PARTICIPATION");

31 5. TITLE 15, SUBTITLE 1 OF THIS ARTICLE ("PROCUREMENT
 32 CONTRACT ADMINISTRATION"); AND

33 6. TITLE 16 OF THIS ARTICLE ("DEBARMENT OF
 34 CONTRACTORS").

35 (II) IF A PROCUREMENT VIOLATES THE PROVISIONS OF THIS
 36 SUBSECTION OR POLICIES ADOPTED IN ACCORDANCE WITH THIS SUBSECTION, THE

1 PROCUREMENT CONTRACT IS VOID OR VOIDABLE IN ACCORDANCE WITH THE
 2 PROVISIONS OF § 11-204 OF THIS SUBTITLE.

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

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

10 (7) PARAGRAPHS ~~(2)~~, (3), (4), AND (5) OF THIS SUBSECTION DO NOT APPLY
 11 TO:

12 (I) PROCUREMENT BY THE UNIVERSITY FROM:

13 1. ANOTHER UNIT;

14 2. A POLITICAL SUBDIVISION OF THE STATE;

15 3. AN AGENCY OF A POLITICAL SUBDIVISION OF THE STATE;

16 4. A GOVERNMENT, INCLUDING THE GOVERNMENT OF
 17 ANOTHER STATE, OF THE UNITED STATES, OR OF ANOTHER COUNTRY;

18 5. AN AGENCY OR POLITICAL SUBDIVISION OF A
 19 GOVERNMENT; OR

20 6. A BISTATE, MULTISTATE, BICOUNTY, OR MULTICOUNTY
 21 GOVERNMENTAL AGENCY; OR

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

24 1. DIRECT RESALE;

25 2. REMANUFACTURE AND SUBSEQUENT RESALE; OR

26 3. PROCUREMENT BY THE UNIVERSITY FOR OVERSEAS
 27 PROGRAMS.

28 12-107.

29 (b) Subject to the authority of the Board, jurisdiction over procurement is as
 30 follows:

31 (1) the State Treasurer may engage in or control procurement of banking
 32 and financial services, insurance, and insurance services, as provided in Division I of
 33 this article and Article VI, § 3 of the Maryland Constitution;

- 1 (2) the Department of Budget and Management may control
2 procurement of:
- 3 (i) information processing equipment and associated services, as
4 provided in Title 3, Subtitle 4 of this article;
- 5 (ii) services by a unit, subject to any limitation in this Division II;
6 and
- 7 (iii) leases of motor vehicles, as provided in Title 3, Subtitle 5 of this
8 article;
- 9 (3) the Department of General Services may engage in or control
10 procurement of:
- 11 (i) leases of real property, including leases under Title 4, Subtitle 3
12 of this article;
- 13 (ii) supplies, including supplies under Title 4, Subtitle 3 of this
14 article, but excluding insurance, information processing equipment, and motor
15 vehicle leases;
- 16 (iii) construction, including construction under Title 4, Subtitle 4 of
17 this article;
- 18 (iv) construction related services, including those under Title 4,
19 Subtitle 4 of this article; and
- 20 (v) architectural or engineering services under Title 13, Subtitle 3
21 of this article;
- 22 (4) the Department of Transportation and the Maryland Transportation
23 Authority, without the approval of any of the other primary procurement units, may
24 engage in the procurement of:
- 25 (i) construction that is related to transportation, as provided in the
26 Transportation Article;
- 27 (ii) construction related services that are related to transportation,
28 as provided in the Transportation Article;
- 29 (iii) architectural or engineering services that are related to
30 transportation, under Title 13, Subtitle 3 of this article; and
- 31 (iv) rolling stock and other property peculiar to the operation of a
32 transit system, as provided in § 7-403 of the Transportation Article;
- 33 (5) [the University System of Maryland, without the approval of any of
34 the other primary procurement units, may engage in the procurement of:

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

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

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

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

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

15 (i) supplies for port related activities, including motor vehicles and
 16 information processing supplies, but excluding:

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

19 2. insurance;

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

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

25 (iv) port related architectural and engineering services under Title
 26 13, Subtitle 3 of this article; and

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

29 [(7)] (6) the Department of Public Safety and Correctional Services may,
 30 without the approval of any of the other primary procurement units:

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

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

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

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

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

8 2. insurance;

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 19 read as follows:

20 **Article - Education**

21 11-206.

22 (A) THIS SECTION DOES NOT APPLY TO:

23 ~~(+) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF~~
 24 ~~MARYLAND; AND~~

25 (1) NEW PROGRAMS PROPOSED TO BE IMPLEMENTED BY AN
 26 INSTITUTION OF HIGHER EDUCATION A CONSTITUENT INSTITUTION OF THE
 27 UNIVERSITY SYSTEM OF MARYLAND USING EXISTING PROGRAM RESOURCES IN
 28 ACCORDANCE WITH § 11-206.1 OF THIS SUBTITLE. SUBTITLE; AND

29 (2) PROGRAMS OFFERED BY INSTITUTIONS OF HIGHER EDUCATION
 30 THAT OPERATE IN THE STATE WITHOUT A CERTIFICATE OF APPROVAL IN
 31 ACCORDANCE WITH § 11-202(C)(2) OR (3) OF THIS SUBTITLE.

32 [(a)] (B) (1) Prior to the proposed date of implementation, the governing
 33 body of an institution of postsecondary education shall submit to the Commission
 34 each proposal for:

35 (i) A new program; or

1 (ii) A substantial modification of an existing program.

2 (2) The Commission shall review each such proposal and:

3 (i) With respect to each public institution of postsecondary
4 education, either approve or disapprove the proposal;

5 (ii) With respect to each nonpublic institution of higher education,
6 either recommend that the proposal be implemented or that the proposal not be
7 implemented; and

8 (iii) With respect to a private career school, either approve or
9 disapprove the proposal.

10 (3) If the Commission fails to act within ~~45~~ 60 days of the date of
11 submission of the completed proposal, the proposal shall be deemed approved.

12 (4) Except as provided in paragraph (3) of this subsection, a public
13 institution of postsecondary education and private career school may not implement a
14 proposal without the prior approval of the Commission.

15 (5) Except as provided in paragraph (3) of this subsection, and subject to
16 the provisions of § 17-105 of this article, a nonpublic institution of higher education
17 may implement a proposal that has not received a positive recommendation by the
18 Commission.

19 (6) (i) If the Commission disapproves a proposal, the Commission
20 shall provide to the governing body that submits the proposal a written explanation of
21 the reasons for the disapproval.

22 (ii) After revising a proposal to address the Commission's reasons
23 for disapproval, the governing body may submit the revised proposal to the
24 Commission for approval.

25 [(b)] (C) (1) Prior to discontinuation, each institution of postsecondary
26 education that proposes to discontinue an existing program shall provide written
27 notification to the Commission specifying:

28 (i) The name of the program; and

29 (ii) The expected date of discontinuation.

30 (2) By rule or regulation, the Commission may require the payment by a
31 private career school of a refund to any student or enrollee who, because of the
32 discontinuation of an ongoing program, is unable to complete such program.

33 [(c)] (D) The Commission shall review and make recommendations on
34 programs in nonpublic institutions of higher education that receive State funds.

35 [(d)] (E) (1) In this subsection, "governing board" includes the board of
36 trustees of a community college.

1 (2) The Commission shall adopt regulations establishing standards for
2 determining whether 2 or more programs are unreasonably duplicative.

3 (3) The Commission may review existing programs at public institutions
4 of postsecondary education if the Commission has reason to believe that academic
5 programs are unreasonably duplicative or inconsistent with an institution's adopted
6 mission.

7 (4) The Commission may make a determination that an unreasonable
8 duplication of programs exists on its own initiative or after receipt of a request for
9 determination from any directly affected public institution of postsecondary
10 education.

11 (5) (i) If the Commission makes a determination under paragraph (4)
12 of this subsection the Commission may:

13 1. Make recommendations to a governing board on the
14 continuation or modification of the programs;

15 2. Require any affected governing board to submit a plan to
16 resolve the duplication; and

17 3. Negotiate, as necessary, with any affected governing board
18 until the unreasonable duplication is eliminated.

19 (ii) Notwithstanding the provisions of subparagraph (i) of this
20 paragraph, if the Commission determines that 2 or more existing programs offered by
21 institutions under the governance of different governing boards are unreasonably
22 duplicative, the governing boards of the institutions of postsecondary education at
23 which the programs are offered shall have 180 days from the date of the Commission's
24 determination to formulate and present to the Commission a joint plan to eliminate
25 the duplication.

26 (iii) If in the Commission's judgment the plan satisfactorily
27 eliminates the duplication, the governing board of the affected institutions shall be so
28 notified and shall take appropriate steps to implement the plan.

29 (iv) If in the Commission's judgment the plan does not satisfactorily
30 eliminate the duplication, or if no plan is jointly submitted within the time period
31 specified in paragraph (6) of this subsection, the governing board of the affected
32 institutions shall be so notified. The Commission may then seek to eliminate the
33 duplication by revoking the authority of a public institution of postsecondary
34 education to offer the unreasonably duplicative program.

35 (6) (i) Prior to imposing a sanction under paragraph (5) of this
36 subsection, the Commission shall give notice of the proposed sanction to the
37 governing board of each affected institution.

1 (ii) 1. Within 20 days of receipt of the notice, any affected
 2 institution may request an opportunity to meet with the Commission and present
 3 objections.

4 2. If timely requested, the Commission shall provide such
 5 opportunity prior to the Commission's decision to impose a sanction.

6 (iii) The Commission's decision shall be final and is not subject to
 7 further administrative appeal or judicial review.

8 [(e) The provisions of this section do not apply to programs offered by
 9 institutions of higher education that operate in the State without a certificate of
 10 approval in accordance with § 11-202(c)(2) or (3) of this subtitle.]

11 11-206.1.

12 (A) (1) ~~(I)~~ A PRESIDENT OF A CONSTITUENT INSTITUTION OF THE
 13 UNIVERSITY SYSTEM OF MARYLAND PUBLIC INSTITUTION OF HIGHER EDUCATION
 14 CONSTITUENT INSTITUTION OF THE UNIVERSITY SYSTEM OF MARYLAND MAY
 15 PROPOSE TO ESTABLISH A NEW PROGRAM OR ABOLISH AN EXISTING PROGRAM IF
 16 THE ACTION:

17 ~~(I)~~ (I) IS CONSISTENT WITH THE INSTITUTION'S ~~APPROVED~~
 18 ADOPTED MISSION STATEMENT UNDER SUBTITLE 3 OF THIS TITLE; AND

19 ~~(II)~~ (II) CAN BE IMPLEMENTED WITHIN THE EXISTING
 20 PROGRAM RESOURCES OF THE INSTITUTION.

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

24 ~~(I)~~ (I) IS CONSISTENT WITH THE INSTITUTION'S MISSION
 25 STATEMENT FILED WITH THE COMMISSION; AND

26 ~~(II)~~ (II) CAN BE IMPLEMENTED WITHIN THE EXISTING PROGRAM
 27 RESOURCES OF THE INSTITUTION.

28 (2) THE PRESIDENT SHALL REPORT ANY PROGRAMS THAT ARE
 29 PROPOSED TO BE ESTABLISHED OR ABOLISHED IN ACCORDANCE WITH PARAGRAPH
 30 (1) OF THIS SUBSECTION TO:

31 (I) THE ~~BOARD OF REGENTS~~ INSTITUTION'S GOVERNING BOARD;
 32 AND AND

33 (II) THE MARYLAND HIGHER EDUCATION COMMISSION; AND.

34 ~~(III)~~ (III) ALL OTHER INSTITUTIONS OF HIGHER EDUCATION IN THE
 35 STATE.

1 (3) UPON RECEIPT OF A PROPOSED NEW PROGRAM, THE COMMISSION
 2 SHALL NOTIFY ALL OTHER INSTITUTIONS OF HIGHER EDUCATION IN THE STATE.

3 (B) THE BOARD OF REGENTS INSTITUTION'S GOVERNING BOARD SHALL:

4 (1) REVIEW THE ACTIONS TAKEN UNDER SUBSECTION (A) OF THIS
 5 SECTION; ~~AND~~

6 (2) ENSURE THAT ANY NEW PROGRAM PROPOSED TO BE ESTABLISHED
 7 BY A PRESIDENT:

8 (I) 1. OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IS
 9 CONSISTENT WITH THE INSTITUTION'S APPROVED MISSION STATEMENT UNDER
 10 SUBTITLE 3 OF THIS TITLE; AND OR

11 2. OF A NONPUBLIC INSTITUTION OF HIGHER EDUCATION IS
 12 CONSISTENT WITH THE INSTITUTION'S MISSION STATEMENT FILED WITH THE
 13 COMMISSION; AND

14 (II) CAN BE IMPLEMENTED WITHIN THE EXISTING PROGRAM
 15 RESOURCES OF THE INSTITUTION; AND

16 (3) APPROVE THE PROPOSED NEW PROGRAM WITHIN 60 DAYS IF THE
 17 PROGRAM MEETS THE CRITERIA IN PARAGRAPH (2) OF THIS SUBSECTION, SUBJECT
 18 TO THE PROVISIONS OF SUBSECTIONS (C) AND (D) OF THIS SECTION.

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

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

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

26 (III) PROGRAM DUPLICATION; OR

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

29 (2) (1) IF AN OBJECTION IS NOT FILED WITHIN 30 DAYS, THE
 30 INSTITUTION MAY IMPLEMENT THE PROGRAM.

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

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

1 ~~2:~~ FOR A PROGRAM PROPOSED TO BE ESTABLISHED BY A
 2 NONPUBLIC INSTITUTION OF HIGHER EDUCATION, WHETHER TO RECOMMEND THAT
 3 THE GENERAL ASSEMBLY REDUCE THE STATE APPROPRIATION FOR THE NONPUBLIC
 4 INSTITUTION IN ACCORDANCE WITH § 17-105 OF THIS ARTICLE.

5 ~~(C)~~ ~~(D)~~ ~~(1)~~ THE COMMISSION SHALL DETERMINE WHETHER A NEW
 6 PROGRAM PROPOSED TO BE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION
 7 COMPLIES WITH THE EQUAL EDUCATIONAL OPPORTUNITY REQUIREMENTS OF
 8 STATE AND FEDERAL LAW.

9 ~~(2)~~ ~~(1)~~ IF THE COMMISSION DETERMINES THAT A NEW PROGRAM
 10 PROPOSED TO BE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION VIOLATES
 11 AN EQUAL EDUCATIONAL OPPORTUNITY REQUIREMENT OF STATE OR FEDERAL LAW:

12 ~~(1)~~ THE COMMISSION SHALL NOTIFY THE PRESIDENT OF THE
 13 INSTITUTION AND THE BOARD OF REGENTS INSTITUTION'S GOVERNING BOARD OF
 14 THE COMMISSION'S CONCERNS VIOLATION; AND

15 ~~(H)~~ THE INSTITUTION SHALL WORK WITH THE COMMISSION TO
 16 RESOLVE THE CONCERNS BEFORE IMPLEMENTING THE PROGRAM.

17 ~~(H)~~ IF THE INSTITUTION FAILS TO RESOLVE THE VIOLATION
 18 IDENTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

19 ~~1:~~ IF THE INSTITUTION IS A PUBLIC INSTITUTION OF
 20 HIGHER EDUCATION, THE COMMISSION SHALL REQUIRE THE INSTITUTION TO NOT
 21 IMPLEMENT THE PROGRAM; AND

22 ~~2:~~ IF THE INSTITUTION IS A NONPUBLIC INSTITUTION OF
 23 HIGHER EDUCATION, THE COMMISSION SHALL RECOMMEND THAT THE GENERAL
 24 ASSEMBLY REDUCE THE STATE APPROPRIATION FOR THE NONPUBLIC INSTITUTION
 25 IN ACCORDANCE WITH § 17-105 OF THIS ARTICLE.

26 ~~(C)~~ WITHIN 30 DAYS OF RECEIPT OF A NOTICE OF AN INSTITUTION'S INTENT
 27 TO ESTABLISH A NEW PROGRAM IN ACCORDANCE WITH SUBSECTION (A) OF THIS
 28 SECTION, THE COMMISSION MAY FILE, OR THE INSTITUTIONS OF HIGHER
 29 EDUCATION IN THE STATE MAY FILE WITH THE COMMISSION, AN OBJECTION TO
 30 IMPLEMENTATION OF A PROPOSED PROGRAM PROVIDED THE OBJECTION IS BASED
 31 ON:

32 ~~(1)~~ INCONSISTENCY OF THE PROPOSED PROGRAM WITH THE
 33 INSTITUTION'S APPROVED MISSION;

34 ~~(2)~~ UNREASONABLE PROGRAM DUPLICATION WHICH WOULD CAUSE
 35 DEMONSTRABLE HARM TO ANOTHER INSTITUTION; OR

36 ~~(3)~~ VIOLATION OF THE STATE'S EQUAL EDUCATIONAL OPPORTUNITY
 37 OBLIGATIONS UNDER STATE AND FEDERAL LAW.

1 (D) (1) IF AN OBJECTION IS FILED UNDER SUBSECTION (C) OF THIS
 2 SECTION BY THE COMMISSION OR AN INSTITUTION WITHIN 30 DAYS OF RECEIPT OF
 3 A NOTICE OF AN INSTITUTION'S INTENT TO ESTABLISH A NEW PROGRAM, THE
 4 COMMISSION SHALL IMMEDIATELY NOTIFY THE INSTITUTION'S GOVERNING BOARD
 5 AND PRESIDENT.

6 (2) THE COMMISSION SHALL DETERMINE IF AN INSTITUTION'S
 7 OBJECTION IS JUSTIFIED BASED ON THE CRITERIA IN SUBSECTION (C) OF THIS
 8 SECTION.

9 (3) AN OBJECTION SHALL BE ACCOMPANIED BY DETAILED
 10 INFORMATION SUPPORTING THE REASONS FOR THE OBJECTION.

11 (4) IF THE COMMISSION DETERMINES THAT AN OBJECTION IS
 12 JUSTIFIED, THE COMMISSION SHALL NEGOTIATE WITH THE INSTITUTION'S
 13 GOVERNING BOARD AND PRESIDENT TO MODIFY THE PROPOSED PROGRAM IN
 14 ORDER TO RESOLVE THE OBJECTION.

15 (5) IF THE OBJECTION CANNOT BE RESOLVED WITHIN 30 DAYS OF
 16 RECEIPT OF AN OBJECTION, THE COMMISSION SHALL MAKE A FINAL
 17 DETERMINATION ON APPROVAL OF THE NEW PROGRAM.

18 ~~(D)~~ (E) (1) THE COMMISSION SHALL:

19 (I) IDENTIFY PROGRAMS ESTABLISHED UNDER SUBSECTION (A)
 20 OF THIS SECTION THAT ARE INCONSISTENT WITH THE STATE PLAN FOR HIGHER
 21 EDUCATION; AND

22 (II) IDENTIFY LOW PRODUCTIVITY PROGRAMS.

23 (2) IF THE COMMISSION IDENTIFIES ANY PROGRAMS THAT MEET THE
 24 CRITERIA SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION
 25 SHALL NOTIFY THE PRESIDENT OF THE INSTITUTION.

26 ~~(E)~~ (F) THE COMMISSION AND THE ~~BOARD OF REGENTS OF THE UNIVERSITY~~
 27 ~~SYSTEM OF MARYLAND~~ GOVERNING BOARDS OF THE PUBLIC INSTITUTIONS OF
 28 HIGHER EDUCATION SHALL JOINTLY DEVELOP A DEFINITION AND ACCEPTED
 29 CRITERIA FOR DETERMINING LOW PRODUCTIVITY PROGRAMS.

30 ~~(F)~~ (G) THE COMMISSION SHALL:

31 (1) MONITOR THE PROGRAM DEVELOPMENT AND REVIEW PROCESS
 32 ESTABLISHED UNDER THIS SECTION;

33 (2) REPORT ANNUALLY TO THE GOVERNOR, THE BOARD OF REGENTS,
 34 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
 35 GENERAL ASSEMBLY ON THE NATURE AND EXTENT OF ANY DUPLICATION OR
 36 PROLIFERATION OF PROGRAMS; AND

1 (3) ON OR BEFORE JANUARY 1, 2002, SUBMIT A REPORT TO THE
 2 GOVERNOR, THE BOARD OF REGENTS, AND, IN ACCORDANCE WITH § 2-1246 OF THE
 3 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

4 (I) THE IMPACT OF THE PROGRAM DEVELOPMENT AND REVIEW
 5 PROCESS FOR THE UNIVERSITY SYSTEM OF MARYLAND ON THE QUALITY AND
 6 ACCESSIBILITY OF POSTSECONDARY EDUCATION IN THE STATE; AND

7 (II) ANY INCREASED COSTS DUE TO DUPLICATION OF PROGRAMS.

8 ~~11-303.~~

9 (A) ~~The Commission, with the assistance of the presidents of the institutions~~
 10 ~~required to develop mission statements under this subtitle, shall establish and~~
 11 ~~periodically update the format of mission statements to include specific short and~~
 12 ~~long-range goals and measurable objectives to be achieved through the~~
 13 ~~implementation of the institution's performance accountability plan as required~~
 14 ~~under § 11-304 of this subtitle.~~

15 ~~11-302.~~

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

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

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

22 (b) ~~(1) The governing board:~~

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

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

27 ~~(iii) Shall submit the statement to the Commission.~~

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

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

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

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

3 ~~3.]~~ ~~They will promote the efficient and effective use of the~~
 4 ~~institution's and System's resources.~~

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

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

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

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

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

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

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

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

26 ~~11-303.~~

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

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

35 ~~(2)~~ ~~Level of academic degrees offered;~~

36 ~~(3)~~ ~~Fields of academic degrees offered;~~

- 1 ~~(4) Characteristics of students and other populations to be served;~~
- 2 ~~(5) Characteristics of faculty;~~
- 3 ~~(6) A list of institutional peers;~~
- 4 ~~(7) Areas of research activity;~~
- 5 ~~(8) Areas of service activity including economic development and~~
6 ~~services to the public schools; and~~
- 7 ~~(9) Other items as required by the Commission].~~

8 ~~(B) THE MISSION STATEMENT DEVELOPED BY THE PRESIDENT OF A~~
9 ~~CONSTITUENT INSTITUTION OF THE UNIVERSITY SYSTEM OF MARYLAND~~
10 ~~STATEMENTS SHALL INCLUDE INFORMATION NECESSARY TO MEET THE~~
11 ~~REQUIREMENTS OF THE PROGRAM DEVELOPMENT AND REVIEW PROCESS~~
12 ~~ESTABLISHED UNDER § 11-206.1 OF THIS TITLE.~~

13 ~~12-106.~~

14 ~~(a) (1) In consultation with the Presidents of the constituent institutions,~~
15 ~~the Chancellor shall develop an overall plan that:~~

16 ~~(i) Is consistent with the statewide plan for higher education in~~
17 ~~accordance with the Charter and with the mission statements [approved by the~~
18 ~~Commission;] DEVELOPED IN ACCORDANCE WITH § 11-302 OF THIS ARTICLE;~~

19 ~~(ii) Sets forth both long range and short range goals, objectives,~~
20 ~~and priorities for postsecondary education, research, and service provided by the~~
21 ~~University System of Maryland and methods and guidelines for achieving and~~
22 ~~maintaining them;~~

23 ~~(iii) Enhances the mission of the University of Maryland, College~~
24 ~~Park as the State's flagship campus with programs and faculty nationally and~~
25 ~~internationally recognized for excellence in research and the advancement of~~
26 ~~knowledge;~~

27 ~~(iv) Maintains a coordinated Higher Education Center for Research~~
28 ~~and Graduate and Professional Study in the Baltimore area;~~

29 ~~(v) Recognizes the need to enhance its historically African~~
30 ~~American institutions;~~

31 ~~(vi) Affirms the need for increased access for~~
32 ~~economically disadvantaged and minority students;~~

33 ~~(vii) Encourages and supports high quality undergraduate and~~
34 ~~teacher preparation programs on its campuses;~~

1 (viii) Stimulates outreach to the community and the State through
2 close relationships with public elementary and secondary schools, business and
3 industry, and governmental agencies; and

4 (ix) Addresses and responds to continuing higher education needs in
5 order to maintain an educated work force in Maryland.

6 (2) ~~The Board shall review, modify, as necessary, and approve the overall~~
7 ~~plan.~~

8 (3) ~~By July 1 of each year, the Board shall submit to the Maryland~~
9 ~~Higher Education Commission, to the Governor and, subject to § 2-1246 of the State~~
10 ~~Government Article, to the General Assembly an annual review of the plan.~~

11 12-106.

12 (b) The Board of Regents shall, on an ongoing basis, review and determine
13 whether any University programs are inconsistent with the University's mission or
14 whether any constituent institution's programs are inconsistent with that
15 institution's mission. The Board shall also assure that the University's programs are
16 not unproductive or unreasonably duplicative, taking into account the missions of the
17 institutions, student demand, and efficient use of the University's resources.

18 (c) ~~With~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WITH
19 respect to each institution under its jurisdiction, and subject to the provisions of Title
20 11 of this article, in consultation with the Chancellor, the Board shall:

21 (1) (I) Review ~~and approve before implementation~~ each proposal for:

22 (i) Any new program; and

23 (ii) Any substantial expansion, curtailment, or discontinuance of
24 any existing program;

25 (2) Review existing programs and make necessary determinations for
26 the continuation or modification, or the elimination of unreasonable duplication, in
27 existing programs} ~~EACH NEW PROGRAM ESTABLISHED BY THE PRESIDENT OF A~~
28 ~~CONSTITUENT INSTITUTION; AND~~

29 (II) ~~ENSURE THAT THE NEW PROGRAM;~~

30 1. ~~IS CONSISTENT WITH THE INSTITUTION'S APPROVED~~
31 ~~MISSION STATEMENT IN ACCORDANCE WITH TITLE 11, SUBTITLE 3 OF THIS ARTICLE;~~
32 ~~AND~~

33 2. ~~CAN BE IMPLEMENTED WITHIN THE EXISTING~~
34 ~~RESOURCES OF THE INSTITUTION;~~

35 (3) (2) Prescribe minimum admission standards;

36 (4) (3) Establish general guidelines for tuition and fees;

- 1 ~~{(5)}~~ ~~(4)~~ Establish and implement:
- 2 (i) Procedures for transfer of student and faculty between
3 constituent institutions;
- 4 (ii) Cooperative programs among the constituent and other
5 institutions to assure appropriate flexibility in the University System of Maryland;
6 and
- 7 (iii) Standards for the reciprocal acceptance of credits; and
- 8 ~~{(6)}~~ ~~(5)~~ (i) Review annually the long-range and short-range plans,
9 goals, and objectives of each constituent institution for consistency with the objectives
10 and priorities of the Board;
- 11 (ii) Monitor the progress of each constituent institution toward
12 approved goals and objectives; and
- 13 (iii) Hold the president accountable for progress toward the goals
14 and objectives.

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

18 (1) REVIEW EACH NEW PROGRAM PROPOSED TO BE ESTABLISHED AND
19 IMPLEMENTED WITHIN EXISTING PROGRAM RESOURCES IN ACCORDANCE WITH §
20 11-206.1 OF THIS ARTICLE; ~~AND~~

21 (2) ENSURE THAT THE NEW PROGRAM:

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

24 (II) CAN BE IMPLEMENTED WITHIN EXISTING PROGRAM
25 RESOURCES OF THE INSTITUTION; AND

26 (3) APPROVE THE PROPOSED NEW PROGRAM WITHIN 60 DAYS IF THE
27 PROGRAM MEETS THE CRITERIA IN ITEM (2) OF THIS SUBSECTION, SUBJECT TO THE
28 REQUIREMENTS OF § 11-206.1(C) AND (D) OF THIS ARTICLE.

29 (E) WITH RESPECT TO THE PROGRAM APPROVAL PROVISIONS IN THIS TITLE
30 AND TITLE 11 OF THIS ARTICLE, THE BOARD OF REGENTS SHALL TAKE ACTION AS A
31 BOARD TO APPROVE OR DISAPPROVE A NEW PROGRAM, AND MAY CONSULT WITH
32 THE CHANCELLOR AND APPROPRIATE UNIVERSITY STAFF.

33 ~~(4)~~ (E) (F) In consultation with the Chancellor and the presidents, the
34 Board may adopt policies providing for:

- 35 (1) The discipline, suspension, expulsion, or reinstatement of any
36 student; and

1 (2) The recognition and conduct of student organizations and athletic
2 programs and activities.

3 12-109.

4 (e) Subject to the authority and applicable regulations and policies of the
5 Board of Regents, each president shall:

6 (2) Have the authority to develop new academic programs and curtail or
7 eliminate existing programs IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN
8 ~~§ 11-206.1~~ §§ 11-206 AND 11-206.1 OF THIS ARTICLE;

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

11 ~~Article—Education~~

12 ~~12-111.~~

13 ~~(a) Except as otherwise provided by law, appointments of the University
14 System of Maryland are not subject to or controlled by the provisions of the State
15 Personnel and Pensions Article that govern the State Personnel Management System.~~

16 ~~(b) After appointment, employees in positions designated by the University
17 shall be regarded and treated in the same manner as skilled service or professional
18 service employees, with the exception of special appointments, in the State Personnel
19 Management System and:~~

20 ~~(1) Have all rights and privileges of skilled service or professional service
21 employees, with the exception of special appointments, in the State Personnel
22 Management System;~~

23 ~~(2) Have the right of appeal as provided by law in any case of alleged
24 injustice;~~

25 ~~(3) Shall be paid salaries not less than those paid in similar
26 classifications in other State agencies; [and]~~

27 ~~(4) Shall retain their vacation privileges, retirement status, and benefits
28 under the State retirement systems; AND~~

29 ~~(5) HAVE THE RIGHT TO PARTICIPATE IN COLLECTIVE BARGAINING IN
30 ACCORDANCE WITH TITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.~~

31 ~~(c) Subject to subsection (b) of this section, the Board of Regents shall
32 establish general policies and guidelines governing the appointment, compensation,
33 advancement, tenure, and termination of all classified personnel.~~

34 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
35 read as follows:

Chapter 345 of the Acts of 1995

1
2 [SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall remain
3 effective for a period of 4 years and, at the end of June 30, 1999, with no further action
4 required by the General Assembly, this Act shall be abrogated and of no further force
5 and effect.]

6 SECTION ~~5. 4.~~ AND BE IT FURTHER ENACTED, That the Maryland Higher
7 Education Commission shall develop operating and capital budget funding guidelines,
8 in accordance with the requirements of § 11-105 of the Education Article, based on
9 current and aspirational peer institution comparisons and other appropriate factors.
10 The Maryland Higher Education Commission shall develop the funding guidelines in
11 consultation with the segments of higher education and the presidents of the
12 institutions of the University System of Maryland, Morgan State University, and St.
13 Mary's College of Maryland.

14 (a) Awaiting the development of the funding guidelines, the Governor is
15 requested ~~to include to increase the base budgets of certain University System of~~
16 Maryland institutions by including in a fiscal 2000 supplemental budget:

17 (1) Except as provided in item (2) of this subsection, A minimum funding
18 level of \$5,000 per full-time equivalent student or an additional \$500,000, whichever
19 is greater, in fiscal year 2000 as specified in the Maryland Fiscal Year 2000 Operating
20 Budget Book to each degree granting institution in the University System of
21 Maryland, ~~except for the University of Maryland University College;~~

22 (2) Item (1) of this subsection does not apply to an institution that receives
23 additional funding as provided in items (3) through (9) of this subsection;

24 ~~(2)~~ (3) A minimum funding level of \$1,357 per full-time equivalent
25 student stateside in fiscal year 2000 as specified in the Maryland Fiscal Year 2000
26 Operating Budget Book to the University of Maryland University College;

27 ~~(2)~~ ~~(3)~~ (4) A minimum funding level of \$12,284 per full-time
28 equivalent student in fiscal year 2000 as specified in the Maryland Fiscal Year 2000
29 Operating Budget Book to the University of Maryland, College Park;

30 ~~(3)~~ ~~(4)~~ (5) An additional \$7 million for the University of Maryland,
31 Baltimore;

32 (4) ~~(5)~~ (6) An additional \$5 million for the University of Maryland
33 Baltimore County;

34 ~~(5)~~ ~~(6)~~ (7) An additional \$1.3 million for Bowie State University;

35 ~~(6)~~ ~~(7)~~ (8) An additional \$1.3 million for Coppin State University;
36 and

37 ~~(7)~~ ~~(8)~~ (9) An additional \$1.3 million for University of Maryland
38 Eastern Shore.

1 ~~¶~~ To the extent the base budgets of certain University System of Maryland
 2 institutions are not increased in a fiscal 2000 supplemental budget as requested above,
 3 and if the funding guidelines are not developed and operational by December 1, 1999,
 4 the Governor is requested to include in the fiscal 2001 operating budget:

5 (1) Except as provided in item (2) of this subsection, A- The fiscal 2000
 6 minimum funding level of \$5,000, adjusted for inflation in accordance with the Higher
 7 Education Price Index, per full-time equivalent student or an additional \$500,000,
 8 whichever is greater, in fiscal year 2001 as specified in the Maryland Fiscal Year 2001
 9 Operating Budget Book to each degree granting institution in the University System
 10 of Maryland; except for the University of Maryland University College; and

11 (2) Item (1) of this subsection does not apply to an institution that receives
 12 additional funding as provided in items (3) through (9) of this subsection;

13 ~~(2)~~ (3) A minimum funding level of \$1,800 per full-time equivalent
 14 student stateside in fiscal year 2001 as specified in the Maryland Fiscal Year 2001
 15 Operating Budget Book to the University of Maryland University College; and

16 ~~(2)~~ ~~(3)~~ (4) A minimum funding level of \$13,443 per full-time
 17 equivalent student in fiscal year 2001 as specified in the Maryland Fiscal Year 2001
 18 Operating Budget Book to the University of Maryland, College Park;

19 (5) An additional \$7 million for the University of Maryland, Baltimore;

20 (6) An additional \$5 million for the University of Maryland Baltimore
 21 County;

22 (7) An additional \$1.3 million for Bowie State University;

23 (8) An additional \$1.3 million for Coppin State College; and

24 (9) An additional \$1.3 million for University of Maryland Eastern Shore.

25 If the funding guidelines are not operational by December 1, 2000, the Governor
 26 is requested to put in the fiscal 2002 operating budget and each subsequent operating
 27 budget until the funding guidelines are developed, the fiscal 2001 minimum funding
 28 levels, adjusted annually for inflation in accordance with the Higher Education Price
 29 Index.

30 SECTION 6. 5. AND BE IT FURTHER ENACTED, That the Governor is
 31 requested to ~~provide funds to~~ include in the operating budget starting in fiscal 2001
 32 an appropriation to:

33 (1) The Maryland Higher Education Commission to be used for strategic
 34 incentive funding to distribute to institutions of higher education that encourage
 35 attainment of statewide goals and priorities under § 11-105(b)(7) of the Education
 36 Article; and

1 (2) The Board of Regents of the University System of Maryland to be
 2 used as incentive funds to encourage each constituent institution to accomplish its
 3 approved mission under § 12-104(k) of the Education Article.

4 ~~SECTION 7. 6. AND BE IT FURTHER ENACTED, That the Board of Regents~~
 5 ~~should develop a long-range capital plan for the University System of Maryland~~
 6 ~~institutions that is consistent with the capital facilities goals established in the~~
 7 ~~Maryland Charter for Higher Education and identifies capital needs by project and~~
 8 ~~institution for at least a 10-year period. The plan should identify funding sources to~~
 9 ~~meet these capital needs based on the assumption that State capital funding will~~
 10 ~~continue at present levels, adjusted for inflation. Given that the capital needs of the~~
 11 ~~universities exceed the State's ability to fund these projects, the Regents should~~
 12 ~~identify alternative capital funding sources to meet these needs. The Regents should~~
 13 ~~submit the plan to the Governor and, in accordance with § 2-1246 of the State~~
 14 ~~Government Article, the General Assembly, by December 1, 1999.~~

15 ~~SECTION 8. 7. AND BE IT FURTHER ENACTED, That to initiate the strategic~~
 16 ~~planning process coordinated by the Maryland Higher Education Commission, that~~
 17 ~~will culminate in the development of a State Plan for Higher Education that is~~
 18 ~~supported by all major stakeholders, the Governor is requested to convene a State~~
 19 ~~Conference on Higher Education in 1999. Participants in the Conference shall include~~
 20 ~~public and private leaders; representatives of all institutions, including faculties,~~
 21 ~~staff, and boards of visitors; members of the Maryland Higher Education Commission~~
 22 ~~and governing boards; and other interested stakeholders. Following the Conference,~~
 23 ~~the Maryland Higher Education Commission shall continue to coordinate the~~
 24 ~~development of the State Plan which shall be complete by April 30, 2000. The State~~
 25 ~~Plan shall be updated every 2 years and culminate in a State Conference for Higher~~
 26 ~~Education, hosted by the Governor, to focus the public agenda on higher education.~~

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

34 ~~1. Enhance the University of Maryland, College Park as the State's~~
 35 ~~flagship campus with programs and faculty nationally and internationally recognized~~
 36 ~~for excellence in research and the advancement of knowledge; admit freshmen to the~~
 37 ~~campus who have academic profiles that suggest exceptional ability; provide access to~~
 38 ~~the upper division undergraduate level of the campus for students who have excelled~~
 39 ~~in completing lower division study; and provide the campus with the level of operating~~
 40 ~~funding and facilities necessary to place it among the upper echelon of its peer~~
 41 ~~institutions;~~

42 ~~2. Maintain and enhance an academic health center and a coordinated~~
 43 ~~higher education center for research and graduate and professional study in the~~

- 1 Baltimore area (University of Maryland, Baltimore and University of Maryland
 2 Baltimore County) with a focus on science and technology;
- 3 ~~3. Enhance and support high quality undergraduate, teacher~~
 4 ~~preparation, and masters programs at the regional comprehensive institutions;~~
 5 ~~recognizing and supporting the very unique mission of each of these institutions;~~
- 6 ~~4. Support Towson University as the largest comprehensive institution;~~
- 7 ~~5. Enhance the historically black institutions and recognize the unique~~
 8 ~~role of University of Maryland Eastern Shore as the State's 1890 land grant~~
 9 ~~institution;~~
- 10 ~~6. Encourage collaboration among institutions for the benefit of~~
 11 ~~students;~~
- 12 ~~7. Encourage and enhance higher education centers, such as the Shady~~
 13 ~~Grove Center in Montgomery County, through the use of technology, as points of~~
 14 ~~collaboration and access for underserved areas of the State;~~
- 15 ~~8. Recognize and promote the unique potential of University of~~
 16 ~~Maryland University College to be a national and global leader in the new~~
 17 ~~international marketplace of electronic and continuing education;~~
- 18 ~~9. Promote excellence at each campus;~~
- 19 ~~10. Recruit and retain nationally and internationally prominent faculty;~~
- 20 ~~11. Promote economic development;~~
- 21 ~~12. Stimulate outreach to the community;~~
- 22 ~~13. Promote access for economically disadvantaged students;~~
- 23 ~~14. Increase access, retention, and advancement of African American~~
 24 ~~students; and~~
- 25 ~~15. Promote equal education and employment opportunities.~~

26 ~~SECTION 40. 8. AND BE IT FURTHER ENACTED, That on or before January~~
 27 ~~1, 2002, the Board of Regents of the University System of Maryland and the Board of~~
 28 ~~Regents of Morgan State University each shall submit a report to the Governor, and~~
 29 ~~in accordance with § 2-1246 of the State Government Article, the General Assembly~~
 30 ~~on the status and effect of the implementation of the changes in procurement~~
 31 ~~authority granted under § 11-203(e) of the State Finance and Procurement Article.~~
 32 ~~On or before January 1, 2002, the Board of Regents of the University System of~~
 33 ~~Maryland shall submit a report to the Governor, and in accordance with § 2-1246 of~~
 34 ~~the State Government Article, the General Assembly on the status and effect of the~~
 35 ~~changes in the grievance procedures under Title 13, Subtitle 2 of the Education~~
 36 ~~Article.~~

1 SECTION ~~8-11~~ 9. AND BE IT FURTHER ENACTED, That the Governor is
2 requested to appoint a group to conduct a thorough review of higher education
3 reporting requirements with the goal of reducing the number of required reports to a
4 minimum. The group should consider:

- 5 (1) Eliminating redundant reports;
- 6 (2) Consolidating similar reports; and
- 7 (3) Developing a relational database capable of generating reports in
8 various formats.

9 By December 31, 1999, the group is requested to submit a report to the Governor
10 and, in accordance with § 2-1246 of the State Government Article, the General
11 Assembly, that includes recommendations for changes in State statute, regulations,
12 and policies of the University System of Maryland to achieve the reduction of required
13 reports.

14 SECTION ~~12-10~~ 10. AND BE IT FURTHER ENACTED, That mission statements
15 currently under development in accordance with § ~~11-202~~ §§ 11-302 and 11-303 of
16 the Education Article shall be developed by the presidents of the public institutions of
17 higher education, submitted by the appropriate governing boards, and reviewed by
18 the Maryland Higher Education Commission by June 30, 1999 in accordance with the
19 provisions of law in effect prior to July 1, 1999. Since the State Plan for Higher
20 Education will be developed by April 30, 2000, ~~revised~~ mission statements shall be
21 revised, to the extent necessary, based on the new State Plan, and shall be submitted
22 by June 30, 2000 for review by the Maryland Higher Education Commission. On or
23 before January 1, 2002, the Commission shall submit a report to the Governor, and in
24 accordance with § 2-1246 of the State Government Article, the General Assembly on
25 the impact of the mission statement development and review process on the quality
26 and accessibility of postsecondary education in Maryland.

27 SECTION ~~9-13~~ 11. AND BE IT FURTHER ENACTED, That Section 2 of this
28 Act shall take effect July 1, 1999. It shall remain effective for a period of 3 years and,
29 at the end of June 30, 2002, with no further action required by the General Assembly,
30 Section 2 of this Act shall be abrogated and of no further force and effect.

31 SECTION 12. AND BE IT FURTHER ENACTED, That the Board of Regents of
32 the University System of Maryland shall adopt a policy no later than September 1,
33 1999, to govern the public ethics of members of the Board of Regents. The policy shall
34 be consistent with the applicable requirements of Title 15, Subtitle 5 of the State
35 Government Article and shall include a prohibition against a member of the Board of
36 Regents, for compensation, assisting or representing any party in any matter before the
37 General Assembly.

38 SECTION 13. AND BE IT FURTHER ENACTED, That the University System of
39 Maryland, Headquarters may not create any new positions or reallocate any existing
40 positions from a constituent institution to Headquarters to implement or administer
41 the provisions of §§ 11-302, 11-303, 12-106, 12-106.1, and 12-112 of the Education
42 Article as enacted by this Act.

1 SECTION 10. ~~14.~~ AND BE IT FURTHER ENACTED, That Section 3 of this Act
2 shall take effect July 1, 1999, contingent on the taking effect of Chapter
3 ~~_____~~ (S.B.129/H.B.179) of the Acts of the General Assembly of 1999 and the inclusion
4 of the University System of Maryland in the applicability of the collective bargaining
5 provisions set forth in Chapter ~~_____~~, and if Chapter ~~_____~~ does not become effective or
6 the University System of Maryland is not subject to the collective bargaining
7 provisions in Chapter ~~_____~~, Section 3 of this Act shall be null and void without the
8 necessity of further action by the General Assembly.

9 SECTION ~~11. 15.~~ 14. AND BE IT FURTHER ENACTED, That this Act shall
10 take effect July 1, 1999.