

# SENATE BILL 396

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9lr2937  
CF 9lr2183

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By: **Senators Elfreth, Augustine, Ellis, Feldman, Ferguson, Guzzone, Hester, Kagan, Lam, Lee, McCray, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, Young, Zirkin, and Zucker**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Legal Representation Fund for Title IX Proceedings –**  
3 **Established**

4 FOR the purpose of establishing the Legal Representation Fund for Title IX Proceedings  
5 as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the  
6 Maryland Higher Education Commission to administer the Fund; requiring the  
7 State Treasurer to hold the Fund and the Comptroller to account for the Fund;  
8 specifying the contents of the Fund; specifying the purpose for which the Fund may  
9 be used; providing for the investment of money in and expenditures from the Fund;  
10 requiring the Governor to include in the annual budget bill a certain minimum  
11 appropriation to the Fund; requiring interest earnings of the Fund to be credited to  
12 the Fund; exempting the Fund from a certain provision of law requiring interest  
13 earnings on State money to accrue to the General Fund of the State; defining a  
14 certain term; and generally relating to the Legal Representation Fund for Title IX  
15 Proceedings.

16 BY adding to  
17 Article – Education  
18 Section 11–602  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – State Finance and Procurement  
23 Section 6–226(a)(2)(i)  
24 Annotated Code of Maryland  
25 (2015 Replacement Volume and 2018 Supplement)

26 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Finance and Procurement  
2 Section 6–226(a)(2)(ii)112. and 113.  
3 Annotated Code of Maryland  
4 (2015 Replacement Volume and 2018 Supplement)

5 BY adding to  
6 Article – State Finance and Procurement  
7 Section 6–226(a)(2)(ii)114.  
8 Annotated Code of Maryland  
9 (2015 Replacement Volume and 2018 Supplement)

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

12 **Article – Education**

13 **11–602.**

14 (A) IN THIS SECTION, “FUND” MEANS THE LEGAL REPRESENTATION FUND  
15 FOR TITLE IX PROCEEDINGS.

16 (B) THERE IS A LEGAL REPRESENTATION FUND FOR TITLE IX  
17 PROCEEDINGS.

18 (C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS FOR REASONABLE  
19 COSTS AND ATTORNEY’S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER §  
20 11–601 OF THIS SUBTITLE.

21 (D) THE COMMISSION SHALL ADMINISTER THE FUND.

22 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
23 SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

24 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,  
25 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

26 (F) THE FUND CONSISTS OF:

27 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

28 (2) ANY INVESTMENT EARNINGS OF THE FUND; AND

29 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR  
30 THE BENEFIT OF THE FUND.

1 (G) THE FUND MAY BE USED ONLY TO PAY FOR REASONABLE COSTS AND  
2 ATTORNEY’S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER § 11–601 OF  
3 THIS SUBTITLE.

4 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
5 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

6 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO  
7 THE FUND.

8 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
9 WITH THE STATE BUDGET.

10 (J) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT  
11 INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE  
12 APPROPRIATED TO ASSIST STUDENTS WITH REASONABLE COSTS AND ATTORNEY’S  
13 FEES FOR TITLE IX PROCEEDINGS.

14 (K) BEGINNING IN FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN  
15 THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$500,000 TO THE  
16 FUND.

17 Article – State Finance and Procurement

18 6–226.

19 (a) (2) (i) Notwithstanding any other provision of law, and unless  
20 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
21 terms of a gift or settlement agreement, net interest on all State money allocated by the  
22 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
23 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
24 Fund of the State.

25 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
26 to the following funds:

27 112. the Pretrial Services Program Grant Fund; [and]

28 113. the Veteran Employment and Transition Success Fund;

29 AND

30 114. THE LEGAL REPRESENTATION FUND FOR TITLE IX  
31 PROCEEDINGS.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July

1 1, 2019.