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By: **Senators Brochin, Frosh, Grosfeld, Kittleman, and Pinsky**

Introduced and read first time: February 2, 2005

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - General Assembly Scholarships - Modification of Programs**

3 FOR the purpose of altering the Senatorial and Delegate Scholarship Programs to  
4 require that the moneys appropriated under the programs be awarded by the  
5 Office of Student Financial Assistance in the Maryland Higher Education  
6 Commission; requiring the Office to ensure that the awards are distributed in a  
7 certain manner and that certain student populations are served; requiring the  
8 Office to adopt certain guidelines; requiring that certain awards be apportioned  
9 among certain legislative districts; repealing certain provisions of law relating  
10 to administering a certain examination for Senatorial Scholarships and  
11 awarding Delegate Scholarships for part-time students; making certain stylistic  
12 changes; permitting certain recipients to continue to receive awards under  
13 certain circumstances; requiring that certain appropriations and unexpended  
14 appropriations in certain fiscal years for Senatorial and Delegate scholarships  
15 be transferred and distributed to the Office; and generally relating to modifying  
16 the Senatorial and Delegate Scholarship Programs.

17 BY repealing

18 Article - Education  
19 Section 18-504  
20 Annotated Code of Maryland  
21 (2004 Replacement Volume and 2004 Supplement)

22 BY renumbering

23 Article - Education  
24 Section 18-505, 18-506, and 18-507, respectively  
25 to be Section 18-504, 18-505, and 18-506, respectively  
26 Annotated Code of Maryland  
27 (2004 Replacement Volume and 2004 Supplement)

28 BY adding to

29 Article - Education  
30 Section 18-114 and 18-502

1 Annotated Code of Maryland  
2 (2004 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Education  
5 Section 18-401 through 18-408 and 18-501 through 18-503  
6 Annotated Code of Maryland  
7 (2004 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - Education  
10 Section 18-504, 18-505, and 18-506  
11 Annotated Code of Maryland  
12 (2004 Replacement Volume and 2004 Supplement)  
13 (As enacted by Section 2 of this Act)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That Section(s) 18-504 of Article - Education of the Annotated Code of  
16 Maryland be repealed.

17 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 18-505,  
18 18-506, and 18-507, respectively, of Article - Education of the Annotated Code of  
19 Maryland be renumbered to be Section(s) 18-504, 18-505, and 18-506, respectively.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
21 read as follows:

22 **Article - Education**

23 18-114.

24 (A) IN MAKING AWARDS UNDER THE SENATORIAL AND DELEGATE  
25 SCHOLARSHIP PROGRAMS UNDER SUBTITLES 4 AND 5 OF THIS TITLE, THE OFFICE  
26 SHALL ENSURE THAT THE AWARDS ARE DISTRIBUTED AMONG:

- 27 (1) FULL-TIME STUDENTS;  
28 (2) PART-TIME STUDENTS;  
29 (3) COMMUNITY COLLEGE AND PROPRIETARY SCHOOL STUDENTS;  
30 (4) 4-YEAR COLLEGE UNDERGRADUATE STUDENTS; AND  
31 (5) GRADUATE AND PROFESSIONAL SCHOOL STUDENTS.

32 (B) IN ADDITION TO THE ELIGIBILITY CRITERIA ESTABLISHED UNDER  
33 SUBTITLES 4 AND 5 OF THIS TITLE AND THE REQUIREMENTS OF SUBSECTION (A) OF  
34 THIS SECTION, THE OFFICE SHALL ADOPT GUIDELINES TO IDENTIFY AND ASSIST

1 STUDENTS WHO MAY NOT SATISFY THE SPECIFIC CRITERIA FOR AN AWARD UNDER  
2 THE SENATORIAL AND DELEGATE SCHOLARSHIP PROGRAMS, BUT BECAUSE OF  
3 SPECIAL, UNFORESEEN, OR CHANGING INDIVIDUAL OR FAMILY CIRCUMSTANCES,  
4 MERIT CONSIDERATION FOR AN AWARD.

5 18-401.

6 (A) There is a program of senatorial scholarships in this State that are  
7 awarded BY THE OFFICE under this subtitle.

8 (B) THE OFFICE SHALL MAKE AWARDS IN ACCORDANCE WITH THE  
9 PROVISIONS OF THIS SUBTITLE AND THE CRITERIA SPECIFIED UNDER § 18-114 OF  
10 THIS TITLE.

11 18-402.

12 (a) [(1) Except as provided in paragraph (2) of this subsection, each] EACH  
13 applicant for a senatorial scholarship shall[:

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

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

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

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

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

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

29 (iv) Is planning to attend or is attending a Maryland community  
30 college.]

31 (b) Each applicant shall:

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

33 (2) At the time of [his] THE initial application, be a resident of the  
34 legislative district from which [he seeks an appointment] A SENATORIAL AWARD IS  
35 SOUGHT.

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

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

6 (d) Each applicant shall accept any other conditions attached to the award  
7 THAT DO NOT CONFLICT WITH THE PROVISIONS OF THIS SUBTITLE OR § 18-114 OF  
8 THIS TITLE.

9 18-403.

10 If a [ Senator serves from a] legislative district IS comprised of more than one  
11 county, THE OFFICE SHALL:

12 (1) CONSIDER APPLICANTS FROM EACH COUNTY IN THE LEGISLATIVE  
13 DISTRICT; AND

14 (2) AWARD the number of scholarship units TO WHICH THAT DISTRICT IS  
15 ENTITLED TO [shall be divided as equally as possible among] qualified applicants  
16 from each county in the legislative district.

17 18-404.

18 (a) [Each Senator may] FOR EACH GENERAL ASSEMBLY LEGISLATIVE  
19 DISTRICT IN THE STATE, THE OFFICE SHALL award \$34,500 of senatorial scholarships  
20 each year.

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

26 (2) If a recipient moves to [the] ANOTHER legislative district [of another  
27 Senator], the allocation to the recipient shall continue to be drawn on the account of  
28 the [Senator who originally awarded the scholarship] LEGISLATIVE DISTRICT FROM  
29 WHICH THE ORIGINAL AWARD WAS MADE.

30 (c) (1) A senatorial scholarship may be awarded in \$100 increments.  
31 However, 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.

1 18-405.

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

5 (b) A senatorial scholarship may be used:

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

11 (2) For educational expenses as defined by the Office, including:

12 (i) Tuition and mandatory fees; and

13 (ii) Room and board.

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

16 (d) [Each Senator may award not] NO more than 10 percent of the funds  
17 available under this subtitle MAY BE AWARDED to applicants planning to attend  
18 accredited undergraduate, graduate, or professional institutions outside the State,  
19 provided the applicant:

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

22 (2) Is a hearing impaired person who will be studying at an institution  
23 outside the State that makes special provisions for hearing impaired students, and  
24 comparable special provisions are not available to that student at an institution in the  
25 State.

26 18-406.

27 (a) Except as otherwise provided in this section, each recipient of a senatorial  
28 scholarship may hold the scholarship for 4 undergraduate academic years and 4  
29 graduate academic years if [he] THE RECIPIENT:

30 (1) Is a full-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 12  
33 semester hours of courses as an undergraduate or 9 semester hours of courses as a  
34 graduate student each semester leading to a degree.

1 (b) A recipient of an undergraduate or graduate senatorial scholarship may  
2 hold the scholarship, appropriately prorated, for 8 academic years if [he] THE  
3 RECIPIENT:

4 (1) Is a part-time student;

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

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

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

11 (d) A recipient of a senatorial scholarship who is enrolled in a terminal  
12 certificate program as provided in § 18-402(a) OF THIS SUBTITLE may hold the  
13 scholarship for 2 years if [he] THE RECIPIENT is a full-time student and otherwise  
14 meets the conditions of subsection (a) of this section, or may hold the scholarship for  
15 4 years if [he] THE RECIPIENT is a part-time student and otherwise meets the  
16 conditions of subsection (b) of this section.

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

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

23 (2) Shall complete the program within the length of time prescribed by  
24 the institution for the completion of the program.

25 18-407.

26 (a) [Each Senator] THE OFFICE shall award all [of his] senatorial  
27 scholarships on or before September 1 of each year.

28 (b) If, [any Senator] BECAUSE AN INSUFFICIENT NUMBER OF APPLICATIONS  
29 ARE RECEIVED FROM INDIVIDUALS WHO MEET THE ELIGIBILITY REQUIREMENTS  
30 FOR AN AWARD, THE OFFICE fails to award all of [his scholarships] THE SENATORIAL  
31 SCHOLARSHIPS FOR A LEGISLATIVE DISTRICT, [on or before September 1 of each year  
32 the Commission] THE OFFICE shall make the remaining awards to applicants from  
33 [the Senator's] THAT legislative district who[:

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

35 (2) Are] ARE attending an eligible institution and have completed at  
36 least 1 year in good academic standing.

1 (c) The Office shall:

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

4 (2) Announce] ANNOUNCE publicly the names of all recipients.

5 (d) To the extent a scholarship awarded under § 18-404 of this subtitle is not  
6 used by a student, moneys appropriated to the Commission for that award not used  
7 by the end of the fiscal year shall be retained by the Commission for use [by the  
8 awarding Senator] IN THAT LEGISLATIVE DISTRICT in the Senatorial Scholarship  
9 Program during subsequent fiscal years.

10 18-408.

11 (a) If there is no qualified applicant in a legislative district, THE OFFICE MAY  
12 SELECT a qualified applicant who resides in another legislative district [may be  
13 appointed] to receive the senatorial scholarship.

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

17 18-501.

18 (a) There is a program of Delegate Scholarships in this State that are awarded  
19 BY THE OFFICE 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, or  
22 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 not  
26 available in this State; or

27 (ii) 1. The applicant is disabled;

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

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

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

1 (c) Moneys appropriated to the Commission for scholarships awarded under  
2 this section that are not used by the end of the fiscal year shall be retained by the  
3 Commission for use by the [awarding Delegate] OFFICE in the Delegate Scholarship  
4 Program during subsequent fiscal years.

5 [18-502.

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

8 18-502.

9 THE OFFICE SHALL MAKE AWARDS IN ACCORDANCE WITH THE PROVISIONS OF  
10 THIS SUBTITLE AND THE CRITERIA SPECIFIED UNDER § 18-114 OF THIS TITLE.

11 18-503.

12 (a) (1) [During each term in Office, each Delegate may award the  
13 equivalent of four 4-year full-time scholarships, which may be awarded for either 1-,  
14 2-, 3-, or 4-year periods.] FOR EACH GENERAL ASSEMBLY LEGISLATIVE DISTRICT IN  
15 THE STATE DURING EACH TERM OF THE GENERAL ASSEMBLY, THE OFFICE SHALL  
16 AWARD, FOR EACH DELEGATE IN THAT DISTRICT, SCHOLARSHIPS IN A TOTAL  
17 AMOUNT EQUAL TO 4 TIMES THE TUITION AND MANDATORY FEES FOR A FULL-TIME  
18 UNDERGRADUATE STUDENT ENROLLED AT THE UNIVERSITY OF MARYLAND,  
19 COLLEGE PARK FOR EACH ACADEMIC YEAR OF THE LEGISLATIVE TERM.

20 (2) IF A LEGISLATIVE DISTRICT ENCOMPASSES A SUBDISTRICT, THE  
21 AWARDS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AWARDED AMONG  
22 ANY SUBDISTRICTS THAT ARE INCLUDED IN THE LEGISLATIVE DISTRICT.

23 (b) (1) Each scholarship [pays] SHALL BE USED TO PAY the tuition and  
24 mandatory fees AND ROOM AND BOARD at any eligible institution.

25 (2) The annual amount of a scholarship at a private institution or any  
26 graduate or professional program may not exceed the equivalent annual tuition and  
27 mandatory fees of an undergraduate program at the 4-year public institution of  
28 higher education within the University System of Maryland, other than the  
29 University of Maryland University College and University of Maryland, Baltimore,  
30 with the highest annual expenses for a full-time resident undergraduate.

31 18-504.

32 (a) Each recipient of a [full-time] Delegate Scholarship may use the  
33 scholarship to attend summer school.

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

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



1 18-505.

2 (a) [As an alternative to the scholarship awards authorized by §§ 18-503  
3 through 18-505 of this subtitle, and subject to the provisions of subsection (b) of this  
4 section, during each year in Office each Delegate may award scholarships in a total  
5 amount equal to four times the tuition and mandatory fees for a full-time  
6 undergraduate student enrolled at the University of Maryland, College Park for the  
7 academic year commencing in that year.

8 (b)] A scholarship [award under subsection (a) of this section] AWARDED BY  
9 THE OFFICE UNDER THIS SUBTITLE:

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

12 (2) Shall be used at an eligible institution; AND

13 (3) May be used by:

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

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

19 (B) [(4)] To the extent [it] AN AWARD is not used by the student, IT shall be  
20 recredited BY THE OFFICE to the [Delegate's scholarship] LEGISLATIVE DISTRICT'S  
21 account and may be awarded in the next 12 months by [that Delegate] THE OFFICE  
22 to another student pursuant to THE REQUIREMENTS OF this [section] SUBTITLE.

23 18-506.

24 [(a) Beginning in fiscal year 1996, each Delegate may authorize the Office of  
25 Student Financial Assistance to award all or a portion of the funds authorized under  
26 this subtitle to eligible recipients of an Educational Excellence Award who reside in  
27 the Delegate's legislative district.

28 (b)] In the event that the total number of eligible recipients [of an Educational  
29 Excellence Award] who reside in the [Delegate's] legislative district is insufficient to  
30 utilize the total amount of funds available to [the Delegate] THAT LEGISLATIVE  
31 DISTRICT for any fiscal year, the Office [of Student Financial Assistance may, with  
32 the consent of the Delegate,] MAY award the unused funds to other eligible recipients  
33 throughout the State.

34 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the  
35 provisions of this Act, each current recipient of a Senatorial Scholarship or a Delegate  
36 Scholarship on the effective date of this Act, including the recipients of new or  
37 increased awards during fiscal year 2006, shall continue to be eligible to receive the

1 full amount of that award for the duration of the eligibility period applicable to that  
2 recipient.

3 SECTION 5. AND BE IT FURTHER ENACTED, That any appropriation in  
4 fiscal year 2006 and any unexpended appropriation available under the Senatorial  
5 Scholarship Program or the Delegate Scholarship Program at the conclusion of the  
6 current term of the General Assembly on January 9, 2007, that is not needed to meet  
7 scholarship awards made to eligible recipients under Section 4 of this Act shall be  
8 transferred to and distributed by the Office of Student Financial Assistance in  
9 accordance with the provisions of Section 3 of this Act. The unexpended  
10 appropriations under this section that are transferred to the Office of Student  
11 Financial Assistance shall be allocated by legislative district so that each district  
12 receives an amount equal to the balance of scholarship funds previously available  
13 under the Senatorial and Delegate Scholarship Programs that had not been awarded  
14 by that district's Senators and Delegates during the current legislative term.

15 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2005.