

# HOUSE BILL 1459

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3lr3121

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By: **Delegate Morhaim**

Introduced and read first time: February 22, 2013

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Cooperative or Joint Administration of Programs**

3 FOR the purpose of requiring in each county and in Baltimore City, by no later than a  
4 certain date each year, certain representatives of the county board of education  
5 or the Baltimore City Board of School Commissioners and a certain governing  
6 board to meet and confer on certain areas of agreement for the cooperative or  
7 joint administration of certain programs; requiring certain individuals to  
8 maintain a summary of certain topics and decisions; and generally relating to  
9 cooperative or joint administration of programs.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 4–123  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2012 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.

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

- 21 (i) County boards;
- 22 (ii) Other educational institutions or agencies; and
- 23 (iii) Boards of county commissioners or county councils.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

- 3                   (i) Personnel;
- 4                   (ii) Purchasing;
- 5                   (iii) Accounting;
- 6                   (iv) Data processing;
- 7                   (v) Printing;
- 8                   (vi) Insurance;
- 9                   (vii) Building maintenance; and
- 10                  (viii) Transportation.

11           **(3) IN EACH COUNTY, BY NO LATER THAN DECEMBER 31 EACH**  
12 **YEAR, DESIGNATED REPRESENTATIVES OF THE COUNTY BOARD AND THE**  
13 **COUNTY GOVERNING BODY SHALL MEET AND CONFER TO:**

14                   **(I) EVALUATE AREAS OR FUNCTIONS CURRENTLY SUBJECT**  
15 **TO AN AGREEMENT UNDER THIS SECTION, OR OTHERWISE CONDUCTED IN A**  
16 **COOPERATIVE OR COLLABORATIVE FASHION; AND**

17                   **(II) CONSIDER ADDITIONAL AREAS OR FUNCTIONS IN**  
18 **WHICH COOPERATIVE AGREEMENT OR COLLABORATION MAY BE MUTUALLY**  
19 **BENEFICIAL.**

20           **(4) THE INDIVIDUALS PARTICIPATING IN THE MEETING UNDER**  
21 **PARAGRAPH (3) OF THIS SUBSECTION SHALL MAINTAIN A SUMMARY OF:**

22                   **(I) THE TOPICS DISCUSSED DURING THE MEETING;**

23                   **(II) DECISIONS ON AREAS OR FUNCTIONS RECOMMENDED**  
24 **FOR AN AGREEMENT UNDER THIS SECTION;**

25                   **(III) DECISIONS ON AREAS OR FUNCTIONS NOT**  
26 **RECOMMENDED FOR AN AGREEMENT UNDER THIS SECTION;**

27                   **(IV) ANY DECISIONS TO DIRECT FUTURE STUDY OR**  
28 **CONSIDERATION; AND**

1                                   **(V) ANY TOPICS RAISED BUT NOT RESOLVED.**

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

6                   (1) The duration of the agreement;

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

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

13                   (4) The purpose of the administrative entity;

14                   (5) The manner of financing the joint or cooperative undertaking and  
15 of establishing and maintaining its budget, including the manner for receiving,  
16 holding, and disbursing federal and other grants and appropriations, and the  
17 responsibilities of each cooperating unit of government involved for the payment of the  
18 share of the employer in any pension, retirement, or insurance plan administered by  
19 any of the participants;

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

22                   (7) The method to be used in accomplishing the partial or complete  
23 termination of the agreement and for disposing of property on partial or complete  
24 termination; and

25                   (8) Any other necessary and proper matters.

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

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

29                   (ii) Be submitted to the Attorney General.

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

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

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

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2013.