



March 23, 2012

CONFERENCE COMMITTEE IS NEXT STOP FOR FISCAL YEAR 2013 BUDGET

On Thursday, the House of Delegates debated the fiscal year 2013 operating budget in a marathon 12-hour session. Today, the House moved their version of the budget on third reading and final passage. The Budget Reconciliation and Financing Act (BRFA) also cleared the House chamber. Actions within the BRFA can be categorized into five major types: changes in mandated grants and formulas; actions related to general and special fund revenues; fund balance transfers; actions affecting employees and retirees; and other miscellaneous provisions.

Senate and House budget writers will now move to reconcile the differences between the two chambers' spending plans in conference committee.

LEGISLATION WOULD COMPEL ACTION ON HIGHER EDUCATION ACCESS IN HARFORD AND CECIL COUNTY

On Tuesday, the University System of Maryland (USM) testified before the House Appropriations Committee on legislation requiring the Maryland Higher Education Commission (MHEC) to grant all necessary approvals for a proposed 2+2 facility that Towson University (TU) is planning to build on the campus of Harford Community College (HCC) under certain conditions.

House Bill 1381 would require MHEC, on or before July 1, to grant all necessary approvals for a proposed 2+2 facility if Towson University has: signed memorandum of

understanding between the constituent institution and the community college for the construction of a 2+2 facility; signed memoranda of understanding and articulation agreements to be offered in the proposed facility; received programmatic approval from the USM Board of Regents for the programs to be offered; and received financing approval from the USM Board of Regents for the construction of the facility.

The concept of a dedicated facility for TU classes at HCC has been considered for a number of years. In 2008, a memorandum of understanding was signed announcing the construction of a building on the HCC campus to hold TU upper-level classes. Nearly 60% of HCC students transfer to Towson University and the TU-HCC partnership would enable students from Harford and Cecil Counties to pursue their 4-year degree close to home. In December 2010 MHEC approved a series of 2+2 Programs for TU to offer in Harford County and the Board of Regents approved a ground lease at HCC for a TU Building.

In a recent development, the presidents of TU and Morgan State University (MSU) have entered into discussions regarding the potential involvement of MSU. If approved by MHEC, this will be the first four-year institution building on a two-year college's campus in the state.

USM will continue to follow this legislation and the committee's interest in expanding higher education opportunity across Maryland.

USM EXPRESSES CONCERN OVER ATTEMPT TO REORGANIZE LEGAL REPRESENTATION

On Thursday, USM expressed its concern to the chairman of the Senate Finance Committee concerning Senate Bill 1034. SB 1034 would require the Office of the Attorney (OAG), rather than the head of unit of state government (including USM) to assign a fair practices officer and associated equal employment opportunity officers. These individuals would report directly to the Director of Civil Rights in the OAG instead of university heads.

The role of the OAG is to provide legal counsel to the institutions and serve as USM's legal representative, not to administer programs within institutions and other state agencies. This would be a massive new program across all state agencies that could turn attention away from OAG's exemplary record of providing legal representation to state agencies. Moreover, the costs of establishing such a program are unknown and could create significant budgetary uncertainties for the institutions.

To date, the USM has not received any indication from the OAG or the General Assembly that its efforts to safeguard employees' civil rights are at all deficient, much less so flawed that they should be effectively taken over by another agency. Removing the authority and accountability from the head of a unit is counter to sound organization theory that fosters integration and responsibility for cultural change with the overall programmatic mission.

USM institutions have capable Fair Practice Officers who perform the functions covered by Senate Bill 1034 with the full care and commitment of each institution's president. The seriousness of these efforts, and the success with which USM institutions address issues of discrimination, is demonstrated by the fact that it is an exceedingly rare event for the U.S. Equal Employment Opportunity Commission, Maryland Commission on Civil Rights, or the courts to issue a negative finding or adverse decision on a complaint made against USM.

Moreover, USM works closely with the Assistant Attorneys General assigned to each institution when issues or complaints of discrimination arise and the OAG is consulted often during the investigation of serious complaints and the determination of their outcomes.

USM TESTIFIES AGAINST LAWSUIT REIMBURSEMENT BILL

On Wednesday, in the Senate Budget & Taxation Committee, USM testified in opposition to Senate Bill 945. SB 945 would require the University of Maryland, Baltimore (UMB) to reimburse the Alan and Kristin Hudson Farm up to \$500,000 *“as reimbursement for legal expenses incurred by the Hudson Farm”* in defending a lawsuit brought against it by the Assateague Coastkeeper, Waterkeeper Alliance and the UMB Environmental Law Clinic.

Filed in 2010, the lawsuit against Perdue Farms and Alan and Kristen Hudson, who raise more than a half million chickens a year on their 293-acre farm located in Wicomico County, alleged that the operation polluted the Pocomoke River. In its filing, the clinic argued there was evidence the farm was the source of high bacteria counts found in a drainage ditch that drains into the Pocomoke River. As a result of the suit, the Maryland Department of the Environment investigated the Hudson Farm and fined it \$4,000 and closed its inquiry.

UMB provides a range of legal services to people on the Eastern Shore, addressing such areas as tax, mediation, property rights, the courts, community development, emergency planning, workers' rights, and criminal justice. Further, UMB collaborates with rural Maryland in efforts to decrease health disparities, provide access to specialty providers and complex medical care, educate students in rural communities in conjunction with the Area Health Education Centers (AHECs), place students in hundreds of clinical rotations, and solve health care workforce shortages in rural areas.

USM testified that political interference in law school clinical programs will have an adverse impact on the quality of the educational mission and jeopardize the principle of ethical independence under the American Bar Association's Code of Professional Responsibility. Moreover, USM asked committee members to consider the constitutionality of this bill based on the prohibition in the Maryland constitution against “special laws” (i.e. private acts, for the relief of particular named parties or a law that

relates to particular persons or things of a class).

For these reasons, and more, USM asked that the committee reject SB 945 and the associated budget bill language restricting UMB funds.

UPCOMING BILL HEARINGS

SB 432: Buy American Act 3/28 in HGO @ 1pm

SB 434: Institutions of Postsecondary Education – Electronic Account, Service, and Communications Device Privacy Protection 4/3 in Appropriations @ 1pm

SB 687: Higher Education – Academic Program Application – Repeal of Application Fees 4/3 in Appropriations @1pm