

HOUSE BILL 72

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(PRE-FILED)

8lr0670
CF SB 36

By: **Delegate McConkey**

Requested: September 18, 2007

Introduced and read first time: January 9, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative Scholarships Integrity Act of 2008**

3 FOR the purpose of prohibiting a member of the General Assembly from awarding a
4 Senatorial Scholarship or a House of Delegates Scholarship to certain persons;
5 providing that certain provisions of law do not apply to the Maryland Higher
6 Education Commission or the Office of Student Financial Assistance when
7 awarding certain scholarships under certain circumstances; providing for the
8 disposition of a certain award and requiring the Office of Student Financial
9 Assistance to send a certain written notice to certain individuals if a member of
10 the General Assembly awards a certain scholarship under certain
11 circumstances; defining a term; making a stylistic change; and generally
12 relating to legislative scholarships.

13 BY repealing and reenacting, without amendments,
14 Article – Education
15 Section 18–401, 18–407, 18–501, and 18–507
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 18–402 and 18–502
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2007 Supplement)

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

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 18-401.

2 There is a program of senatorial scholarships in this State that are awarded
3 under this subtitle.

4 18-402.

5 (A) (1) **IN THIS SECTION, “RELATIVE” MEANS:**

6 (I) **CHILD OR STEPCHILD; OR**

7 (II) **GRANDCHILD.**

8 (2) **“RELATIVE” DOES NOT INCLUDE A FOSTER CHILD OR WARD.**

9 [(a)] (B) (1) Except as provided in paragraph (2) of this subsection, each
10 applicant for a senatorial scholarship shall:

11 (i) Take a competitive examination administered by the Office;
12 and

13 (ii) Be accepted for admission in the regular undergraduate,
14 graduate, or professional program at an eligible institution; or be enrolled in a 2-year
15 terminal certificate program in which the course work is acceptable for transfer credit
16 for an accredited baccalaureate program in an eligible institution.

17 (2) An applicant is exempt from the examination if the applicant:

18 (i) Is attending an eligible institution and has completed at
19 least 1 year in good academic standing at the institution;

20 (ii) Graduated from high school at least 5 years before
21 application for a senatorial scholarship;

22 (iii) Is accepted for admission to a private career institution, if
23 the institution’s curriculum is approved by the Commission, and the institution is
24 accredited by a national accrediting association approved by the United States
25 Department of Education; or

26 (iv) Is planning to attend or is attending a Maryland community
27 college.

28 [(b)] (C) Each applicant shall:

29 (1) Be a resident of this State; and

1 (2) At the time of his initial application, be a resident of the legislative
2 district from which he seeks an appointment.

3 [(c)] (D) (1) Each applicant shall demonstrate to the Office a definite
4 financial need, and each Senator shall consider the financial need of each applicant.

5 (2) Each Senator is the final judge of the financial need of each
6 applicant to whom [he] **THE SENATOR** awards a scholarship, and the Office may not
7 negate this judgment or impose requirements of time or procedure.

8 (3) **A SENATOR MAY NOT:**

9 (I) **AWARD A SCHOLARSHIP TO THE SENATOR'S RELATIVE;**
10 **OR**

11 (II) **KNOWINGLY AWARD A SCHOLARSHIP TO THE RELATIVE**
12 **OF A DELEGATE WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE**
13 **SENATOR.**

14 (4) **IF A SENATOR AWARDS A SCHOLARSHIP TO A RELATIVE OR**
15 **THE RELATIVE OF A DELEGATE WHO REPRESENTS THE SAME LEGISLATIVE**
16 **DISTRICT AS THE SENATOR IN VIOLATION OF PARAGRAPH (3) OF THIS**
17 **SUBSECTION:**

18 (I) **THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS**
19 **AWARDED MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT**
20 **AN ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF**
21 **THE SCHOOL YEAR;**

22 (II) **THE SENATOR MAY NOT RENEW THE SCHOLARSHIP FOR**
23 **THE NEXT SCHOOL YEAR; AND**

24 (III) **THE OFFICE SHALL SEND THE SENATOR AND THE**
25 **INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED A WRITTEN NOTICE**
26 **STATING THAT THE SCHOLARSHIP MAY NOT BE RENEWED WHEN IT EXPIRES**
27 **UNDER THE REQUIREMENTS OF THIS SUBSECTION.**

28 (5) **PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO**
29 **SCHOLARSHIPS AWARDED BY THE COMMISSION UNDER § 18-407 OF THIS**
30 **SUBTITLE.**

31 [(d)] (E) Each applicant shall accept any other conditions attached to the
32 award.

33 18-407.

1 (a) Each Senator shall award all of his senatorial scholarships on or before
2 September 1 of each year.

3 (b) If any Senator fails to award all of his scholarships on or before
4 September 1 of each year, the Commission shall make the remaining awards to
5 applicants from the Senator's legislative district who:

6 (1) Scored highest on the competitive examination; or

7 (2) Are attending an eligible institution and have completed at least 1
8 year in good academic standing.

9 (c) The Office shall:

10 (1) Notify each Senator of the applicants to whom it awards the
11 Senator's scholarships; and

12 (2) Announce publicly the names of all recipients.

13 (d) To the extent a scholarship awarded under § 18-404 of this subtitle is not
14 used by a student, moneys appropriated to the Commission for that award not used by
15 the end of the fiscal year shall be retained by the Commission for use by the awarding
16 Senator in the Senatorial Scholarship Program during subsequent fiscal years.

17 18-501.

18 (a) There is a program of Delegate Scholarships in this State that are
19 awarded under this subtitle.

20 (b) A scholarship awarded under this subtitle may be used at:

21 (1) An eligible institution for a program of undergraduate, graduate,
22 or professional studies;

23 (2) An accredited undergraduate, graduate, or professional institution
24 outside the State, if:

25 (i) The applicant will be studying in an academic area that is
26 not available in this State; or

27 (ii) 1. The applicant is disabled;

28 2. The applicant will be studying at an institution
29 outside the State that makes special provisions for disabled students; and

30 3. Comparable special provisions are not available to
31 that student at an institution in the State; and

1 (3) A private career school within the State that is approved by the
2 Maryland Higher Education Commission under § 11-202 of this article and that is
3 accredited by a national accrediting association that is approved by the United States
4 Department of Education.

5 (c) Moneys appropriated to the Commission for scholarships awarded under
6 this section that are not used by the end of the fiscal year shall be retained by the
7 Commission for use by the awarding Delegate in the Delegate Scholarship Program
8 during subsequent fiscal years.

9 18-502.

10 (A) (1) **IN THIS SECTION, "RELATIVE" MEANS:**

11 (I) **CHILD OR STEPCHILD; OR**

12 (II) **GRANDCHILD.**

13 (2) **"RELATIVE" DOES NOT INCLUDE A FOSTER CHILD OR WARD.**

14 (B) [Each] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, EACH**
15 **member of the House of Delegates may select the recipients of the scholarships on any**
16 **basis that the Delegate considers appropriate.**

17 (C) **A MEMBER OF THE HOUSE OF DELEGATES MAY NOT:**

18 (1) **AWARD A SCHOLARSHIP TO THE MEMBER'S RELATIVE; OR**

19 (2) **KNOWINGLY AWARD A SCHOLARSHIP TO A RELATIVE OF**
20 **ANOTHER DELEGATE OR THE SENATOR WHO REPRESENTS THE SAME**
21 **LEGISLATIVE DISTRICT AS THE MEMBER.**

22 (D) **IF A MEMBER OF THE HOUSE OF DELEGATES AWARDS A**
23 **SCHOLARSHIP TO A RELATIVE OR THE RELATIVE OF ANOTHER DELEGATE OR**
24 **THE SENATOR WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE**
25 **MEMBER IN VIOLATION OF SUBSECTION (C) OF THIS SECTION:**

26 (1) **THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED**
27 **MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT AN**
28 **ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF THE**
29 **SCHOOL YEAR;**

30 (2) **THE MEMBER MAY NOT RENEW THE SCHOLARSHIP FOR THE**
31 **NEXT SCHOOL YEAR; AND**

1 **(3) THE OFFICE SHALL SEND THE MEMBER AND THE INDIVIDUAL**
2 **TO WHOM THE SCHOLARSHIP WAS AWARDED A WRITTEN NOTICE STATING THAT**
3 **THE SCHOLARSHIP MAY NOT BE RENEWED WHEN IT EXPIRES UNDER THE**
4 **REQUIREMENTS OF THIS SUBSECTION.**

5 **(E) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO**
6 **SCHOLARSHIPS AWARDED BY THE OFFICE OF STUDENT FINANCIAL**
7 **ASSISTANCE UNDER § 18-507 OF THIS SUBTITLE.**

8 18-507.

9 (a) Beginning in fiscal year 1996, each Delegate may authorize the Office of
10 Student Financial Assistance to award all or a portion of the funds authorized under
11 this subtitle to eligible recipients of a Delegate Howard P. Rawlings Educational
12 Excellence Award who reside in the Delegate's legislative district.

13 (b) In the event that the total number of eligible recipients of a Delegate
14 Howard P. Rawlings Educational Excellence Award who reside in the Delegate's
15 legislative district is insufficient to utilize the total amount of funds available to the
16 Delegate for any fiscal year, the Office of Student Financial Assistance may, with the
17 consent of the Delegate, award the unused funds to other eligible recipients
18 throughout the State.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2008.