

Montgomery College

2021 Maryland General Assembly Legislative Session Report

Overview

This is a report of the 2021 Maryland General Assembly's legislative session. It contains information on the operating and capital budgets, legislation adopted that may affect Montgomery College, adopted legislation of interest, and the governor's actions concerning 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 are then presented to the governor. Bills may be presented to the governor during the legislative session, then the governor has six days to take action. All bills must be presented to the governor no later than the 20th day after the legislature adjourns, then the governor has 30 days to take action. The governor can sign a bill to make it a law or veto a bill, which sends it back to the legislature. The legislature can reverse the governor's veto with a three-fifths majority vote in favor to override the veto, making the bill a law. If the governor vetoes a bill after the legislature has adjourned, the general assembly must take it up at the next regular or special session. Importantly, after the 30 day period (this year, that date is June 1, 2021), if the governor has not issued a veto, any bills not signed becomes law. Legislation takes effect on June 1, July 1, or October 1, as designated, or immediately if it is emergency legislation.

The session adjourned "Sine Die" on April 12, 2021.

Operating Budget: State aid to Montgomery College increased

Montgomery College will receive \$52,506,449 in operating state aid, an increase of \$7,251,669 in state support.

State funding for community colleges is yielded from a complex funding formula known as the Senator John A. Cade Funding Formula—the Cade formula. Enrollment, along with funding provided to certain University System of Maryland (USM) institutions, are factors in the formula.

Immediately following the governor's issuance of the proposed FY22 budget in January, the governor submitted legislation, the Budget Reconciliation and Finance Act (BRFA), to reduce community college funding to \$263 million and included revisions to the Cade formula. These formula changes would have created long-term funding reductions, limiting funding increases by tying out-year funding for community colleges to the annual general fund revenue growth of the state budget. Fortunately, the legislature rejected the sections in the BRFA related to community college funding, and restored the funding to the FY22 Cade formula funding level, providing \$290 million for community colleges, an increase of \$40,372,174, or 16.2 percent for all 15 community colleges funded through the Cade formula.

It is important to remember that the FY21 state aid was cut by \$6,266,662 by the Board of Public Works in July of 2020. Thus, these new funds essentially replace the funds lost this year.

Capital Budget: Funds for the Leggett Building and Facilities Renewal

The legislature approved an additional \$1.5 million for a total of \$4.5 million in FY22 capital funds for the state's share of furniture and equipment funding for the Catherine and Isiah Leggett Math and Science Building. With these funds, a total of \$9 million in state and county funds will be available to provide the furniture and equipment for this project. In total, the Maryland General Assembly approved \$17.1 million this year for this building on the Takoma Park/Silver Spring Campus, a key capital priority for the College.

Montgomery College received a total of \$950,000 for FY22 in facilities renewal grant funding. This total includes the \$475,000 we sought from the deferred FY20 grant. The Community College Facilities Renewal Grant provides community colleges with state grants through the Maryland Higher Education Commission (MHEC) for facility improvements, repairs, and deferred maintenance projects. Eight grants of \$475,000 are awarded each fiscal year.

Adopted legislation significant to Montgomery College

[HB 173 / SB 433 Institutions of Higher Education – State Funding – Revision](#)

This legislation clarifies that the state appropriation calculated under the Senator John A. Cade Funding Formula for local community colleges, include all appropriations, regardless of where they are budgeted, designated for the general operation of four-year public institutions of higher education, including personnel-related appropriations. Montgomery County Senator Nancy King sponsored this legislation.

This legislation, enacted without the governor's signature, will take effect July 1, 2021.

[HB 460 / SB 886 – Transfer with Success Act](#)

Maryland community college sought this legislation to advance transfer in the state. This legislation, sponsored by Montgomery County Delegate Jared Solomon, requires the Maryland Higher Education Commission (MHEC) to require a receiving public institution of higher education that denies the transfer of a credit or course to an enrolled student to notify the sending public institution and the enrolled student, including the rationale for the denial. The transfer coordinator or institutional designee of the sending institution must conduct a review, in conjunction with the receiving institution's designee, within a period MHEC determines to be appropriate.

Institutions of higher education must submit an annual report to MHEC listing any denials of transfer of a credit or a course and the reasons for the denials.

This legislation, enacted with the governor's signature, takes effect July 1, 2021.

[HB 894 / SB 746 - Education – Community Colleges – Collective Bargaining](#)

This bill authorizes collective bargaining for employees at all of Maryland's community colleges including full-time faculty, part-time faculty, and staff but excluding officers, supervisory or confidential employees, and student assistants. Specified employees may bargain collectively over wages, hours, other terms and conditions of employment, and the procedures for dues to be charged by the exclusive representative. If this law takes effect it will supersede existing law that authorizes collective bargaining at Montgomery College.

This legislation was passed by the general assembly, but vetoed by the governor. The legislature can reverse the governor's action with a three-fifths majority vote in favor to override a veto at the legislature's next regular or special session.

HB 156 / SB 283 - Student and Military Voter Empowerment Act

This legislation, sponsored by Montgomery County Delegate Eric Luedtke, establishes requirements relating primarily to voter registration and voting by military and overseas voters and students at institutions of higher education in the state. The legislation has numerous requirements to include a designation of a student voting coordinator and development and implementation of a student voting plan at each public institution of higher education; and expansion of the placement of links to the State Board of Elections (SBE) online voter registration system on online portals used by higher education students to register for course work; and a specified SBE web page relating to registration and voting by students enrolled in institutions of higher education.

This legislation, enacted without the governor's signature, will take effect June 1, 2021.

HB 466 / SB 405 – Student Identification Cards – Required Information

This legislation requires institutions of higher education to provide the telephone number for Maryland's Helpline, or an on-campus crisis center that operates 24 hours a day and 365 days a year, directly on student identification cards (or a sticker affixed to the card), if the institution provides such a card. Additionally, the legislation permits institutions to provide numbers for the National Suicide Prevention Lifeline, Crisis Text Line, National Domestic Violence Hotline, or any on-campus crisis center on student identification cards. The legislation does not require institutions to reissue or reprint student identification cards in use on the effective date of the legislation or to reprint cards that were printed but not issued before the effective date of the legislation. This legislation was sponsored by Montgomery County Delegate Julie Palakovich Carr.

This legislation, signed by the governor, takes effect July 1, 2021.

SB 787 / HB 120 – Digital Advertising Gross Revenues Tax and Tobacco Tax – Alterations & Implementation

This emergency legislation (1) exempts a broadcast entity and news media entity from the digital advertising gross revenues tax enacted by Chapter 37 of 2021; (2) prohibits a person from directly passing on the cost of the digital advertising gross revenues tax to a customer through a separate fee, surcharge, or line-item; and (3) alters certain dates and intent language related to the tobacco tax increases enacted by Chapter 37. The legislation specifies that the digital advertising gross revenues tax applies to taxable years beginning after December 31, 2021.

In the final days of the legislative session, the below amendments to this legislation released "online education" from taxation that was recently interrupted by the comptroller's office to be taxed

beginning mid-March 2021 in accordance with the implementation of HB 932 – The 21st Century Economy Fairness Act. HB 932 was passed during the 2020 Session, vetoed by the governor, and overridden by the 2021 General Assembly, and became law on February 12, 2021.

Language in the legislation of interest to higher education institutions is below:

(3) “DIGITAL PRODUCT” DOES NOT INCLUDE:

(I) PRERECORDED OR LIVE INSTRUCTION BY A PUBLIC, PRIVATE, OR PAROCHIAL ELEMENTARY OR SECONDARY SCHOOL OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION.

(II) INSTRUCTION IN A SKILL OR PROFESSION IN A BUYER’S CURRENT OR PROSPECTIVE BUSINESS, OCCUPATION, OR TRADE IF THE INSTRUCTION:

1. IS NOT PRERECORDED; AND
2. FEATURES AN INTERACTIVE ELEMENT BETWEEN THE BUYER AND THE INSTRUCTOR OR OTHER BUYERS CONTEMPORANEOUS WITH THE INSTRUCTION.

(III) A SEMINAR, DISCUSSION, OR SIMILAR EVENT HOSTED BY A NONPROFIT ORGANIZATION OR BUSINESS ASSOCIATION, IF THE SEMINAR, DISCUSSION, OR EVENT:

1. IS NOT PRERECORDED; AND
2. FEATURES AN INTERACTIVE ELEMENT BETWEEN THE BUYER AND HOST OR OTHER BUYERS CONTEMPORANEOUS WITH THE SEMINAR, DISCUSSION, OR EVENT; OR

(IV) A PROFESSIONAL SERVICE OBTAINED ELECTRONICALLY OR DELIVERED THROUGH THE USE OF TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.

This emergency legislation, enacted without the governor’s signature, takes effect immediately.

[HB 73 / SB 071 - State and Local Government and Public Institutions of Higher Education – Teleworking](#)

This legislation establishes the Office of Telework Assistance (OTA) and the Business Telework Assistance Grant Program in the Department of Commerce; the governor must include \$1 million annually in the atate budget for the program. The legislation also (1) requires the judicial and legislative branches of state government to maintain a telework program; (2) alters the statewide telework program that must be maintained by the executive branch of state government, and (3) requires public institutions of higher education to comply with the statewide telework program. Each local government entity must also maintain a similar telework program. *Beginning in FY23, each appropriate official must also negotiate criteria for designated telework positions if the affected employees are covered by collective bargaining.*

This legislation, enacted without the governor’s signature, will take effect July 1, 2021.

Other budget action and legislation of interest to Montgomery College

SB 741 / HB 836 - COVID Testing, Contact Tracing, and Vaccination Act of 2021

This emergency legislation requires the Maryland Department of Health (MDH), in collaboration with local health departments, to adopt and implement a two-year plan to respond to COVID-19. Each assisted living facility, home health agency, nursing home, and institutions of higher education must adopt and implement a specified COVID-19 testing plan. MDH must also develop and submit a comprehensive plan for vaccinating residents against COVID-19 and convene a Maryland Public Health Infrastructure Modernization Workgroup. MDH must establish a Maryland Public Health Jobs Corps and provide specified funding to local jurisdictions, assisted living facilities, home health agencies, and nursing homes.

This legislation was passed by the general assembly, but vetoed by the governor. The legislature can reverse the governor's action with a three-fifths majority vote in favor to override a veto at the legislature's next regular or special session.

Community College Promise Grant funding reinstated

The [budget](#) authorizes \$15 million for the Community College Promise Grant, as required by the statute for FY22. It also includes an additional appropriation of \$3.5 million for FY21 in response to the cut in funding from last year.

This legislation takes effect July 1, 2021.

SB 308 – Maryland Community College Promise Scholarship - Eligibility

This legislation exempts applicants for the Maryland Community College Promise Scholarship (MCCPS) from the high school grade point average requirements, for an initial award, if the applicant graduated from high school five or more years before the date of application.

This legislation, signed by the governor, takes effect July 1, 2021.

SB 664 / HB 415 – Financial Aid – Outreach Plan and Reporting (originally named Universal FAFSA Filing)

This legislation was a priority for Maryland community colleges and it was hoped that it would require universal FAFSA completion. The bill was amended significantly and only requires each county board of education to encourage and assist as many high school seniors as possible in completing and submitting a Free Application for Federal Student Aid (FAFSA) or Maryland State Financial Aid Application (MSFAA) before the deadline for eligibility for state financial aid set by the Maryland Higher Education Commission (MHEC).

County boards are required to develop and annually update an outreach plan to achieve the above objective. Each plan must:

- Include the completion of a data-sharing agreement with the Commission to receive FAFSA filing status information under the federal FAFSA completion initiative;
- Schedule and hold at least three evening or weekend financial aid events at each school;
- Provide a description (if any) of partnerships with community colleges or four-year institutions or nonprofit organizations.

- Include a description of the county’s Student Awareness Campaign about the FAFSA/MSFAA and the postsecondary education financial aid planning process including when high school students will begin receiving such information;
- Assure that students and their families receive the necessary information, assistance, and support.

County boards are required to submit specified data regarding the FAFSA and MSFAA filings to the Maryland Longitudinal Data System (MLDS). The MLDS is to disaggregate the information and submit a report to the Senate Education, Health and Environmental Affairs Committee, the House Appropriations Committee, and the House Ways and Means Committee.

Also, the Financial Assistance Advisory Council is required to:

- Assist the county boards with connecting students to financial aid opportunities including identifying best practices and compiling relevant materials and toolkits;
- Review the plans and data reports and make recommendations to the county board regarding outreach plans;
- Review bylaws and add a student service director appointed by the Public School Superintendents’ Association of Maryland.

This legislation, enacted without the governor’s signature, will take effect July 1, 2021.

HB 97 / SB 66 - Department of Housing and Community Development – Office of Digital Inclusion – Established (Digital Connectivity Act of 2021)

This emergency legislation establishes the Office of Statewide Broadband (OSB). The purpose of the OSB is to ensure that every resident of the state is supported with reliable, universal, high-quality broadband internet service at an affordable price, and has the tools necessary to use the internet and take advantage of internet resources.

Among the expanded responsibilities of the OSB is the following pertaining directly to community colleges: *“Collaborate with local education agencies and community colleges to ensure that students have the ability to connect to broadband internet that allows for full engagement in remote learning without disruptive lagging and periodic disconnection.”*

The legislation establishes the Digital Inclusion Fund and the Digital Connectivity Fund within DHCD to provide grants to local governments and nonprofits to increase access to high-speed Internet and to assist in the development of affordable broadband Internet infrastructure, as specified.

This legislation, signed by the governor, took effect April 13, 2021.

HB 1372 / CH 0055 Blueprint for Maryland’s Future – Revisions (aka Kirwan revised)

This legislation alters specific policy and funding provisions and implementation dates for Maryland’s K to 12 public schools relating to the Blueprint for Maryland's Future (legislation adopted last year as result of the Commission on Innovation and Excellence in Education) in response to the COVID-19 pandemic. Additionally, beginning in the 2022-2023 school year, the legislation requires the State Department of Education (SDOE) to review schools where students continue to show learning loss related to the COVID-19 pandemic. It also requires creation of a workgroup to study the effects of the

COVID-19 pandemic on English language learners. Additionally, it requires the SDOE to submit a report on information technology.

The legislation, enacted without the governor's signature, takes effect July 1, 2021.

Police reform legislation enacted

Police reform was a major focus of this year's legislative session and a specific priority for the Speaker of the House, Adrienne Jones. Senator Will Smith from Montgomery County, as the chair of the Judicial Proceedings Committee, led the charge on this issue in the Senate. The following bills were passed into law.

HB 670 / CH 079 Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures

This legislation repeals the Law Enforcement Officers' Bill of Rights. It prohibits a police officer from preventing a citizen from recording the officer's actions if the citizen is otherwise acting lawfully and safely. It requires the Police Training and Standards Commission to take certain actions in response to violations of the Use of Force statute. Furthermore, it requires each county to have a police accountability board. This legislation establishes the Maryland Loan Assistance Repayment Program for Police Officers and the Maryland Police Officers Scholarship Program to support those who meet eligibility criteria in obtaining undergraduate study leading to a degree in criminal law, criminology, or criminal justice from a two- or four-year Maryland public postsecondary institution.

This legislation, vetoed by the governor then overridden and enacted by the legislature, takes effect July 1, 2022.

SB 71 / CH 60 Maryland Police Accountability Act of 2021 - Body-Worn Cameras, Employee Programs, and Use of Force

This legislation requires certain law enforcement agencies to require the use of body-worn cameras that automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button by July 1, 2022. It also requires law enforcement agencies to establish a system to identify police officers who are at risk of using excessive force and to provide appropriate responses to reduce the risks. Additionally, it establishes a use of force policy and provides mental health supports for officers.

This legislation, vetoed by the governor then overridden and enacted by the legislature, has sections that take effect June 1, 2021 and on July 1, 2022.

SB 178 / CH 63 Maryland Police Accountability Act of 2021 - Search Warrants and Inspection of Records Relating to Police Misconduct (aka Anton's Law)

This legislation requires that an application for a certain "no-knock" search warrant be approved in writing by a police supervisor and the state's attorney. It authorizes a judge to issue a "no-knock" search warrant only under certain circumstances, and requires that an application for such a warrant contain certain items. It also creates transparency in the disciplinary process by allowing inspection of certain records.

This legislation, vetoed by the governor then overridden and enacted by the legislature, takes effect October 1, 2021.

SB 600 Maryland Police Accountability Act of 2021 - Surplus Military Equipment and Investigation of Deaths Caused by Police Officers

This legislation, sponsored by Montgomery County's Senator Will Smith, prohibits a law enforcement agency from receiving certain equipment from a program operated by the federal government for the transfer of surplus military equipment. It requires a law enforcement agency to notify the Independent Investigative Unit in the Office of the Attorney General of an alleged or potential police-involved death of a civilian by a specified time. It establishes the Independent Investigative Unit in the Office of the Attorney General to investigate alleged or potential police-involved deaths of civilians.

This legislation, enacted without the governor's signature, takes effect October 1, 2021.

*Prepared by Montgomery College's Office of Government Relations in collaboration with the Maryland Association of Community Colleges
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