

Chapter 848

(Senate Bill 1127)

AN ACT concerning

Baltimore City Community College – ~~Restructuring~~ Realignment

FOR the purpose of ~~repealing the Board of Trustees of Baltimore City Community College; establishing the Restructuring Board of Baltimore City Community College and transferring the powers and duties of the Board of Trustees to the Restructuring Board; providing for the composition and duties of the Restructuring Board; requiring each member of the Restructuring Board to serve for the duration of the Restructuring Board; altering a certain authority of the Maryland Higher Education Commission; requiring the Restructuring Board to elect one of its members as its chair, select a certain president and develop a certain strategic plan on or before a certain date; altering the membership of the Board of Trustees of the Baltimore City Community College; providing, to the extent practicable, for the composition of the Board of Trustees; requiring the chair of the Board of Trustees to be jointly appointed by the President of the Senate and Speaker of the House of Delegates; requiring the Board of Trustees to review and focus certain offerings on certain needs, make workforce development and job placement a certain priority, improve student pathways to success, enter into certain memoranda of understanding, align a certain budget with certain projections, engage in a certain review of positions and staff, establish certain relationships with certain stakeholders, ~~rebuild~~ develop and market a certain brand, address certain information technology needs, develop or sell certain real estate holdings, and identify certain barriers that impede the efficient and effective operation of the College; recommend a certain structure and composition of a newly constructed Board of Trustees, and ensure a certain transition;~~ requiring the Board of Trustees to make a certain determination about certain property for a certain purpose; requiring the President of the College to meet certain criteria; prohibiting the President of the College from being a member of the Restructuring Board or a member of the Board of Trustees as it existed on a certain date; requiring the Restructuring Board of Trustees to submit a certain report to the Governor and to certain committees of the General Assembly, on or before a certain date, annually, regarding its progress in implementing its duties and responsibilities; altering certain definitions; making certain conforming changes; requiring the members of the Board of Trustees whose terms have expired on or before a certain date to be replaced and for seats vacant as of a certain date to be appointed on or before a certain date; providing for the expiration of the certain terms of the members of the Board of Trustees; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to correct cross references and terminology in the Code that are rendered incorrect by this Act; prohibiting the Board of Trustees from appointing a new President of the College except under certain circumstances; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the ~~restructuring~~ realignment of Baltimore City Community College.

BY repealing and reenacting, with amendments,

Article – Education

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

Section 16-504 and 16-505

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

~~Article – Education~~

~~Section 16-501~~

~~Annotated Code of Maryland~~

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

BY adding to

Article – Education

Section 16-505.1 and 16-505.2

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

~~10-101.~~

~~(c) “Governing board” means:~~

~~(1) The Board of Regents of the University System of Maryland;~~

~~(2) The Board of Regents of Morgan State University;~~

~~(3) The Board of Trustees of St. Mary’s College of Maryland; and~~

~~(4) The **RESTRUCTURING** Board [of Trustees] of Baltimore City
Community College.~~

~~11-105.~~

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

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

~~16-302.1.~~

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

- ~~(i) A board of community college trustees established under § 16-101 of this title;~~
- ~~(ii) A board of regional community college trustees established under § 16-202 of this title;~~
- ~~(iii) The **RESTRUCTURING** Board [of Trustees] of [the] Baltimore City Community College established under § 16-504 of this title; and~~
- ~~(iv) The Board of Trustees of the College of Southern Maryland established under § 16-604 of this title.~~

~~16-501.~~

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

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

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

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

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

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

~~16-502.~~

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

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

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

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

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

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

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

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

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

16-504.

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

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

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

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

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

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

(2) Of the members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Serves without compensation; and

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

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

~~(1) Shall elect one of its [nonstudent] members as its [chairman] CHAIR;~~
and

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

(f) (1) The Board ~~[of Trustees]~~ shall meet regularly at such times and places as it determines.

(2) The Board ~~[of Trustees]~~ may adopt rules for the conduct of its meetings and the transaction of business.

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

16-505.

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

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

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

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

(I) ~~ON OR BEFORE DECEMBER 1, 2018:~~

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

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

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

1. STUDENTS AT THE COLLEGE; AND

2. THE WORKFORCE IN BALTIMORE CITY;

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

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

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

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

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

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

1. THE MAYOR OF BALTIMORE CITY;
2. THE MAYOR'S OFFICE OF EMPLOYMENT DEVELOPMENT;
3. THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM;
4. INSTITUTIONS OF HIGHER EDUCATION LOCATED IN BALTIMORE CITY;
5. STATE AGENCIES, INCLUDING THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;
6. PRIVATE EMPLOYERS; AND
7. BUSINESS AND COMMUNITY ORGANIZATIONS;

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

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

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

(XII) IDENTIFY ANY BARRIERS IN STATE OR LOCAL LAWS OR REGULATIONS THAT IMPEDE THE ABILITY OF THE COLLEGE TO OPERATE

EFFICIENTLY AND EFFECTIVELY, INCLUDING PROCUREMENT AND CAPITAL CONSTRUCTION PROJECTS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) The Board ~~of Trustees~~ may waive the out-of-state fee as determined in subparagraph (i) of this paragraph for a student who resides in the State but does not meet the in-State residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of the Base Realignment and Closure process as announced by the United States Department of Defense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Establish entrance requirements for the College;
 - (2) Approve courses and programs;
 - (3) Adopt and change curricula;
 - (4) Establish and change requirements for the awarding of credits and degrees and for graduation;
 - (5) Work with the Commission to establish cooperative program agreements that qualify as statewide programs in accordance with § 16-310(d) of this title; and
 - (6) Develop effective relationships and cooperative programs with the Baltimore City Public School System to assure that high school students are encouraged to enroll in the College.
- (j) The Board ~~of Trustees~~ may fix the salaries and terms of employment of the President, faculty, and officers of the College.
- (k) In addition to any performance evaluation required by regulation of the Department of Budget and Management, the Board ~~of Trustees~~ shall evaluate the performance of the faculty of the College in a form developed in cooperation with the Commission.
- (l) The Board ~~of Trustees~~ may enter into contracts or delegate that authority to the President.
- (m) On the recommendation of the President, the Board ~~of Trustees~~ shall designate one or more representatives to participate as a party in collective bargaining on behalf of the College in accordance with Title 3 of the State Personnel and Pensions Article.

16-505.1.

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

- (1) A COMMITMENT TO LIFELONG LEARNING AND ACHIEVEMENT;**
- (2) ACADEMIC LEADERSHIP SKILLS TO DETERMINE FUTURE PRIORITIES, STRATEGIC INITIATIVES, NEW PROGRAMS OR METHODS OF PROGRAM DELIVERY, AND EVALUATION OF ACCOUNTABILITY FOR CURRENT PROGRAMS;**

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

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

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

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

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

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

16-505.2.

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

~~16-506.~~

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

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

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

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

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

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

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

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

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

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

~~16-507.~~

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

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

~~16-511.~~

~~(a) The College possesses all of the property, assets, immunities, defenses, licenses, credits, and rights of the New Community College of Baltimore, including those transferred to the Board of Trustees of the New Community College of Baltimore by the City of Baltimore and the Board of Trustees of the Community College of Baltimore under Chapter 220 of the Acts of the General Assembly of 1990.~~

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

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

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

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

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

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

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

~~16-512.~~

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

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

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

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

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

~~16-513.~~

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

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

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

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

SECTION 3. 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 any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.~~ terms of the members of the Board of Trustees of the Baltimore City Community College appointed under Section 2 of this Act shall expire as follows:

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.