

SENATE BILL 988

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2lr2938
CF HB 1281

By: **Senator Klausmeier (By Request – Baltimore County Administration)**

Introduced and read first time: February 16, 2012

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 27, 2012

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 1, 2012

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Cooperative or Joint Administration of Programs**

3 FOR the purpose of authorizing the ~~County Council~~ Board of Education of Baltimore
4 County and the County Executive of Baltimore County to enter into certain
5 agreements for the cooperative or joint administration of certain programs,
6 subject to a certain limitation; providing for the termination of this Act; and
7 generally relating to the authorization of cooperative or joint administration of
8 programs by the ~~County Council~~ Board of Education of Baltimore County and
9 the County Executive of Baltimore County.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 4–123
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2011 Supplement)

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

17 **Article – Education**

18 4–123.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) (I) A county board may enter into an agreement for the
2 cooperative or joint administration of programs with one or more:

3 [(i)] 1. County boards;

4 [(ii)] 2. Other educational institutions or agencies; and

5 [(iii)] 3. Boards of county commissioners or county councils.

6 (II) 1. ~~THE SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS~~
7 SUBPARAGRAPH, THE BOARD OF EDUCATION OF BALTIMORE COUNTY MAY
8 ENTER INTO AN AGREEMENT FOR THE COOPERATIVE OR JOINT
9 ADMINISTRATION OF PROGRAMS WITH THE COUNTY EXECUTIVE OF
10 BALTIMORE COUNTY.

11 2. THE BOARD OF EDUCATION OF BALTIMORE
12 COUNTY MAY ENTER INTO AN AGREEMENT UNDER THIS SUBPARAGRAPH
13 RELATED TO PERSONNEL ONLY FOR PROGRAMS THAT ALSO RELATE TO
14 PROGRAMS UNDER PARAGRAPH (2)(II) THROUGH (VII) OF THIS SUBSECTION.

15 (2) Agreements made under this section may include the cooperative
16 or joint administration of programs that relate to:

17 (i) Personnel;

18 (ii) Purchasing;

19 (iii) Accounting;

20 (iv) Data processing;

21 (v) Printing;

22 (vi) Insurance;

23 (vii) Building maintenance; and

24 (viii) Transportation.

25 (b) If an agreement made under this section establishes a separate
26 administrative entity to conduct or administer the joint or cooperative undertaking
27 with power to employ persons, receive and spend money, or receive and spend federal
28 or State grants and appropriations, the agreement shall specify the following:

29 (1) The duration of the agreement;

1 (2) The organization, composition, and nature of any separate
2 administrative entity established;

3 (3) A statement of the powers of the entity and the manner of
4 representation and participation of each cooperating board or agency in the program
5 and that, if a joint board is established, each public agency party to the agreement
6 shall be represented on it;

7 (4) The purpose of the administrative entity;

8 (5) The manner of financing the joint or cooperative undertaking and
9 of establishing and maintaining its budget, including the manner for receiving,
10 holding, and disbursing federal and other grants and appropriations, and the
11 responsibilities of each cooperating unit of government involved for the payment of the
12 share of the employer in any pension, retirement, or insurance plan administered by
13 any of the participants;

14 (6) The manner of acquiring, holding, and disposing of property used
15 in the joint or cooperative undertaking;

16 (7) The method to be used in accomplishing the partial or complete
17 termination of the agreement and for disposing of property on partial or complete
18 termination; and

19 (8) Any other necessary and proper matters.

20 (c) (1) Before any agreement made under subsection (b) of this section
21 becomes effective, it shall:

22 (i) Be approved by the county governing body; and

23 (ii) Be submitted to the Attorney General.

24 (2) If the Attorney General finds that the agreement is not in proper
25 form or not compatible with the laws of this State, the Attorney General shall give
26 written details to the governing body of each public agency concerned as to how the
27 proposed agreement fails to meet the requirements of law.

28 (d) A cooperative entity established under subsection (b) of this section may
29 administer only the programs and exercise only the powers and duties specifically
30 delegated to it by the public bodies party to the agreement.

31 (e) An agreement made under this section does not relieve any county board
32 or other participant of any obligation or responsibility imposed on it by law, except
33 that actual and timely performance by a joint board or other administrative entity
34 established by an agreement under this section may be offered by the board in
35 satisfaction of the obligation or responsibility.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2012. It shall remain effective for a period of 2 years and, at the end of June 30,
3 2014, with no further action required by the General Assembly, this Act shall be
4 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.