

SENATE BILL 136

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2lr1141

(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

1 AN ACT concerning

2 **College of Southern Maryland – Charles County Campus – Transition to Charles**
3 **County Community College**

4 FOR the purpose of establishing the Charles County Community College and the Board of
5 Community College Trustees for Charles County by transitioning the College of
6 Southern Maryland Charles County campus to the Charles County Community
7 College; removing Charles County from certain provisions of law relating to the
8 College of Southern Maryland; exempting the Charles County Community College
9 from certain provisions of law for a certain period of time; altering the number of
10 members of the Board of Trustees of the College of Southern Maryland and requiring
11 the Board of Trustees to take certain actions relating to the transition of the College
12 of Southern Maryland Charles County campus to the Charles County Community
13 College; and generally relating to the College of Southern Maryland and the Charles
14 County Community College.

15 BY repealing

16 Article – Education

17 Section 16–601

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2021 Supplement)

20 BY renumbering

21 Article – Education

22 Section 16–602 through 16–610, respectively

23 to be Section 16–601 through 16–609, respectively

24 Annotated Code of Maryland

25 (2018 Replacement Volume and 2021 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–305(a), (b)(1) and (4), and (c)(1)(i)13.
2 Annotated Code of Maryland
3 (2018 Replacement Volume and 2021 Supplement)

4 BY adding to
5 Article – Education
6 Section 16–404
7 Annotated Code of Maryland
8 (2018 Replacement Volume and 2021 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 16–601, 16–602(a)(1) and (d), and 16–603(b)(1)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)
14 (As enacted by Section 2 of this Act)

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17 repealed.

18 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16–602 through
19 16–610, respectively, of Article – Education of the Annotated Code of Maryland be
20 renumbered to be Section(s) 16–601 through 16–609, respectively.

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

23 **Article – Education**

24 16–305.

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

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

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

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

33 13. In fiscal year 2023 and each fiscal year thereafter, not less
34 than an amount equal to 29% of the State’s General Fund appropriation per full–time
35 equivalent student to the 4–year public institutions of higher education in the State as

1 designated by the Commission for the purpose of administering the Joseph A. Selinger
2 Program under Title 17 of this article in the same fiscal year.

3 **16-404.**

4 **(A) (1) THERE IS A CHARLES COUNTY COMMUNITY COLLEGE.**

5 **(2) THE BOARD OF COMMUNITY COLLEGE TRUSTEES FOR CHARLES**
6 **COUNTY CONSISTS OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE**
7 **ADVICE AND CONSENT OF THE SENATE.**

8 **(3) EACH MEMBER SHALL:**

9 **(I) BE A RESIDENT OF CHARLES COUNTY; AND**

10 **(II) HAVE COMPLETED AT LEAST 60 SEMESTER HOURS OF**
11 **ACCREDITED COLLEGE WORK.**

12 **(4) A MEMBER MAY NOT BE AN ELECTED OFFICIAL OF THE STATE, A**
13 **COUNTY, A MUNICIPAL CORPORATION, OR THE CHARLES COUNTY BOARD OF**
14 **EDUCATION.**

15 **(B) (1) THE TERM OF A MEMBER IS 5 YEARS.**

16 **(2) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE**
17 **TERMS.**

18 **(C) EACH MEMBER OF THE BOARD OF TRUSTEES IS ENTITLED TO RECEIVE**
19 **A MAXIMUM OF \$600 EACH YEAR FOR EXPENSES.**

20 **16-601.**

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

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

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

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

27 (e) “County commissioners” means the elected county commissioners from
28 Calvert[, Charles,] and St. Mary’s counties.

1 (f) "Officer" means the president, vice presidents, deans, or other officers of the
2 College as shall be appointed by the Board of Trustees.

3 (g) "Resident campus" means a primary campus located in Calvert County[,
4 Charles County,] or St. Mary's County.

5 (h) "Southern Maryland" means the area that includes all of Calvert[, Charles,]
6 and St. Mary's counties.

7 16-602.

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

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

13 16-603.

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

16 SECTION 4. AND BE IT FURTHER ENACTED, That:

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

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

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

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

27 SECTION 5. AND BE IT FURTHER ENACTED, That, on July 1, 2023, all the
28 functions, powers, duties, books and records (including electronic records), real and
29 personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and
30 privileges of any branches or locations of the College of Southern Maryland that are located
31 in Charles County or pertain to students who reside in Charles County shall be transferred
32 to the Charles County Community College.

1 SECTION 6. AND BE IT FURTHER ENACTED, That, all employees who are
2 transferred to the Charles County Community College and its Board of Trustees as a result
3 of this Act shall be transferred without diminution of their rights, benefits, employment, or
4 retirement status.

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

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

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

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

36 SECTION 11. AND BE IT FURTHER ENACTED, That the Board of Trustees of the
37 College of Southern Maryland shall endeavor to secure a stable transition of the College of
38 Southern Maryland Charles County campus and programs to the Charles County
39 Community College before July 1, 2023, through advertising, changing the College
40 letterhead and signs, and preparation of materials, processes, and activities as stated and
41 implied by this Act.

1 SECTION 12. AND BE IT FURTHER ENACTED, That for the purposes of
2 calculating full-time equivalent enrollment under § 16-305 of the Education Article in
3 fiscal year 2024 for the Charles County Community College, the State shall use the
4 enrollment of Charles County residents at the College of Southern Maryland in fiscal year
5 2022.

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

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