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HB 31/95 - W&M

1996 Regular Session
6lr0903

By: ~~Ways and Means Committee~~ Delegates Hixson, Rosapepe, Heller, Beck, Bozman, Campbell, Cryor, C. Davis, Finifter, Greenip, Healey, Howard, Kittleman, La Vay, Leopold, Marriott, McKee, Ports, Rzepkowski, Shriver, and Workman

Introduced and read first time: January 24, 1996

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 1996

CHAPTER _____

1 AN ACT concerning

2 Senatorial and House of Delegates Scholarship Programs - Abolition

3 FOR the purpose of abolishing the Senatorial Scholarship and House of Delegates
4 Scholarship Programs; transferring certain appropriated scholarship funds in the
5 Programs, after a certain date, to the Educational Excellence Award Program;
6 permitting the recipients of certain scholarships to continue to receive those awards
7 under certain conditions; requiring the Secretary of Higher Education to develop
8 and submit to the Legislative Policy Committee of the General Assembly, by a
9 certain date, a certain plan and proposed legislation for consideration by the
10 General Assembly during the 1997 Regular Session; directing the Governor to
11 include certain funds in the budget appropriations for the Educational Excellence
12 Award Program commencing with the Fiscal Year 1998 budget under certain
13 conditions; providing for a delayed effective date for part of this Act; and generally
14 relating to the abolition of the Senatorial Scholarship and House of Delegates
15 Scholarship Programs.

16 BY repealing

17 Article - Education

18 Section 18-401 through 18-409, inclusive, and the subtitle "Subtitle4. Senatorial
19 Scholarships"; and 18-501 through 18-507, inclusive, and the subtitle "Subtitle

20 5. Delegate Scholarships"

21 Annotated Code of Maryland

22 (1992 Replacement Volume and 1995 Supplement)

2

1 Preamble

2 WHEREAS, The General Assembly desires to terminate the Senatorial Scholarship
3 Program and the House of Delegates Scholarship Program; and

4 WHEREAS, It is necessary to achieve an orderly phaseout of these legislative
5 scholarship programs in order to ensure that students served by the programs who are in
6 need of financial assistance to attend higher education institutions are not harmed by the
7 termination of the program on October 1, 1996; and

8 WHEREAS, Under this Act the General Assembly directs the Secretary of Higher
9 Education to develop a plan and proposed legislation during the 1996 Interim that would
10 ensure that student populations currently served by the Senatorial Scholarship Program
11 and the House of Delegates Scholarship Program will continue to be served either by
12 existing State scholarship programs or any new scholarship program that the General
13 Assembly creates as a result of the abolition of the legislative scholarship programs; and

14 WHEREAS, It is the intent of the General Assembly to enact legislation in the 1997
15 Regular Session to implement a plan to replace the legislative scholarship programs; now,
16 therefore,

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

19 **Article - Education**

20 [Subtitle 4. Senatorial Scholarships.]

21 [18-401.

22 There is a program of senatorial scholarships in this State that are awarded under
23 this subtitle.]

24 [18-402.

25 (a) (1) Except as provided in paragraph (2) of this subsection, each applicant
26 for a senatorial scholarship shall:

27 (i) Take a competitive examination administered by the
28 Administration; and

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

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

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

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

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1 (iii) Is accepted for admission to a private career institution, if the
2 institution's curriculum is approved by the Commission, and the institution is accredited
3 by a national accrediting association approved by the United States Department of
4 Education; or

5 (iv) Is planning to attend or is attending a Maryland community
6 college.

7 (b) Each applicant shall:

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

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

11 (c) (1) Each applicant shall demonstrate to the Administration a definite
12 financial need, and each Senator shall consider the financial need of each applicant.

13 (2) Each Senator is the final judge of the financial need of each applicant to
14 whom he awards a scholarship, and the Administration may not negate this judgment or
15 impose requirements of time or procedure.

16 (d) Each applicant shall accept any other conditions attached to the award.]

17 [18-403.

18 If a Senator serves from a legislative district comprised of more than one county the
19 number of scholarship units shall be divided as equally as possible among qualified
20 applicants from each county in the legislative district.]

21 [18-404.

22 (a) Each Senator may award \$34,500 of senatorial scholarships each year.

23 (b) (1) The annual allocation under subsection (a) of this section applies to
24 initial-year awards. After 4 years of operation, the annual allocation to each Senator for
25 initial-year and continuing awards may not exceed four times the amount of his allocation
26 under subsection (a) of this section.

27 (2) If a recipient moves to the legislative district of another Senator, the
28 allocation to the recipient shall continue to be drawn on the account of the Senator who
29 originally awarded the scholarship.

30 (c) (1) A senatorial scholarship may be awarded in \$100 increments. However,
31 an award for a single year may not be less than \$400 or more than \$2,000.

32 (2) A recipient may not be awarded more than \$8,000 for undergraduate,
33 graduate, or professional study.]

34 [18-405.

35 (a) Except as provided in subsection (d) of this section, a senatorial scholarship
36 may be used only at any undergraduate, graduate, or professional school in the State.

37 (b) A senatorial scholarship may be used:

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1 (1) If the curriculum is approved by the Commission, at a degree granting
2 institution of higher education, a hospital diploma school for training registered nurses,
3 or to attend a private postsecondary proprietary institution that is accredited by a
4 national accrediting association approved by the United States Department of Education
5 as a full-time student; and

6 (2) For educational expenses as defined by the Administration, including:

7 (i) Tuition and mandatory fees; and

8 (ii) Room and board.

9 (c) If on-campus housing is available, a senatorial scholarship may not be used to
10 pay for off-campus housing.

11 (d) Each Senator may award not more than 10 percent of the funds available
12 under this subtitle to applicants planning to attend accredited undergraduate, graduate,
13 or professional institutions outside the State, provided the applicant:

14 (1) Will be studying in an academic area that is not available in the State; or

15 (2) Is a hearing impaired person who will be studying at an institution
16 outside the State that makes special provisions for hearing impaired students, and
17 comparable special provisions are not available to that student at an institution in the
18 State.]

19 [18-406.

20 (a) Except as otherwise provided in this section, each recipient of a senatorial
21 scholarship may hold the scholarship for 4 undergraduate academic years and 4 graduate
22 academic years if he:

23 (1) Is a full-time student;

24 (2) Continues to be a resident of this State; and

25 (3) Continues to be a student at the institution and takes at least 12
26 semester hours of courses as an undergraduate or 9 semester hours of courses as a
27 graduate student each semester leading to a degree.

28 (b) A recipient of an undergraduate or graduate senatorial scholarship may hold
29 the scholarship, appropriately prorated, for 8 academic years if he:

30 (1) Is a part-time student;

31 (2) Continues to be a resident of this State; and

32 (3) Continues to be a student at the institution and takes at least 6 semester
33 hours of courses each semester leading to a degree.

34 (c) Any recipient of a senatorial scholarship may use up to one-half of the yearly
35 award for summer school if the recipient is scheduled to graduate immediately after the
36 fall academic semester following summer school.

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1 (d) A recipient of a senatorial scholarship who is enrolled in a terminal certificate
2 program as provided in § 18-402(a) may hold the scholarship for 2 years if he is a
3 full-time student and otherwise meets the conditions of subsection (a) of this section, or
4 may hold the scholarship for 4 years if he is a part-time student and otherwise meets the
5 conditions of subsection (b) of this section.

6 (e) Each recipient of a senatorial scholarship who is enrolled in a private
7 postsecondary proprietary institution that is accredited by a national accrediting
8 association approved by the United States Department of Education:

9 (1) May hold the scholarship for the completion of 1 program if the student
10 otherwise meets the conditions of paragraphs (1) and (2) of subsection (a) of this section;
11 and

12 (2) Shall complete the program within the length of time prescribed by the
13 institution for the completion of the program.]

14 [18-407.

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

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

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

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

23 (c) The Administration shall:

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

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

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

31 [18-408.

32 (a) If there is no qualified applicant in a legislative district, a qualified applicant
33 who resides in another legislative district may be appointed to receive the senatorial
34 scholarship.

35 (b) A senatorial scholarship awarded under this section is for 1 year. However, a
36 student who receives an appointment under this section is eligible to receive a subsequent
37 appointment for not longer than 3 years.]

38 [18-409.

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1 At the request of the Administration, each eligible institution shall provide the
2 Administration with a complete list of all recipients of senatorial scholarships who attend
3 the institution.]

4 [Subtitle 5. Delegate Scholarships.]

5 [18-501.

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

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

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

11 (2) An accredited undergraduate, graduate, or professional institution
12 outside the State, if the applicant will be studying in an academic area that is not available
13 in this State; and

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

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

22 [18-502.

23 Each member of the House of Delegates may select the recipients of the
24 scholarships on any basis that the Delegate considers appropriate.]

25 [18-503.

26 (a) During each term in office, each Delegate may award the equivalent of four
27 4-year full-time scholarships, which may be awarded for either 1-, 2-, 3-, or 4-year
28 periods.

29 (b) (1) Each scholarship pays the tuition and mandatory fees at any eligible
30 institution.

31 (2) The annual amount of a scholarship at a private institution or any
32 graduate or professional program may not exceed the equivalent annual tuition and
33 mandatory fees of an undergraduate program at the University of Maryland.]

34 [18-504.

35 (a) A Delegate may award 2 part-time scholarships for each full-time scholarship
36 available.

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1 (b) A part-time scholarship may not be for more than twice as many years as a
2 full-time scholarship.

3 (c) Each recipient of a part-time scholarship shall carry at least 6semester hours
4 of courses each semester in a program leading to a degree.]

5 [18-505.

6 (a) Each recipient of a full-time Delegate Scholarship may use the scholarship to
7 attend summer school.

8 (b) The term of a full-time Delegate Scholarship shall be shortened by one-half
9 year for each summer of use.

10 (c) The amount used for summer school may not exceed one half of thevalue of
11 the award for the next academic year.]

12 [18-506.

13 (a) As an alternative to the scholarship awards authorized by §§ 18-503 through
14 18-505 of this subtitle, and subject to the provisions of subsection (b) of this section,
15 during each year in office each Delegate may award scholarships in a total amount equal
16 to four times the tuition and mandatory fees for a full-time undergraduate student
17 enrolled at the University of Maryland at College Park for the academicyear commencing
18 in that year.

19 (b) A scholarship award under subsection (a) of this section:

20 (1) May not be for an amount less than \$200 or more than one-half of the
21 total amount of scholarships authorized by subsection (a) for that year;

22 (2) Shall be used at an eligible institution;

23 (3) May be used by:

24 (i) A graduate, undergraduate, or professional student; or

25 (ii) A student at a private career school within the Statethat is
26 approved by the Maryland Higher Education Commission under § 11-202 of this article
27 and that is accredited by a national accrediting association that is approved by the United
28 States Department of Education; and

29 (4) To the extent it is not used by the student, shall be recredited to the
30 Delegate's scholarship account and may be awarded in the next 12 monthsby that
31 Delegate to another student pursuant to this section.]

32 [18-507.

33 (a) Beginning in Fiscal Year 1996, each Delegate may authorize the State
34 Scholarship Administration to award all or a portion of the funds authorized under this
35 subtitle to eligible recipients of an Educational Excellence Award who reside in the
36 Delegate's legislative district.

37 (b) In the event that the total number of eligible recipients of an Educational
38 Excellence Award who reside in the Delegate's legislative district is insufficient to utilize

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1 the total amount of funds available to the Delegate for any fiscal year, the State
2 Scholarship Administration may, with the consent of the Delegate, award the unused
3 funds to other eligible recipients throughout the State.]

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) By no later than December 1, 1996, the Secretary of Higher Education shall
6 develop and submit to the Legislative Policy Committee of the General Assembly a
7 comprehensive and practicable plan and proposed legislation, for consideration by the
8 General Assembly during the 1997 Regular Session, to create a program to replace the
9 Senatorial Scholarship and House of Delegates Scholarship Programs that are abolished
10 by this Act; and

11 (b) The plan and legislation that is proposed by the Secretary shall provide that
12 scholarship awards continue to be equally distributed by legislative district and shall
13 ensure that the student populations currently served by the Senatorial and House of
14 Delegates Scholarship Programs in each legislative district, including part-time students
15 and adults returning to school, will continue to be served, either by existing State
16 scholarship programs or any new scholarship program that would be created by
17 enactment of legislation by the General Assembly during the 1997 Regular Session, and
18 shall address both merit and financial need awards.

19 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
20 provisions of this Act, a recipient of a Senatorial Scholarship award or a House of
21 Delegates Scholarship award that is made prior to October 1, 1996, shall continue to be
22 eligible to receive the full amount of that scholarship award for the duration of the
23 eligibility period applicable to that recipient.

24 SECTION 4. AND BE IT FURTHER ENACTED, That any unexpended
25 appropriation under the Senatorial Scholarship and House of Delegates Scholarship
26 Programs after October 1, 1996 that is not needed to meet scholarship award
27 commitments that are made to eligible recipients in accordance with the provisions of
28 Section 3 of this Act shall be transferred to and awarded under the Educational
29 Excellence Award Program under Title 18, Subtitle 3 of the Education Article.

30 SECTION 5. AND BE IT FURTHER ENACTED, That, if after consideration of
31 the plan and proposed legislation submitted by the Secretary of Higher Education under
32 Section 2 of this Act, the General Assembly should fail to enact legislation modifying
33 existing State scholarship programs or creating a new program to replace the Senatorial
34 Scholarship and House of Delegates Scholarship Programs abolished by this Act, the
35 Governor shall, commencing with the fiscal year that begins on July 1, 1998 and each
36 fiscal year thereafter, include an appropriation in the budget for the Educational
37 Excellence Award Program in an amount equal to the Fiscal Year 1997 appropriation for
38 the Senatorial Scholarship and House of Delegates Scholarship Programs. These moneys
39 may not be used to supplant moneys that would be appropriated to the Educational
40 Excellence Award Program under the normal budgetary process.

41 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 2 through 5 of
42 this Act shall take effect June 1, 1996.

1 SECTION 7. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
2 take effect October 1, 1996.