

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 179

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Procurement” and substitute “Higher Education”; in lines 2 and 3, strike “Public Improvement and Engineering Projects” and substitute “Authority”; in line 4, after “of” insert “authorizing the Maryland Higher Education Commission to review and comment on the operating and capital budgets of the Board of Regents of Morgan State University only within a certain context; prohibiting the Commission from recommending against a certain budget item except under certain circumstances; authorizing the University to exercise certain corporate powers, adopt a certain seal, maintain a certain office, enter into certain contracts, and acquire, hold, lease, use, encumber, transfer, exchange, or dispose of certain property; authorizing the Board of Regents to establish, invest in, finance, and operate certain businesses or certain business entities under certain circumstances; clarifying the status of certain business entities and certain financial obligations; requiring the Board of Regents to submit a certain report;”; in line 10, after “definition;” insert “repealing a certain reversion;”; and in line 11, strike “public improvement and engineering projects” and substitute “the Authority”.

AMENDMENT NO. 2

On page 1, after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Education

Section 11-105(i)(4) and 14-104(b)

Annotated Code of Maryland

(2004 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article - Education

Section 14-104(a)

(Over)

Annotated Code of Maryland  
(2004 Replacement Volume and 2004 Supplement)

BY adding to

Article - Education

Section 14-110

Annotated Code of Maryland

(2004 Replacement Volume and 2004 Supplement)”;

in line 15, strike “4-410,”; in line 20, after “5-7B-01(d)(1)(v),” insert “7-306(a),”; and after line 22, insert:

“BY repealing

Article - State Finance and Procurement

Section 4-410

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)”.

AMENDMENT NO. 3

On page 1, after line 24, insert:

“Article - Education

11-105.

(i) (4) In submitting recommendations pursuant to paragraph (2) of this subsection, the Commission shall comment on the overall level of funding for higher education in order to achieve the goals established in the State Plan for Higher Education, and may comment regarding funding priorities among segments of higher education and, within public senior higher education, among institutions. In reviewing the various budgets and submitting recommendations thereon, the Commission:

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

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

(iii) As to the operating and capital budgets of the Board of Regents of the University System of Maryland AND THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY:

1. May review and comment only within the broad context of the State Plan for Higher Education; and

2. May not recommend against a budget item approved by the Board of Regents unless the item is clearly inconsistent with the State Plan for Higher Education.

14-104.

(a) In addition to any other powers granted and duties imposed by this subtitle, and subject to the provisions of Title 11 of this article and any other restrictions imposed by law by specific reference to the University or by any trust agreement involving a pledge of property or money, the Board of Regents:

(1) Is responsible for the management of Morgan State University and has all the powers, rights, and privileges that go with that responsibility, including the powers and duties set forth in this section;

(2) May not be superseded in its authority by any other State agency or office in managing the affairs of Morgan State University; and

(3) Shall have all the powers of a Maryland corporation which are not limited by law by specific reference to the University.

(b) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE UNIVERSITY MAY:

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

(Over)

(2) ADOPT AND ALTER AN OFFICIAL SEAL;

(3) MAINTAIN AN OFFICE AT THE PLACE THE BOARD OF REGENTS MAY DESIGNATE;

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

(5) ACQUIRE, HOLD, LEASE, USE, ENCUMBER, TRANSFER, EXCHANGE, OR DISPOSE OF REAL AND PERSONAL PROPERTY; AND

(6) In addition to the powers set forth in Title 19 of this article and subject to the approval of the Board of Public Works, borrow money from any source for any corporate purpose, including working capital for its operations, reserve funds or interest, and mortgage, pledge, or otherwise encumber the property or funds of the University, and contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of credit, or insurers.

14-110.

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

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

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

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

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

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

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

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

On page 2, in line 19, strike “or”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 36 on page 4, inclusive.

On page 5, after line 19, insert:

“7-306.

(a) This section applies only to [the following:

(1) Morgan State University; and

(Over)

(2) St. Mary's College of Maryland.