

# Montgomery College

## 2019 Maryland General Assembly Legislative Session Report

### Overview

This is a report of the 2019 Maryland General Assembly's legislative session. It contains information on the operating and capital budgets, legislation adopted that may affect Montgomery College, and the governor's actions with respect to adopted legislation.

The general assembly meets annually for 90 days from January through April. In addition to approving the state's operating and capital budgets each year, the 47 members of the Senate and 141 members of the House of Delegates pass bills that will take effect on June 1, July 1, or October 1.

During this session, which adjourned on April 8, the legislature introduced approximately 200 bills that affected Maryland's community colleges.

### **Operating Budget: State aid to Montgomery College increased by 3 percent.**

***Montgomery College received \$45.2 million in operating aid, a 3 percent increase from \$43.9 million in FY19 or \$1.3 million in new state support for FY20.***

State funding for community colleges is based on a complex funding formula known as the Senator John A. Cade Funding Formula (also known as "Cade.") The goal of the formula is to provide stable, fair, and adequate funding for Maryland's community colleges. Enrollment is a key variable that determines available funding along with funding provided to certain University System of Maryland institutions.

The governor's FY20 operating budget funded the Cade formula for community colleges per the current the legally mandated tie of 23 percent of the full-time equivalent allocation granted to certain four-year public colleges and universities. This funding resulted in a statewide increase for community colleges of approximately \$9.3 million, an increase of 3.9 percent over last year's budget appropriation.

Unfortunately, the Maryland Department of Budget and Management did not incorporate \$42 million in cost of living adjustment (COLA) funding for compensation adjustments in the computation of the Cade formula when determining the FY20 allocation of state aid for community colleges. It is expected these funds, however, will be in the base for the Cade calculation for the FY21.

Thanks to the members of the Montgomery County Delegation including Senator Nancy King, the chair of the Budget and Tax Committee, reductions to Cade funding were rejected by the General Assembly during their final budget deliberations.

**Capital Budget: Funds for the Leggett Building approved along with new monies for deferred maintenance.**

The state provided the College with \$6.5 million in capital funds for construction in FY20, \$23 million preauthorized in FY21, and the \$6.1 million preauthorized in FY22 to continue to advance the Catherine and Isiah Leggett Math and Science Building at the Takoma Park/Silver Spring Campus.

This year for the first time, community colleges will receive state grants through the Maryland Higher Education Commission (MHEC) for improvements, repairs, and deferred maintenance projects. Last year's enactment of the Community College Facilities Renewal Grant (SB 595/HB 403) funds this grant based on five percent of the annual appropriations in the Community College Construction Grant Program. Eight grants are to be awarded each fiscal year. A college may not receive grants in consecutive years but may receive multiple grants in a year of up to \$500,000 per college. The community colleges not funded this year, will be funded next year. Montgomery College, one of the eight institutions funded this year, received \$475,000.

## Adopted Bills Significant to Montgomery College

### **Revisions to the Community College Promise Scholarship**

Fall 2019 is the inaugural semester for the Maryland Community College Promise Scholarship program that was enacted in the 2018 Session of the Maryland General Assembly. This is a need-based scholarship program for students entering a community college within two years of graduating from high school or successfully completing a GED in the state. As with many new programs, a series of amendments were adopted.

#### [HB0268 / SB0240 Maryland Community College Promise Scholarship Program - Alterations to the Award of Scholarship Funds](#)

This law places local promise scholarship programs after the state promise scholarship when packaging financial for students. “Local promise scholarship” means a community college scholarship program in effect on July 1, 2018, that provides a scholarship to any high school senior who is eligible for enrollment at the community college. This law requires that if a recipient is eligible for a local promise scholarship, as defined by the law, a Maryland Community College Promise Scholarship award must be credited to the recipient’s tuition before the award of the local promise scholarship. **The law takes effect July 1, 2019.**

#### [SB0260 Community Colleges - Maryland Community College Promise Scholarships - Revisions](#)

This law enacts the following descriptive amendments to the Maryland Community College Promise Scholarship:

- Requires the scholarship to be used at the community college that serves the student’s place of residence unless the program is not offered, or the student chooses to attend a Maryland community college that has on-campus residential facilities. This provides a more cost-efficient program.
- Expands the scholarship to qualifying students enrolling in a sequence of credit or noncredit courses that leads to licensure or certification; or participates in a registered apprenticeship program.
- Computes the 2.3 GPA requirement through the end of the first semester of the senior year in high school. This assists in expediting the award process.
- Changes the service obligation to allow students to work outside of the state as long as they reside in Maryland and pay Maryland income tax.
- Postpones the service obligation for participating students who seek a baccalaureate degree at a four-year institution after attaining at least 48 credits at the community college.
- Allows an eligible applicant who does not receive an award due to insufficient funding to remain eligible for the program the following year.

- Creates a waiting list for eligible students who do not receive an award due to insufficient funding.

**This law takes effect May 28, 2019.**

### **Workforce Readiness Grant Established**

This program was created in response to the successful Innovative Partnership for Technology Program enacted for community colleges in the 1998 session and again in the 2002 session. The purpose of the grant is to create a state match for donations made by businesses and industries to their local area community college for technology needs. The funds are to be utilized to maintain, upgrade, and purchase the advanced equipment, systems, and software required to provide state of the art training and experience for community college students. The state funding for this program becomes subject to future funding in the governor’s budget.

#### **HB1115/SB0515 Community Colleges - Workforce Readiness Grant Program - Established**

This law establishes a Workforce Readiness Grant Program to provide matching grants to each community college to improve the community college’s technology. As amended, the law authorizes the governor to include matching grants of up to \$250,000 for each community college campus in FY22 and FY24, as specified. This funding is supplemental and in addition to operating support provided to community colleges by the state. By September 1, 2022, and by September 1, 2024, MHEC must submit a report to the governor and the general assembly on the total amount of funds raised for the program through donations and how those funds were spent. **The law takes effect July 1, 2019 and terminates June 30, 2025.**

#### **HB0063/SB0306 State Retirement and Pension System - Maryland Pension Administration System - Member Contributions**

This law requires participating employers in the State Retirement and Pension System to submit member contributions and payroll data supporting the contributions at the same time. The law maintains and makes conforming changes to existing penalties for failure to provide timely payments or supporting payroll information to the system. **The law takes effect July 1, 2019.**

#### **HB0109/SB0285 Environment – Expanded Polystyrene Food Service Products – Prohibitions**

This bill prohibits, beginning July 1, 2020, (1) a person from selling or offering for sale in the state an “expanded polystyrene food service product” and (2) a “food service business” or school from selling or providing food or beverages in an expanded polystyrene food service product. The Maryland Department of the Environment must conduct specified public education and outreach campaigns and is authorized to (1) promulgate regulations and (2) grant a waiver to a food service business or school from the bill’s prohibition, as specified. A “unit of county government” must enforce the bill’s prohibitions and may impose a monetary penalty for violations under specified conditions. **The law takes effect July 1, 2019.**

### [HB0118 Higher Education - Senatorial and Delegate Scholarships - In-State Tuition](#)

This law expands eligibility for the senatorial and delegate scholarships to individuals who are eligible for in-state tuition. **The law takes effect July 1, 2019.**

### [HB0365/SB0017 State Grants and Contracts - Reimbursement of Nonprofit Indirect Costs - Application](#)

This law establishes that indirect costs incurred by nonprofit organizations on state grants or contracts are payable on awards made before October 1, 2018, under specified conditions. However, any indirect costs incurred under a multi-year grant or contract in a fiscal year that began before July 1, 2019, are not required to be reimbursed. **The law takes effect June 1, 2019.**

### [HB0440 Pathways in Technology Early College High \(P-TECH\) Expansion Act of 2019](#)

This law allows for the award of no more than three new P-TECH planning grants in FY20 prior to the 2022-2023 school year/FY23. Likewise, the law allows planning grants recipients in FY20 to establish new P-TECH schools prior to the 2023-2024 school year/FY24. **The law takes effect July 1, 2019.**

### [HB0876/SB0798 Higher Education - Policy on Student Concerns About Athletic Programs and Activities](#)

This law requires, by October 1, 2019, each institution of higher education to develop and adopt a written policy for receiving and addressing student concerns about the institution's athletic programs that includes specified elements. Each institution and MHEC must submit the policy and report the number of students who shared concerns under the policy during the preceding fiscal year as specified. **The law takes effect July 1, 2019.**

### [HB1192/SB1014 Assembly Areas - State-Funded Construction or Renovation - Assisted Listening System Requirement](#)

This law requires a recipient of state funds to install an assistive listening system in an assembly area during the construction or renovation of the assembly area if (1) the assembly area uses or requires the use of a public address system and (2) a state contract has been executed to enable the construction or renovation of the assembly area. The law establishes a Hearing Accessibility Advisory Board to consult with stakeholders, make recommendations, consider applications for waivers from the law's requirements, and monitor compliance. The Department of General Services must adopt regulations to carry out the law's requirements. A person may bring a civil action for a violation of the law's provisions, and a court may order relief, as specified. The law does not apply to a contract for construction or renovation of an assembly area entered into before the effective date of the law. **The law takes effect July 1, 2019.**

### [HB1384/SB0677 Deaf or Hard of Hearing Individuals - Support for Parents](#)

This law alters the Hearing Aid Loan Bank Program in the State Department of Education by (1) renaming the program and associated loan bank; (2) expanding eligibility; (3) expanding the program's purpose and function; (4) extending specified loan periods; and (5) making conforming changes. The governor must include an appropriation to the program in the state budget, specifically for language and communication videos to be loaned, of \$5,000 in FY21 and \$300 in FY22 and annually thereafter. As amended, this law allows a parent of a deaf or hard of hearing child from paying tuition at a public institution of higher education for a course that teaches a language or communication mode chosen to communicate with their child. Hospitals and the Maryland Department of Disabilities must provide specified information related to newborn hearing screening. **This law takes effect October 1, 2019.**

## Other Adopted Bills of Interest

### [HB0245 Education - Student Data Privacy Council](#)

This law establishes the Student Data Privacy Council. The Maryland State Department of Education must staff the council. By December 31, 2020, the council must report its findings and recommendations to the governor and general assembly, including whether the council should be made permanent. **The law takes effect June 1, 2019 and terminates May 31, 2021.**

### [HB0319/SB0201 University of Maryland University College – Renaming](#)

This law renames the University of Maryland University College to be the University of Maryland Global Campus. To that end, the law also contains various provisions related to the continuity of transactions, employment, entities, records, real property, contracts, and other related topics. **The law takes effect July 1, 2019.**

### [HB0533/SB0719 University System of Maryland - Board of Regents - Transparency and Oversight](#)

This law expands the membership of the Board of Regents of the University System of Maryland to include four additional members as specified. The law also specifies requirements for the members appointed from the public. The chairperson of the board, elected from among board members, is subject to the advice and consent of the Senate as specified. Further, the board must (1) make available to the public live and archived video streaming of each open meeting; (2) allow time at each open meeting for public comment; (3) include all motions and vote tallies from open and closed sessions in publicly available board meeting minutes; (4) conduct any votes related to the employment of university presidents or the chancellor in a closed session; and (5) conduct any votes related to the termination of university presidents or the chancellor in an open session. **The law takes effect July 1, 2019.**

### [HB0594/SB0670 Financial Institutions - Student Loan Servicers - Unfair, Abusive, or Deceptive Trade Practices](#)

As amended, this law prohibits a student loan servicer (i.e., the entities collecting principal, interest, or other amounts owed on student loans) from taking specified adverse actions with regard to student loan borrowers. The Office of the Commissioner of Financial Regulation is authorized to enforce the law. As a result, the law allows the Non-depository Special Fund to be used for related enforcement activities. Violation of the law is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA's civil and criminal penalty provisions. **This law takes effect October 1, 2019.**

### [HB0633/SB0396 Higher Education - Legal Representation Fund for Title IX Proceedings](#)

As amended, this law establishes the Legal Representation Fund for Title IX Proceedings to provide funds for reasonable costs and attorney's fees for current and former students provided with counsel

in accordance with an institution’s sexual assault policy as required by Chapters 394 and 395 of 2018. Under Chapters 394 and 395, MHEC must reimburse students for these costs; however, no funds are mandated for this purpose. Beginning in FY21, the governor must include in the annual budget bill an appropriation of at least \$250,000 to the fund. **The law would take effect July 1, 2019.**

**[HB1113/SB0640 State Government - Office of Program Evaluation and Government Accountability and Maryland Program Evaluation Act](#)**

This law establishes the Office of Program Evaluation and Government Accountability in the Department of Legislative Services (DLS). The office has similar powers and responsibilities to the Office of Legislative Audits, but with respect to conducting performance evaluations instead of audits. The Joint Audit Committee is renamed the Joint Audit and Evaluation Committee to reflect its expanded roles in directing and reviewing performance evaluations and monitoring the performance evaluation process. The law also eliminates the required evaluations under the Maryland Program Evaluation Act (MPEA), although the termination dates for the various entities subject to MPEA are maintained. Instead, those entities currently subject to MPEA may be evaluated in accordance with a DLS work plan, while responsibility to introduce reauthorizing legislation is placed on the entities. **The law takes effect July 1, 2019.**

**[HB1253/SB0481 Drinking Water Outlets in School Buildings – Elevated Level of Lead and Grant Programs](#)**

This law redefines “elevated level of lead” to mean a lead concentration in drinking water that exceeds five parts per billion for the purposes of required lead water testing and remedial measures in public and nonpublic schools in the State. The Maryland Department of the Environment (MDE), in consultation with the Maryland State Department of Education, must establish and administer a grant program to provide grants to local school systems to assist with specified remedial costs. The Interagency Commission on School Construction, in consultation with MDE, must establish and implement procedures for school systems to request funding from the existing Healthy School Facility Fund for specified remedial measures related to the presence of lead in drinking water outlets in school buildings. **The law takes effect June 1, 2019.**

**[SB0134/HB0228 State Board of Nursing – Criminal History Records Checks – Revised Statement](#)**

This law clarifies that the Criminal Justice Information System Central Repository (CJIS-CR) must provide a revised printed statement of an individual’s state criminal history record to the state Board of Nursing if criminal history record information is reported to CJIS-CR after the date of an initial criminal history records check. **This law takes effect October 1, 2019.**

**[SB0253 Major Information Technology Development Project Fund – Exemption and Use of Fund](#)**

This law exempts specified money received by Baltimore City Community College (BCCC) from having to be deposited into the Major Information Technology Development Project Fund (MITDPF). As a result, money collected by BCCC through its resource sharing agreements (RSA) may be retained by BCCC and is no longer required to be remitted to MITDPF. The law may not be applied or interpreted to

have any effect on or application to any money received by BCCC from a lease or RSA agreement before the bill's October 1, 2019 effective date. The law also authorizes MITDPF to be used to support and develop programs for the Statewide Public Safety Interoperability Radio System. **This law takes effect October 1, 2019.**

**[SB0400/HB0461 Maryland Higher Education Commission - Private Nonprofit Institutions of Higher Education - Regulation \(Private Nonprofit Institution of Higher Education Protection Act of 2019\)](#)**

This law alters the definition of "private nonprofit institution of higher education" to mean, in addition to current criteria, that the institution (1) benefits no person through any part of its net earnings; (2) is legally authorized to operate as a nonprofit organization in each state in which it is physically located; and (3) is determined by the Internal Revenue Service to be an organization to which contributions are tax deductible. The law requires MHEC to determine whether an incident constitutes private inurement if a private nonprofit institution of higher education engages in a reportable incident as defined by the law. By July 1, 2019, MHEC, jointly with the Office of the Attorney General, must develop a procedure for determining and enforcing the classification of institutions of higher education as enacted by the law. **The law takes effect June 1, 2019.**

**[SB0581/HB1260 Economic, Housing, and Community Development – Opportunity Zone Incentives](#)**

This law establishes the Opportunity Zone Enhancement Program, to be administered by the Department of Commerce. Qualifying businesses within an opportunity zone may qualify for enhanced incentives under specified tax credit programs. The law also (1) makes specified changes to the Heritage Structure Rehabilitation Tax Credit Program and extends the program through FY24; (2) extends the More Jobs for Marylanders Program by five years, increases the annual amount of tax credits that may be awarded, and expands geographic and business eligibility; (3) generally extends the geographic eligibility for a number of state economic development/tax credit and financing programs available for priority funding areas and/or sustainable communities to include opportunity zones in Allegany, Garrett, Somerset, and Wicomico counties; and (4) authorizes local governments to create a tax credit against the local property tax for qualified investments made within an opportunity zone. Commerce and the Maryland Historical Trust must adopt regulations implementing the law. **The law takes effect June 1, 2019.**

**[SB0897 University of Maryland Joint Steering Council – Renaming, Duties, and Funding](#)**

This law renames the University of Maryland Joint Steering Council to be the MPowering Joint Steering Council. The governor must include in the annual state budget for the council a general fund appropriation in the following amounts: \$2 million in FY21; \$4 million in FY22; \$6 million in FY23; \$8 million in FY24; and \$10 million in FY25 and each fiscal year thereafter. The money appropriated under the bill is supplemental to and may not take the place of funding that otherwise would be appropriated to the council. By July 1, 2020, the MPowering Joint Steering Council must report on its research into opportunities to create registered apprenticeship programs in nursing and other specified fields. **The law takes effect July 1, 2019.**

### **HB0058/SB0112 Mandated Reports and Statutory Commissions, Councils, and Committees - Revisions**

This legislation repeals specified statutory reporting requirements and specified councils, committees, and commissions that are obsolete, duplicative, or unnecessary. It also consolidates, reschedules, and clarifies specified reporting requirements for the purposes of efficiency and makes technical/stylistic changes. **The law takes effect June 1, 2019.**

### **HB0824 Financial Aid - Guaranteed Access Grants - Verification and Administration by Institutions of Higher Education**

This law authorizes public institutions of higher education in the state or a private nonprofit institution eligible for the Joseph A. Sellinger state aid program to verify the eligibility of an applicant for and administer the Guaranteed Access (GA) grant under the Educational Excellence Award Program as specified. It also requires the Financial Assistance Advisory Council within MHEC to study the institution-based verification process for the GA grant authorized by the law and submit recommendations on implementation of the verification process by December 31, 2019. **The law's study requirements take effect July 1, 2019 and terminates June 30, 2021. The financial aid verification process authorization takes effect July 1, 2020.**

### **HB1407/SB1040 Budget Reconciliation and Financing Act of 2019**

This law executes actions to provide mandate relief, contain costs, and reduce future year general fund expenditures. General fund revenues increase by \$10 million in FY19 and \$46 million in FY20; general fund expenditures decrease by \$49.9 million in FY19 and \$41 million in FY20. The effects on the general fund are primarily due to mandate relief and cost control measures. **The law takes effect June 1, 2019.**

### **SB0012 Capital Projects - Inclusion of Public Art**

This law requires that the state include public art in all construction projects and major renovations that are funded either (1) entirely with state funds or (2) with a combination of at least 50 percent state funds and funds from private entities, and not funded as a miscellaneous grant program, a local House of Delegates initiative or a local Senate initiative. Currently this is a requirement for those capital projects funded entirely with state funds. **The law takes effect July 1, 2019.**

### **SB0074 Higher Education - Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship - Alterations**

This law repeals the requirement that applicants and recipients of the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship file for federal and state financial aid by March 1 of each year. **This law takes effect October 1, 2019.**

### **SB1030/HB1413 The Blueprint for Maryland's Future**

As amended, this law establishes The Blueprint for Maryland's Future as state education policy, based on the recommendations of the Commission on Innovation and Excellence in Education (also known as

the Kirwan Commission). The law establishes specified programs and entities; provides funding in FY20; and mandates funding in FY21 and FY22. Funds restricted for purposes of the law in the FY20 budget that are not transferred or released by the governor must be distributed in FY21, in addition to other funds required to be distributed by the law in FY21. The law also establishes a Maryland Office of the Inspector General for Education. **The law takes effect June 1, 2019.**

## **Vetoed Bills**

This is a list of bills of interest passed by the legislature but vetoed by the governor. The legislature can choose to override the veto when it reconvenes in January 2020.

### **[HB0262/SB0537 Higher Education - Tuition Rates - Exemptions](#)**

This bill expands the circumstances under which an individual is exempt from paying the out-of-state tuition rate under the Maryland Dream Act by (1) removing the requirement that an individual earn an associate's degree or 60 credits at a community college prior to receiving in-state tuition at a public four-year institution; (2) extending from four to six years the time by which an individual must register as an entering student after graduating from high school or receiving the equivalent qualification in the state; (3) reducing the amount of time an individual must have attended a high school in the state from three years to any amount of time, although the individual still must have graduated from a Maryland high school or received the equivalent of a high school diploma in the state; and (4) altering the time period in which the individual or the individual's parent or legal guardian must have filed a Maryland income tax return. Finally, the law grandfathers-in individuals who, on or after June 15, 2012, were exempt from paying the out-of-state or out-of-county tuition rate at a public institution of higher education. **The bill was vetoed.**

### **[HB0994/SB0839 Labor and Employment - Criminal Record Screening Practices \(Ban the Box\)](#)**

This bill prohibits an employer with 15 or more full-time employees from including on a paper or electronic application form a question or other request for information regarding whether the applicant has a criminal record or has had criminal accusations brought against the applicant. The bill does not apply to an employer that is expressly authorized to do so by another applicable federal or state law or if the employer provides programs, services, or direct care to minors or to vulnerable adults. The bill may not be construed to preempt a local jurisdiction from enacting or enforcing a more restrictive criminal record screening law. **The bill was vetoed.**