

# SENATE BILL 1127

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EMERGENCY BILL

7lr2627  
CF HB 1595

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By: **Senators Conway, Ferguson, and McFadden**

Introduced and read first time: February 22, 2017

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 1, 2017

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 26, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City Community College – ~~Restructuring~~ Realignment**

3 FOR the purpose of ~~repealing the Board of Trustees of Baltimore City Community College;~~  
4 ~~establishing the Restructuring Board of Baltimore City Community College and~~  
5 ~~transferring the powers and duties of the Board of Trustees to the Restructuring~~  
6 ~~Board; providing for the composition and duties of the Restructuring Board;~~  
7 ~~requiring each member of the Restructuring Board to serve for the duration of the~~  
8 ~~Restructuring Board; altering a certain authority of the Maryland Higher Education~~  
9 ~~Commission; requiring the Restructuring Board to elect one of its members as its~~  
10 ~~chair, select a certain president and develop a certain strategic plan on or before a~~  
11 ~~certain date; altering the membership of the Board of Trustees of the Baltimore City~~  
12 Community College; providing, to the extent practicable, for the composition of the  
13 Board of Trustees; requiring the chair of the Board of Trustees to be jointly appointed  
14 by the President of the Senate and Speaker of the House of Delegates; requiring the  
15 Board of Trustees to review and focus certain offerings on certain needs, make  
16 workforce development and job placement a certain priority, improve student  
17 pathways to success, enter into certain memoranda of understanding, align a certain  
18 budget with certain projections, engage in a certain review of positions and staff,  
19 establish certain relationships with certain stakeholders, ~~rebuild~~ develop and  
20 market a certain brand, address certain information technology needs, develop or  
21 sell certain real estate holdings, and identify certain barriers that impede the  
22 efficient and effective operation of the College, ~~recommend a certain structure and~~  
23 ~~composition of a newly constructed Board of Trustees, and ensure a certain~~  
24 ~~transition;~~ requiring the Board of Trustees to make a certain determination about

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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 certain property for a certain purpose; requiring the President of the College to meet  
 2 certain criteria; ~~prohibiting the President of the College from being a member of the~~  
 3 ~~Restructuring Board or a member of the Board of Trustees as it existed on a certain~~  
 4 ~~date; requiring the Restructuring Board of Trustees to submit a certain report to the~~  
 5 Governor and to certain committees of the General Assembly, on or before a certain  
 6 date, annually, regarding its progress in implementing its duties and  
 7 responsibilities; ~~altering certain definitions; making certain conforming changes;~~  
 8 requiring the members of the Board of Trustees whose terms have expired on or  
 9 before a certain date to be replaced and for seats vacant as of a certain date to be  
 10 appointed on or before a certain date; providing for the expiration of the certain  
 11 terms of the members of the Board of Trustees; ~~requiring the publisher of the~~  
 12 ~~Annotated Code of Maryland, in consultation with the Department of Legislative~~  
 13 ~~Services, to correct cross references and terminology in the Code that are rendered~~  
 14 ~~incorrect by this Act; prohibiting the Board of Trustees from appointing a new~~  
 15 President of the College except under certain circumstances; making this Act an  
 16 emergency measure; ~~providing for the termination of this Act;~~ and generally relating  
 17 to the ~~restructuring~~ realignment of Baltimore City Community College.

18 BY repealing and reenacting, with amendments,

19 Article – Education

20 ~~Section 10-101(c), 11-105(i)(1), 16-302.1(a)(3), 16-502, 16-504, 16-505, 16-506,~~  
 21 ~~16-507(a) and (c), 16-511, 16-512(c) and (d)(3), and 16-513(c) and (d)~~

22 Section 16-504 and 16-505

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2016 Supplement)

25 ~~BY repealing and reenacting, without amendments,~~

26 ~~Article – Education~~

27 ~~Section 16-501~~

28 ~~Annotated Code of Maryland~~

29 ~~(2014 Replacement Volume and 2016 Supplement)~~

30 BY adding to

31 Article – Education

32 Section 16-505.1 and 16-505.2

33 Annotated Code of Maryland

34 (2014 Replacement Volume and 2016 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

36 That the Laws of Maryland read as follows:

37 **Article – Education**

38 ~~10-101.~~

39 ~~(e) “Governing board” means:~~

- 1           ~~(1) The Board of Regents of the University System of Maryland;~~  
 2           ~~(2) The Board of Regents of Morgan State University;~~  
 3           ~~(3) The Board of Trustees of St. Mary's College of Maryland; and~~  
 4           ~~(4) The **RESTRUCTURING** Board [of Trustees] of Baltimore City~~  
 5 ~~Community College.~~

6 ~~11-105.~~

7           ~~(i) (1) On or before a date set by the Commission, each of the following~~  
 8 ~~governing boards and agencies shall submit to the Commission its annual operating budget~~  
 9 ~~requests and proposals for capital projects, by constituent institutions and affiliated~~  
 10 ~~regional higher education centers for the next fiscal year.~~

- 11           ~~(i) The Board of Regents of the University System of Maryland;~~  
 12           ~~(ii) The Board of Regents of Morgan State University;~~  
 13           ~~(iii) The Board of Trustees of St. Mary's College of Maryland;~~  
 14           ~~(iv) The State Advisory Council for Title I of the Higher Education~~  
 15 ~~Act of 1965;~~  
 16           ~~(v) The **RESTRUCTURING** Board [of Trustees] of Baltimore City~~  
 17 ~~Community College;~~  
 18           ~~(vi) The Board of the Maryland Higher Education Investment~~  
 19 ~~Program; and~~  
 20           ~~(vii) The governing body of each regional higher education center.~~

21 ~~16-302.1.~~

22           ~~(a) (3) "Board" means:~~

- 23           ~~(i) A board of community college trustees established under §~~  
 24 ~~16-101 of this title;~~  
 25           ~~(ii) A board of regional community college trustees established under~~  
 26 ~~§ 16-202 of this title;~~  
 27           ~~(iii) The **RESTRUCTURING** Board [of Trustees] of [the] Baltimore~~  
 28 ~~City Community College established under § 16-504 of this title; and~~

1 ~~(iv) The Board of Trustees of the College of Southern Maryland~~  
2 ~~established under § 16-604 of this title.~~

3 ~~16-501.~~

4 ~~(a) The establishment of Baltimore City Community College is based on the~~  
5 ~~findings and policies set forth in this section.~~

6 ~~(b) (1) Public higher education should be accessible to all those who seek and~~  
7 ~~qualify for admission.~~

8 ~~(2) There is a need for an effective comprehensive urban community college~~  
9 ~~in Baltimore City offering educational programs that will stimulate the participation of~~  
10 ~~individuals, be responsive to the needs of the community, and afford open access to~~  
11 ~~individuals with a variety of educational backgrounds.~~

12 ~~(3) Businesses in the Baltimore metropolitan area are undergoing an~~  
13 ~~economic transition and need and must be ready to make extensive use of and provide~~  
14 ~~financial support for an effective, well-managed urban institution to train and educate~~  
15 ~~their employees and prospective employees in skills and fields of study of importance to the~~  
16 ~~region's business community.~~

17 ~~(4) A partnership between the State and business community is essential~~  
18 ~~to attain the requisite level of financial support to create and sustain a quality institution~~  
19 ~~that is responsive to the technological and continuing education needs of businesses.~~

20 ~~(e) The purpose of the College is to provide quality, accessible, and affordable~~  
21 ~~education to the citizens of Baltimore in the areas of basic skills, technical and career~~  
22 ~~education, continuing education, and the arts and sciences.~~

23 ~~16-502.~~

24 ~~(a) In this subtitle the following words have the meanings indicated.~~

25 ~~(b) "Board [of Trustees]" means the **RESTRUCTURING** Board [of Trustees] of~~  
26 ~~Baltimore City Community College.~~

27 ~~(c) "College" means Baltimore City Community College, formerly known as the~~  
28 ~~New Community College of Baltimore.~~

29 ~~(d) "Commission" means the Maryland Higher Education Commission.~~

30 ~~(e) "Full-time equivalent student" means the quotient of the number of student~~  
31 ~~credit hours produced in the fiscal year 2 years prior to the fiscal year for which the State~~  
32 ~~appropriation is calculated divided by 30, as certified by the Maryland Higher Education~~  
33 ~~Commission.~~

1       ~~(f) "Officer" means the president and the vice presidents of the College and other~~  
 2 ~~officers as shall be appointed by the Board [of Trustees].~~

3       ~~(g) "Secretary" means the Secretary of Higher Education.~~

4       ~~(h) "State appropriation" means the amount of money for Baltimore City~~  
 5 ~~Community College operating funds to be provided each fiscal year to the Board [of~~  
 6 ~~Trustees] by the State.~~

7       ~~(i) "Student credit hours" means student credit hours or contact hours which are~~  
 8 ~~eligible, under the regulations issued by the Maryland Higher Education Commission, for~~  
 9 ~~inclusion in State funding calculations.~~

10 16-504.

11       (a) The government of the College is vested in the Board ~~of~~ Trustees of the  
 12 College~~].~~

13       (b) (1) The Board ~~of~~ Trustees consists of nine VOTING members:

14               **(I) SIX MEMBERS** appointed by the Governor with the advice and  
 15 consent of the Senate, **INCLUDING THE STUDENT MEMBER;**

16               **(II) ONE MEMBER JOINTLY APPOINTED BY THE PRESIDENT OF**  
 17 **THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES, WHO SHALL SERVE**  
 18 **AS CHAIR OF THE BOARD;**

19               **(III) THE CHIEF EXECUTIVE OFFICER OF THE BALTIMORE CITY**  
 20 **PUBLIC SCHOOLS, OR THE CHIEF EXECUTIVE OFFICER'S DESIGNEE, WHO SHALL**  
 21 **SERVE AS AN EX OFFICIO MEMBER; AND**

22               **(IV) THE EXECUTIVE DIRECTOR OF THE MAYOR'S OFFICE OF**  
 23 **EMPLOYMENT DEVELOPMENT, WHO SHALL SERVE AS AN EX OFFICIO MEMBER.**

24       (2) Of the members:

25               (i) Each shall be a resident of the State;

26               (ii) A majority shall be residents of Baltimore City; and

27               (iii) One shall be a regularly enrolled student in good standing at the  
 28 College~~].~~ ~~CONSISTS OF SEVEN MEMBERS APPOINTED JOINTLY BY THE GOVERNOR~~  
 29 ~~AND THE MAYOR OF BALTIMORE CITY WITH THE ADVICE AND CONSENT OF THE~~  
 30 ~~SENATE.~~

1           ~~(2)~~ **(3)**       THE MEMBERS OF THE BOARD SHALL ~~BE AS FOLLOWS, TO~~  
2 THE EXTENT PRACTICABLE, CONSIST OF AT LEAST:

3           (I)       ONE ~~FORMER PRESIDENT OF AN INSTITUTION OF HIGHER~~  
4 ~~EDUCATION IN THE STATE~~ INDIVIDUAL WITH A BACKGROUND IN HIGHER  
5 EDUCATION;

6           (II)       ONE INDIVIDUAL WITH A BACKGROUND IN PROCUREMENT  
7 AND FINANCE;

8           (III)       ONE INDIVIDUAL WITH A BACKGROUND IN WORKFORCE  
9 DEVELOPMENT; AND

10          (IV)       ONE HIGH LEVEL EXECUTIVE FROM A LARGE EMPLOYER  
11 LOCATED IN BALTIMORE CITY;

12          ~~(V)       ONE INDIVIDUAL WITH A BACKGROUND IN~~  
13 ~~REORGANIZATION AND RESTRUCTURING; AND~~

14          ~~(VI)       TWO MEMBERS OF THE BOARD OF TRUSTEES OF~~  
15 ~~BALTIMORE CITY COMMUNITY COLLEGE AS IT EXISTED ON FEBRUARY 1, 2017.~~

16          (c)       ~~f~~(1)       The student member shall have a term of 1 year beginning July 1 and  
17 ending on June 30.

18          (2)       Except for the student member, the term is 6 years from July 1 of the  
19 year of appointment and until a successor is appointed and qualifies.

20          (3)       The terms of the members are staggered, as required by the terms  
21 provided for members of the Board on July 1, ~~1992~~ 2017.

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

24          (5)       A member may be reappointed but may not serve more than 2  
25 consecutive full terms. ~~EACH MEMBER OF THE BOARD SHALL SERVE FOR THE~~  
26 ~~DURATION OF THE BOARD.~~

27          (d)       Each member of the Board ~~[of Trustees]~~:

28               (1)       Serves without compensation; and

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

1 (e) [Each year the] ~~THE EXCEPT AS PROVIDED IN SUBSECTION (B)(1)(II) OF~~  
 2 ~~THIS SECTION, THE~~ Board ~~{of Trustees}~~

3 ~~(1) Shall elect one of its {nonstudent} members as its {chairman} CHAIR;~~  
 4 ~~and~~

5 ~~(2) May~~ MAY elect any other officers it requires.

6 (f) (1) The Board ~~{of Trustees}~~ shall meet regularly at such times and places  
 7 as it determines.

8 (2) The Board ~~{of Trustees}~~ may adopt rules for the conduct of its meetings  
 9 and the transaction of business.

10 (g) A majority of the voting members shall constitute a quorum for the  
 11 transaction of business.

12 16-505.

13 (a) In addition to the other powers granted and duties imposed by this title, ~~{and~~  
 14 subject to the authority of the Commission,~~}~~ the Board ~~{of Trustees}~~ has the powers and  
 15 duties set forth in this section.

16 (b) ~~{(1)}~~ The Board ~~{of Trustees}~~ shall exercise general control over the College  
 17 and establish broad policy and long-range planning to effect the efficient operation of the  
 18 College.

19 ~~{(2)}~~ The Board of Trustees may not participate in the day-to-day operations  
 20 of the College.~~}~~

21 (c) (1) ~~{The}~~ ~~NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS~~  
 22 ~~SUBTITLE, THE~~ Board ~~{of Trustees}~~ shall:

23 (i) ~~ON OR BEFORE DECEMBER 1, 2018;~~

24 ~~1. SELECT A NEW PRESIDENT IN ACCORDANCE WITH~~  
 25 ~~THE CRITERIA LISTED UNDER § 16 505.1(A) OF THIS SUBTITLE AND SUBJECT TO~~  
 26 ~~THE LIMITATION OF § 16 505.1(B) OF THIS SUBTITLE; AND~~

27 ~~2. DEVELOP A NEW STRATEGIC PLAN FOR THE COLLEGE~~  
 28 ~~IN CONSULTATION WITH THE NEW PRESIDENT SELECTED UNDER ITEM 1 OF THIS~~  
 29 ~~ITEM;, REVIEW, REVISE, AND UPDATE THE STRATEGIC PLAN FOR THE COLLEGE;~~

1 (II) REVIEW, ~~ELIMINATE IF NEEDED,~~ AND STRATEGICALLY  
2 ~~FOCUS CORE~~ ALIGN CORE COURSE OFFERINGS OF THE COLLEGE, CONSISTENT WITH  
3 ACCREDITATION REQUIREMENTS, AND FOCUSED ON THE NEEDS OF:

4 1. STUDENTS AT THE COLLEGE; AND

5 2. THE WORKFORCE IN BALTIMORE CITY;

6 (III) MAKE WORKFORCE DEVELOPMENT AND JOB PLACEMENT  
7 TOP EDUCATIONAL PRIORITIES OF THE COLLEGE;

8 (IV) IMPROVE STUDENT PATHWAYS TO SUCCESS, INCLUDING  
9 REMEDIAL EDUCATION, ATTAINMENT OF A DEGREE OR A POSTSECONDARY  
10 CERTIFICATE, AND TRANSFER TO 4-YEAR INSTITUTIONS OF HIGHER EDUCATION;

11 (V) ENTER INTO MEMORANDA OF UNDERSTANDING IN ORDER  
12 TO ESTABLISH STUDENT PATHWAYS TO SUCCESS WITH THE BALTIMORE CITY  
13 PUBLIC SCHOOL SYSTEM, INSTITUTIONS OF HIGHER EDUCATION, AND EMPLOYERS;

14 (VI) ALIGN THE BUDGET OF THE COLLEGE WITH REALISTIC  
15 ENROLLMENT PROJECTIONS;

16 (VII) ENGAGE IN A COMPREHENSIVE REVIEW OF ALL POSITIONS,  
17 FACULTY, AND STAFF AT THE COLLEGE;

18 (VIII) ESTABLISH STRONG RELATIONSHIPS WITH KEY  
19 STAKEHOLDERS, INCLUDING:

20 1. THE MAYOR OF BALTIMORE CITY;

21 2. THE MAYOR'S OFFICE OF EMPLOYMENT  
22 DEVELOPMENT;

23 3. THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;

24 4. INSTITUTIONS OF HIGHER EDUCATION LOCATED IN  
25 BALTIMORE CITY;

26 5. STATE AGENCIES, INCLUDING THE DEPARTMENT OF  
27 LABOR, LICENSING, AND REGULATION;

28 6. PRIVATE EMPLOYERS; AND

29 7. BUSINESS AND COMMUNITY ORGANIZATIONS;



1 (IX) ~~REBUILD~~ DEVELOP AND MARKET ~~THE A BRAND OF~~ FOR THE  
2 COLLEGE;

3 (X) ADDRESS THE INFORMATION TECHNOLOGY AND  
4 INFRASTRUCTURE NEEDS OF THE COLLEGE, INCLUDING WHETHER OVERSIGHT BY  
5 THE DEPARTMENT OF INFORMATION TECHNOLOGY IS ADVISABLE;

6 (XI) DEVELOP OR SELL ALL UNUSED OR UNDERUTILIZED REAL  
7 ESTATE HOLDINGS, INCLUDING THE INNER HARBOR SITE;

8 (XII) IDENTIFY ANY BARRIERS IN STATE OR LOCAL LAWS OR  
9 REGULATIONS THAT IMPEDE THE ABILITY OF THE COLLEGE TO OPERATE  
10 EFFICIENTLY AND EFFECTIVELY, INCLUDING PROCUREMENT AND CAPITAL  
11 CONSTRUCTION PROJECTS;

12 ~~(XIII) RECOMMEND THE APPROPRIATE STRUCTURE AND~~  
13 ~~COMPOSITION OF A NEWLY CONSTITUTED BOARD OF TRUSTEES;~~

14 ~~(XIV) ENSURE A SEAMLESS TRANSITION BETWEEN THE~~  
15 ~~RESTRUCTURING BOARD AND THE NEWLY CONSTITUTED BOARD OF TRUSTEES;~~

16 ~~(i)~~ ~~(XV)~~ (XIII) Adopt reasonable rules, regulations, and bylaws to  
17 carry out the provisions of this subtitle and §§ 10–204 and 10–211 of this article; and

18 ~~(ii)~~ ~~(XVI)~~ (XIV) Keep separate records and minutes.

19 (2) Except with respect to skilled service employee grievance appeals, Title  
20 10, Subtitles 1 and 2 of the State Government Article (“Administrative Procedure Act”) does  
21 not apply to the Board ~~of Trustees~~.

22 (d) (1) Subject to the provisions of paragraph (2) of this subsection and the  
23 provisions of § 16–511(d)(3) of this subtitle, the Board ~~of Trustees~~ may receive, purchase,  
24 lease, or otherwise acquire property it considers necessary or useful for the operation of the  
25 College.

26 (2) Subject to appropriations and the prior approval of the Board of Public  
27 Works, the Board ~~of Trustees~~ may receive, purchase, lease, or otherwise acquire real  
28 property.

29 (e) (1) The Board ~~of Trustees~~ may sell, lease, encumber, or otherwise dispose  
30 of assets or property of the College, other than any real property, improvement to real  
31 property, or license.

1           (2) Subject to the prior approval of the Board of Public Works, the Board  
2 may sell, lease, encumber, or otherwise dispose of any real property, improvement to real  
3 property, or license of the College.

4           (3) (i) All proceeds and income from any sale, lease, disposition,  
5 encumbrance, or development of any property, right, or interest of the College shall be used  
6 for the benefit of the College and may not revert to the general funds of the State or be  
7 applied to the Annuity Bond Fund of the State.

8                       (ii) 1. The proceeds and income from the sale of any real  
9 property, improvement to real property, or license of the College shall be deposited in a  
10 special fund.

11                               2. The principal of the special fund may be used for capital  
12 expenditures, subject to the approval of the Board of Public Works on a pay-as-you-go  
13 basis, and may not be used to pay the operating expenses of the College.

14                               3. The Board ~~{of Trustees}~~ shall develop the commercial  
15 potential of the Inner Harbor site **OR DETERMINE THAT THE INNER HARBOR SITE**  
16 **SHOULD BE SOLD** to maximize revenue to the College without jeopardizing the educational  
17 mission of the College.

18           (f) The Board ~~{of Trustees}~~ may apply for, accept, and spend any gift or grant  
19 from any government, foundation, or person.

20           (g) (1) The Board ~~{of Trustees}~~ shall fix the tuition and fees to be paid by  
21 students and shall do so with a view to making college education available at low cost.

22                       (2) (i) Except as otherwise provided in paragraph (4) of this subsection,  
23 the Board ~~{of Trustees}~~ shall assess each student who is not a resident of this State, in  
24 addition to the student tuition and fees paid by residents, an out-of-state fee at least equal  
25 to 60 percent of the amount of State support for the College per full-time equivalent  
26 student.

27                               (ii) The Board ~~{of Trustees}~~ may waive the out-of-state fee as  
28 determined in subparagraph (i) of this paragraph for a student who is employed by a  
29 business located in the City of Baltimore.

30                               (iii) Any student attending the College who receives a tuition waiver  
31 as provided by subparagraph (ii) of this paragraph shall not be included as an in-State  
32 resident for computation of State aid to the College in accordance with § 16-512 of this  
33 subtitle.

34                               (iv) The Board ~~{of Trustees}~~ may waive the out-of-state fee as  
35 determined in subparagraph (i) of this paragraph for a student who resides in the State but  
36 does not meet the in-State residency requirement for tuition purposes and has moved to

1 the State as an employee or a family member of an employee as part of the Base  
2 Realignment and Closure process as announced by the United States Department of  
3 Defense.

4 (v) Any student attending the College who receives a tuition waiver  
5 under subparagraph (iv) of this paragraph shall be included as an in-State resident for  
6 computation of State aid to the College in accordance with § 16-512 of this subtitle.

7 (3) For purposes of this subsection, the number of full-time equivalent  
8 students is the quotient of the number of student credit hours produced in the fiscal year  
9 divided by 30.

10 (4) A student who is not a resident of the State shall be considered a  
11 resident for purposes of assessing tuition and fees to the extent that such student would be  
12 eligible for in-county status under the provisions of § 16-310(a)(3) or (f) of this title.

13 (5) The Board ~~of Trustees~~ shall set tuition and fees for students who are  
14 residents of counties in this State other than Baltimore City at the same rate as the tuition  
15 and fees charged to students who reside in Baltimore City.

16 (h) (1) **[The] IN ACCORDANCE WITH § 16-505.1 OF THIS SUBTITLE, THE**  
17 Board ~~of Trustees~~ shall appoint a President of the College who shall be the Chief  
18 Executive Officer of the College and the Chief of Staff for the Board ~~of Trustees~~.

19 (2) The Board ~~of Trustees~~ may create other offices in the College and  
20 provide for the appointment of qualified persons to those offices.

21 (3) (i) The Board ~~of Trustees~~ shall appoint an interim president to  
22 carry out the duties of the President within 90 days after the office of the President becomes  
23 vacant.

24 (ii) The interim president may not be a member of the Board ~~of~~  
25 ~~Trustees~~.

26 (4) (i) Notwithstanding any other provision of law, the Board ~~of~~  
27 ~~Trustees~~ may create any position to the extent that the cost of the position, including any  
28 fringe benefit costs, is funded from grant or special project funds.

29 (ii) The Board ~~of Trustees~~ shall abolish a position created under  
30 this paragraph when the grant or special project funds are insufficient to fund the cost of  
31 the position, including any fringe benefit costs.

32 (iii) This paragraph may not be construed to require any additional  
33 State General Fund support.

1 (iv) By September 1 of each year, the Board ~~of Trustees~~ shall  
2 submit an annual position accountability report to the Department of Budget and  
3 Management, in accordance with § 2-1246 of the State Government Article, the  
4 Department of Legislative Services, and the Commission reporting the total positions  
5 created and the cost and the funding source for any positions created by the College in the  
6 previous fiscal year.

7 (v) The total number of positions authorized under this paragraph  
8 shall be limited as specified annually in the State budget bill.

9 (i) Subject to the authority of the Commission, the Board ~~of Trustees~~ may:

10 (1) Establish entrance requirements for the College;

11 (2) Approve courses and programs;

12 (3) Adopt and change curricula;

13 (4) Establish and change requirements for the awarding of credits and  
14 degrees and for graduation;

15 (5) Work with the Commission to establish cooperative program  
16 agreements that qualify as statewide programs in accordance with § 16-310(d) of this title;  
17 and

18 (6) Develop effective relationships and cooperative programs with the  
19 Baltimore City Public School System to assure that high school students are encouraged to  
20 enroll in the College.

21 (j) The Board ~~of Trustees~~ may fix the salaries and terms of employment of the  
22 President, faculty, and officers of the College.

23 (k) In addition to any performance evaluation required by regulation of the  
24 Department of Budget and Management, the Board ~~of Trustees~~ shall evaluate the  
25 performance of the faculty of the College in a form developed in cooperation with the  
26 Commission.

27 (l) The Board ~~of Trustees~~ may enter into contracts or delegate that authority to  
28 the President.

29 (m) On the recommendation of the President, the Board ~~of Trustees~~ shall  
30 designate one or more representatives to participate as a party in collective bargaining on  
31 behalf of the College in accordance with Title 3 of the State Personnel and Pensions Article.

32 **16-505.1.**

1        ~~(A)~~ AT A MINIMUM, THE PRESIDENT OF THE COLLEGE SHALL MEET THE  
2 FOLLOWING CRITERIA:

3            (1) A COMMITMENT TO LIFELONG LEARNING AND ACHIEVEMENT;

4            (2) ACADEMIC LEADERSHIP SKILLS TO DETERMINE FUTURE  
5 PRIORITIES, STRATEGIC INITIATIVES, NEW PROGRAMS OR METHODS OF PROGRAM  
6 DELIVERY, AND EVALUATION OF ACCOUNTABILITY FOR CURRENT PROGRAMS;

7            (3) THE VISION AND SKILLS TO DEVELOP AND IMPLEMENT A FOCUS,  
8 VISION, AND STRATEGIES FOR THE COLLEGE THAT ADDRESS THE CRITICAL  
9 ACADEMIC, CAREER, AND CONTINUING EDUCATION ROLES OF THE COLLEGE;

10           (4) THE ABILITY TO ARTICULATE EFFECTIVELY THE COLLEGE'S  
11 FOCUS, VISION, AND STRATEGIES FOR THE FUTURE TO A WIDE RANGE OF  
12 STAKEHOLDERS AND THE PUBLIC;

13           (5) THE ABILITY TO DEVELOP NEW AND IMPROVED PARTNERSHIPS  
14 BETWEEN THE COLLEGE AND BALTIMORE CITY, THE BALTIMORE CITY PUBLIC  
15 SCHOOL SYSTEM, INSTITUTIONS OF HIGHER EDUCATION LOCATED IN BALTIMORE  
16 CITY, BUSINESS AND WORKFORCE SECTORS, RELIGIOUS, CIVIC, AND PROFESSIONAL  
17 COMMUNITIES, AND THE STATE;

18           (6) THE ABILITY TO ENHANCE THE COLLEGE'S ROLE IN THE  
19 CONTINUING ECONOMIC AND WORKFORCE DEVELOPMENT OF THE REGION,  
20 INCLUDING UPGRADING THE SKILLS OF YOUNG PEOPLE AND ADULTS TO OBTAIN  
21 EMPLOYMENT THAT SUPPORTS FAMILIES AND ATTRACTS NEW EMPLOYERS TO THE  
22 REGION; AND

23           (7) A DEDICATION TO SERVING ALL OF THE STAKEHOLDERS OF THE  
24 COLLEGE IN BALTIMORE CITY AND THE STATE.

25        ~~(B) THE NEW PRESIDENT OF THE COLLEGE MAY NOT BE A MEMBER OF THE~~  
26 ~~RESTRUCTURING BOARD OR A MEMBER OF THE BOARD OF TRUSTEES OF THE~~  
27 ~~COLLEGE, AS IT EXISTED ON FEBRUARY 1, 2017.~~

28        16-505.2.

29        ON OR BEFORE DECEMBER 1 EACH YEAR, THE BOARD SHALL REPORT TO THE  
30 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
31 ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS  
32 COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL  
33 ASSEMBLY REGARDING ITS PROGRESS IN IMPLEMENTING THE DUTIES AND  
34 RESPONSIBILITIES LISTED UNDER § 16-505(C) OF THIS SUBTITLE.

1 ~~16-506.~~

2 ~~(a) The President of the College shall:~~

3 ~~(1) Report directly to the Board [of Trustees] and be the sole liaison~~  
4 ~~between the Board [of Trustees] and the College's faculty, administrators, and staff;~~

5 ~~(2) Be responsible and accountable to the Board [of Trustees] for the~~  
6 ~~discipline and successful conduct of the College and supervision of each of its departments;~~

7 ~~(3) Take every initiative in:~~

8 ~~(i) Implementing the policies of the Board [of Trustees] and the~~  
9 ~~College; and~~

10 ~~(ii) Promoting the development and efficiency of the College;~~

11 ~~(4) Hire and discharge faculty and employees as authorized by the Board~~  
12 ~~[of Trustees];~~

13 ~~(5) Attend all meetings of the Board [of Trustees], except that the~~  
14 ~~President may be excused by the Board [of Trustees] from discussions concerning the~~  
15 ~~President or the position of President; and~~

16 ~~(6) Carry out other duties as authorized by the Board [of Trustees].~~

17 ~~(b) The President may delegate any portion of the President's authority to other~~  
18 ~~officers of the College, subject to the right of the President or the Board [of Trustees] to~~  
19 ~~rescind or modify the delegation in whole or in part at any time.~~

20 ~~16-507.~~

21 ~~(a) For each fiscal year, the President shall prepare and the Board [of Trustees]~~  
22 ~~shall review, modify, as necessary, and approve an operating budget and a capital budget~~  
23 ~~for the College.~~

24 ~~(e) The President and Board [of Trustees] shall submit the operating and capital~~  
25 ~~budgets to the Commission in accordance with the provisions of § 11-105(i) of this article.~~

26 ~~16-511.~~

27 ~~(a) The College possesses all of the property, assets, immunities, defenses,~~  
28 ~~licenses, credits, and rights of the New Community College of Baltimore, including those~~  
29 ~~transferred to the Board of Trustees of the New Community College of Baltimore by the~~

1 ~~City of Baltimore and the Board of Trustees of the Community College of Baltimore under~~  
2 ~~Chapter 220 of the Acts of the General Assembly of 1990.~~

3       ~~(b) (1) (i) The Board [of Trustees of the College] may, in its discretion,~~  
4 ~~assume such liabilities and obligations of the Community College of Baltimore as the Board~~  
5 ~~considers necessary or useful.~~

6                     ~~(ii) Except as otherwise provided in subsection (d) of this section, the~~  
7 ~~Board [of Trustees] may assume such liabilities or obligations only if the nature and terms~~  
8 ~~of the obligations or liabilities to be assumed are consistent with the laws and regulations~~  
9 ~~of the State.~~

10       ~~(2) No liability, contract, or obligation of the Community College of~~  
11 ~~Baltimore shall be a liability, contract, or obligation of the College unless such liability,~~  
12 ~~contract, or obligation is expressly assumed by action of the Board [of Trustees of the~~  
13 ~~College].~~

14       ~~(e) Baltimore City shall indemnify and hold harmless the State, THE BOARD, the~~  
15 ~~Board of Trustees of the New Community College of Baltimore, the New Community~~  
16 ~~College of Baltimore, the Board of Trustees of Baltimore City Community College, and~~  
17 ~~Baltimore City Community College for any judgments, damages, liens, settlements, and~~  
18 ~~other costs, including attorney's fees, arising from the operations of the Community College~~  
19 ~~of Baltimore, or the actions of the Board of Trustees of the Community College of Baltimore,~~  
20 ~~or their employees, officers, or agents.~~

21       ~~(d) (1) In this subsection, "procurement" and "procurement contract" have the~~  
22 ~~meanings stated in § 11-101 of the State Finance and Procurement Article.~~

23       ~~(2) Before July 1, 1991, the Board [of Trustees] may, in its discretion,~~  
24 ~~assume as assignee any procurement contract entered into by or on behalf of the~~  
25 ~~Community College of Baltimore prior to July 1, 1990. The Board [of Trustees] may assume~~  
26 ~~such procurement contracts without regard to whether the contracts conform to the~~  
27 ~~requirements of Division II of the State Finance and Procurement Article (The "General~~  
28 ~~Procurement Law") and the regulations adopted under that law.~~

29       ~~(3) Except for contracts assumed under paragraph (2) of this subsection,~~  
30 ~~procurement by the College shall be in accordance with Division II of the State Finance and~~  
31 ~~Procurement Article and the regulations issued pursuant to that article.~~

32 ~~16-512.~~

33       ~~(e) The State shall distribute the State appropriation under this subsection to the~~  
34 ~~Board [of Trustees of Baltimore City Community College] on a quarterly basis.~~

1       ~~(d) (3) (i) Beginning on July 1, 2006, the City of Baltimore shall be~~  
2 ~~responsible for providing at least \$1,000,000 in each fiscal year to support education at the~~  
3 ~~College.~~

4               ~~(ii) Of this amount, in each fiscal year, at least \$400,000 shall be~~  
5 ~~expended and administered by the College for tuition reimbursement or scholarships to~~  
6 ~~attend classes at the College, and the remaining balance shall be expended in a manner~~  
7 ~~consistent with the educational mission of the College.~~

8               ~~(iii) The source of the \$1,000,000 is not limited to tax or fee revenues~~  
9 ~~generated by the City of Baltimore.~~

10              ~~(iv) The Board [of Trustees] shall submit an annual report on or~~  
11 ~~before December 31 to the Director of Finance for the City of Baltimore regarding the~~  
12 ~~expenditures made under this paragraph.~~

13 ~~16-513.~~

14       ~~(e) (1) In consultation with the Secretary of State Police and the Maryland~~  
15 ~~Police Training Commission, the Board [of Trustees] shall adopt standards, qualifications,~~  
16 ~~and prerequisites of character, training, education, human and public relations, and~~  
17 ~~experience for Baltimore City Community College police officers, including standards for~~  
18 ~~the performance of their duties.~~

19              ~~(2) To the extent practicable, the Board shall adopt standards that are~~  
20 ~~similar to the standards adopted for the Department of State Police.~~

21       ~~(d) The Board [of Trustees] shall adopt regulations governing the operation and~~  
22 ~~conduct of the Baltimore City Community College police force and of Baltimore City~~  
23 ~~Community College police officers.~~

24       SECTION 2. AND BE IT FURTHER ENACTED, That ~~the terms of each member of~~  
25 ~~the Board of Trustees of Baltimore City Community College shall expire on the effective~~  
26 ~~date of this Act~~ the members of the Board of Trustees of the Baltimore City Community  
27 College whose terms have expired as of the effective date of this Act shall be replaced, and  
28 any seats vacant as of the effective date of this Act shall be appointed, on or before July 1,  
29 2017, in accordance with § 16-504(b) of the Education Article, as enacted by Section 1 of  
30 this Act.

31       SECTION 3. AND BE IT FURTHER ENACTED, That the ~~publisher of the~~  
32 ~~Annotated Code of Maryland, in consultation with and subject to the approval of the~~  
33 ~~Department of Legislative Services, shall correct, with no further action required by the~~  
34 ~~General Assembly, cross references and terminology rendered incorrect by this Act or any~~  
35 ~~other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The~~  
36 ~~publisher shall adequately describe any such correction in an editor's note following the~~  
37 ~~section affected.~~ terms of the members of the Board of Trustees of the Baltimore City  
38 Community College appointed under Section 2 of this Act shall expire as follows:



1           (1) except as provided in item (2) of this section, the terms of the members  
2 appointed under § 16-504(b)(1)(i) of the Education Article, as enacted by Section 1 of this  
3 Act, shall expire on June 30, 2021;

4           (2) the terms of the members appointed under § 16-504(b)(1)(i) of the  
5 Education Article, as enacted by Section 1 of this Act, to a seat that was vacant on or before  
6 January 1, 2017, shall expire on June 30, 2022; and

7           (3) the term of a member appointed under § 16-504(b)(1)(ii) of the  
8 Education Article, as enacted by Section 1 of this Act, shall expire on June 30, 2023.

9           SECTION 4. AND BE IT FURTHER ENACTED, That the Board of Trustees of the  
10 Baltimore City Community College may not appoint a new President of the College under  
11 § 16-505(h) of the Education Article, as enacted by Section 1 of this Act, until the members  
12 of the Board of Trustees have been appointed in accordance with the requirements of  
13 Section 2 of this Act.

14           SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
15 measure, is necessary for the immediate preservation of the public health or safety, has  
16 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
17 each of the two Houses of the General Assembly, and shall take effect from the date it is  
18 enacted. ~~It shall remain effective through June 30, 2020, and, at the end of June 30, 2020,~~  
19 ~~with no further action required by the General Assembly, this Act shall be abrogated and~~  
20 ~~of no further force and effect.~~

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.