SENATE BILL 136

F4

(PRE–FILED)

By: Senator Ellis
Requested: November 1, 2021
Introduced and read first time: January 12, 2022
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

College of Southern Maryland – Charles County Campus – Transition to Charles County Community College

FOR the purpose of establishing the Charles County Community College and the Board of Community College Trustees for Charles County by transitioning the College of Southern Maryland Charles County campus to the Charles County Community College; removing Charles County from certain provisions of law relating to the College of Southern Maryland; exempting the Charles County Community College from certain provisions of law for a certain period of time; altering the number of members of the Board of Trustees of the College of Southern Maryland and requiring the Board of Trustees to take certain actions relating to the transition of the College of Southern Maryland Charles County campus to the Charles County Community College; and generally relating to the College of Southern Maryland and the Charles County Community College.

BY repealing

Article – Education
Section 16–601
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY renumbering

Article – Education
Section 16–602 through 16–610, respectively
to be Section 16–601 through 16–609, respectively
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY adding to
Article – Education
Section 16–404
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 16–601, 16–602(a)(1) and (d), and 16–603(b)(1)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)
(As enacted by Section 2 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 16–601 of Article – Education of the Annotated Code of Maryland be
repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16–602 through
16–610, respectively, of Article – Education of the Annotated Code of Maryland be
renumbered to be Section(s) 16–601 through 16–609, respectively.

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

Article – Education

16–305.

(a) The formula used for the distribution of funds to the community colleges in
the State shall be known as the Senator John A. Cade Funding Formula.

(b) (1) In this section the following words have the meanings indicated.

(4) “Community college” means a community college established under this
title but does not include Baltimore City Community College.

(c) (1) (i) Except as provided in subparagraphs (iii), (iv), and (v) of this
paragraph, the total State operating fund per full–time equivalent student to the
community colleges for each fiscal year as requested by the Governor shall be:

13. In fiscal year 2023 and each fiscal year thereafter, not less
than an amount equal to 29% of the State’s General Fund appropriation per full–time
equivalent student to the 4–year public institutions of higher education in the State as
designated by the Commission for the purpose of administering the Joseph A. Selinger Program under Title 17 of this article in the same fiscal year.

16–404.

(A) (1) **There is a Charles County Community College.**

(2) The Board of Community College Trustees for Charles County consists of seven members appointed by the Governor, with the advice and consent of the Senate.

(3) Each member shall:

   (i) Be a resident of Charles County; and

   (ii) Have completed at least 60 semester hours of accredited college work.

(4) A member may not be an elected official of the State, a county, a municipal corporation, or the Charles County Board of Education.

(B) (1) The term of a member is 5 years.

(2) A member may not serve for more than two consecutive terms.

(C) Each member of the Board of Trustees is entitled to receive a maximum of $600 each year for expenses.

16–601.

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

(b) “Board of Trustees” means the Board of Trustees of the College of Southern Maryland.

(c) “College” means the College of Southern Maryland[, formerly known as the Charles County Community College].

(d) “Commission” means the Maryland Higher Education Commission.

(e) “County commissioners” means the elected county commissioners from Calvert[, Charles,] and St. Mary’s counties.
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(f) “Officer” means the president, vice presidents, deans, or other officers of the College as shall be appointed by the Board of Trustees.

(g) “Resident campus” means a primary campus located in Calvert County[, Charles County,] or St. Mary’s County.

(h) “Southern Maryland” means the area that includes all of Calvert[, Charles,] and St. Mary’s counties.

16–602.

(a) (1) There is a College of Southern Maryland[, formerly known as the Charles County Community College,] located in Calvert[, Charles,] and St. Mary’s counties, Maryland.

(d) Calvert[, Charles,] and St. Mary’s counties may appropriate money to pay the cost of operating the College according to the provisions of this article.

16–603.

(b) (1) The Board of Trustees consists of [nine] SIX members appointed by the Governor with the advice and consent of the Senate.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding the requirements under Title 11, Subtitle 2 of the Education Article, for the 2023–2024 academic year, the Charles County Community College established under Section 3 of this Act:

(1) may offer the same degree programs that the College of Southern Maryland is approved to offer; and

(2) may operate without a certificate of approval from the Maryland Higher Education Commission.

(b) To continue to operate beyond the 2023–2024 academic year, the Charles County Community College shall be subject to the requirements of Title 11, Subtitle 2 of the Education Article.

SECTION 5. AND BE IT FURTHER ENACTED, That, on July 1, 2023, all the functions, powers, duties, books and records (including electronic records), real and personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges of any branches or locations of the College of Southern Maryland that are located in Charles County or pertain to students who reside in Charles County shall be transferred to the Charles County Community College.
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SECTION 6. AND BE IT FURTHER ENACTED, That, all employees who are transferred to the Charles County Community College and its Board of Trustees as a result of this Act shall be transferred without diminution of their rights, benefits, employment, or retirement status.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute added, amended, repealed, or transferred under this Act and validly entered into before the effective date of this Act, and every right, duty, or interest flowing from it remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced under the law.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the agencies and units that are the subject of this Act prior to the effective date of this Act shall continue in effect under and, as appropriate, are legal and binding on the Charles County Community College and the Board of Trustees until completed, withdrawn, canceled, modified, or otherwise changed under the law.

SECTION 9. AND BE IT FURTHER ENACTED, That any members of the Board of Trustees of the College of Southern Maryland who reside in Charles County shall be transferred to the Charles County Community College Board of Trustees and nothing in this Act shall affect the terms of office of those members or the remaining members of the Board of Trustees of the College of Southern Maryland serving on the effective date of this Act. An individual who is transferred under this section or who remains a member of the Board of Trustees of the College of Southern Maryland on the effective date of this Act shall remain a member for the balance of the term to which the member was originally appointed, unless the member sooner dies, resigns, or is removed under appropriate provisions of law.

SECTION 10. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2022 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.

SECTION 11. AND BE IT FURTHER ENACTED, That the Board of Trustees of the College of Southern Maryland shall endeavor to secure a stable transition of the College of Southern Maryland Charles County campus and programs to the Charles County Community College before July 1, 2023, through advertising, changing the College letterhead and signs, and preparation of materials, processes, and activities as stated and implied by this Act.
SECTION 12. AND BE IT FURTHER ENACTED, That for the purposes of calculating full–time equivalent enrollment under § 16–305 of the Education Article in fiscal year 2024 for the Charles County Community College, the State shall use the enrollment of Charles County residents at the College of Southern Maryland in fiscal year 2022.

SECTION 13. AND BE IT FURTHER ENACTED, That Section 11 of this Act shall take effect July 1, 2022.

SECTION 14. AND BE IT FURTHER ENACTED, That, except as provided in Section 13 of this Act, this Act shall take effect July 1, 2023.