

HOUSE BILL 174

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HB 831/96 - W&M

1999 Regular Session
9r1177

By: **Delegates Kittleman and Flanagan**
Introduced and read first time: January 29, 1999
Assigned to: Ways and Means

A BILL ENTITLED

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
5 the Programs, after a certain date, to the Educational Excellence Award
6 Program; permitting the recipients of certain scholarships to continue to receive
7 those awards under certain conditions; requiring the Secretary of Higher
8 Education to develop and submit to the Legislative Policy Committee of the
9 General Assembly, by a certain date, a certain plan and proposed legislation for
10 consideration by the General Assembly during the 2000 Regular Session;
11 directing the Governor to include certain funds in the budget appropriations for
12 the Educational Excellence Award Program commencing with the fiscal year
13 2001 budget under certain conditions; providing for a delayed effective date for
14 part of this Act; and generally relating to the abolition of the Senatorial
15 Scholarship and House of Delegates Scholarship Programs.

16 BY repealing
17 Article - Education
18 Section 18-401 through 18-408, inclusive, and the subtitle "Subtitle 4.
19 Senatorial Scholarships"; and 18-501 through 18-507, inclusive, and the
20 subtitle "Subtitle 5. Delegate Scholarships"
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1998 Supplement)

23 Preamble

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

26 WHEREAS, It is necessary to achieve an orderly phaseout of these legislative
27 scholarship programs in order to ensure that students served by the programs who
28 are in need of financial assistance to attend higher education institutions are not
29 harmed by the termination of the program on October 1, 1999; and

1 WHEREAS, Under this Act the General Assembly directs the Secretary of
2 Higher Education to develop a plan and proposed legislation during the 1999 Interim
3 that would ensure that student populations currently served by the Senatorial
4 Scholarship Program and the House of Delegates Scholarship Program will continue
5 to be served either by existing State scholarship programs or any new scholarship
6 program that the General Assembly creates as a result of the abolition of the
7 legislative scholarship programs; and

8 WHEREAS, It is the intent of the General Assembly to enact legislation in the
9 2000 Regular Session to implement a plan to replace the legislative scholarship
10 programs; now, therefore,

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

13 **Article - Education**

14 [Subtitle 4. Senatorial Scholarships.]

15 [18-401.

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

18 [18-402.

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

21 (i) Take a competitive examination administered by the
22 Administration; and

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

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

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

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

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

1 (iv) Is planning to attend or is attending a Maryland community
2 college.

3 (b) Each applicant shall:

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

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

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

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

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

13 [18-403.

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

17 [18-404.

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

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

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

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

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

30 [18-405.

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

34 (b) A senatorial scholarship may be used:

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

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

8 (i) Tuition and mandatory fees; and

9 (ii) Room and board.

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

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

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

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

21 [18-406.

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

25 (1) Is a full-time student;

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

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

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

32 (1) Is a part-time student;

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

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

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

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

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

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

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

17 [18-407.

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

20 (b) If any Senator fails to award all of his scholarships on or before September
21 1 of each year, the Commission shall make the remaining awards to applicants from
22 the Senator's legislative district who:

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

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

26 (c) The Administration shall:

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

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

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

1 [18-408.

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

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

8 [Subtitle 5. Delegate Scholarships.]

9 [18-501.

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

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

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

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

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

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

26 [18-502.

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

29 [18-503.

30 (a) During each term in office, each Delegate may award the equivalent of four
31 4-year full-time scholarships, which may be awarded for either 1-, 2-, 3-, or 4-year
32 periods.

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

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

4 [18-504.

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

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

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

11 [18-505.

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

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

16 (c) The amount used for summer school may not exceed one-half of the value
17 of the award for the next academic year.]

18 [18-506.

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

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

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

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

29 (3) May be used by:

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

31 (ii) A student at a private career school within the State that is
32 approved by the Maryland Higher Education Commission under § 11-202 of this
33 article and that is accredited by a national accrediting association that is approved by
34 the United States Department of Education; and

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

4 [18-507.

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

9 (b) In the event that the total number of eligible recipients of an Educational
10 Excellence Award who reside in the Delegate's legislative district is insufficient to
11 utilize the total amount of funds available to the Delegate for any fiscal year, the
12 State Scholarship Administration may, with the consent of the Delegate, award the
13 unused funds to other eligible recipients throughout the State.]

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

15 (a) By no later than December 1, 1999, the Secretary of Higher Education
16 shall develop and submit to the Legislative Policy Committee of the General Assembly
17 a comprehensive and practicable plan and proposed legislation, for consideration by
18 the General Assembly during the 2000 Regular Session, to create a program to
19 replace the Senatorial Scholarship and House of Delegates Scholarship Programs
20 that are abolished by this Act; and

21 (b) The plan and legislation that is proposed by the Secretary shall ensure
22 that scholarship funds continue to be equally distributed by legislative district and
23 that the student populations currently served by the Senatorial and House of
24 Delegates Scholarship Programs in each legislative district, including part-time
25 students and adults returning to school, will continue to be served, either by existing
26 State scholarship programs or any new scholarship program that would be created by
27 enactment of legislation by the General Assembly during the 2000 Regular Session,
28 and shall address both merit and financial need awards.

29 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
30 provisions of this Act, a recipient of a Senatorial Scholarship award or a House of
31 Delegates Scholarship award that is made prior to October 1, 1999, shall continue to
32 be eligible to receive the full amount of that scholarship award for the duration of the
33 eligibility period applicable to that recipient.

34 SECTION 4. AND BE IT FURTHER ENACTED, That any unexpended
35 appropriation under the Senatorial Scholarship and House of Delegates Scholarship
36 Programs after October 1, 1999, that is not needed to meet scholarship award
37 commitments that are made to eligible recipients in accordance with the provisions of
38 Section 3 of this Act shall be transferred to and awarded under the Educational
39 Excellence Award Program under Title 18, Subtitle 3 of the Education Article.

40 SECTION 5. AND BE IT FURTHER ENACTED, That, if after consideration of
41 the plan and proposed legislation submitted by the Secretary of Higher Education

1 under Section 2 of this Act, the General Assembly should fail to enact legislation
2 modifying existing State scholarship programs or creating a new program to replace
3 the Senatorial Scholarship and House of Delegates Scholarship Programs abolished
4 by this Act, the Governor shall, commencing with the fiscal year that begins on July
5 1, 2001, and each fiscal year thereafter, include an appropriation in the budget for the
6 Educational Excellence Award Program in an amount equal to the fiscal year 2000
7 appropriation for the Senatorial Scholarship and House of Delegates Scholarship
8 Programs. These moneys may not be used to supplant moneys that would be
9 appropriated to the Educational Excellence Award Program under the normal
10 budgetary process.

11 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 2 through 5 of
12 this Act shall take effect June 1, 1999.

13 SECTION 7. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
14 take effect October 1, 1999.