

SENATE BILL 739

F2

71r2594

By: **Senators Simonaire, Brinkley, Brochin, Colburn, Conway, Della, Edwards, Forehand, Frosh, Greenip, Haines, Harris, Hooper, Jacobs, Jones, Kittleman, Kramer, Lenett, Munson, Muse, Peters, Pinsky, Raskin, Robey, Rosapepe, Stone, and Zirkin**

Introduced and read first time: February 9, 2007

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 16, 2007

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 20, 2007

CHAPTER _____

1 AN ACT concerning

2 **Legislative Scholarships Integrity Act of 2007**

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 ~~permitting the Maryland Higher Education Commission to award certain~~
6 ~~scholarships to certain persons in certain circumstances;~~ providing that certain
7 provisions of law do not apply to the Maryland Higher Education Commission or
8 the Office of Student Financial Assistance when awarding certain scholarships
9 under certain circumstances; providing for the disposition of a certain award
10 and requiring the Office of Student Financial Assistance to send a certain
11 written notice to certain individuals if a member of the General Assembly
12 awards a certain scholarship under certain circumstances; defining a term;
13 making a stylistic change; and generally relating to legislative scholarships.

14 BY repealing and reenacting, without amendments,
15 Article – Education
16 Section 18-401 ~~and 18-501~~, 18-407, 18-501, and 18-507

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2006 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 18–402 and 18–502
6 Annotated Code of Maryland
7 (2006 Replacement Volume)

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

10 **Article – Education**

11 18–401.

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

14 18–402.

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

16 ~~(1)~~ (I) SPOUSE;

17 ~~(2)~~ (II) PARENT OR STEPPARENT;

18 ~~(3)~~ (III) SIBLING OR STEPSIBLING;

19 ~~(4)~~ (IV) CHILD OR STEPCHILD;

20 ~~(5)~~ ~~FOSTER CHILD OR WARD;~~

21 ~~(6)~~ (V) MOTHER-IN-LAW OR FATHER-IN-LAW;

22 ~~(7)~~ (VI) SON-IN-LAW OR DAUGHTER-IN-LAW;

23 ~~(8)~~ (VII) GRANDPARENT; OR

24 ~~(9)~~ (VIII) GRANDCHILD.

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

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

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

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

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

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

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

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

18 (iv) Is planning to attend or is attending a Maryland community
19 college.

20 **[(b)] (C)** Each applicant shall:

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

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

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

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

1 (3) ~~A SENATOR MAY NOT AWARD A SCHOLARSHIP TO:~~

2 ~~(I) THE:~~

3 (I) AWARD A SCHOLARSHIP TO THE SENATOR'S RELATIVE;
4 **OR**

5 (II) THE KNOWINGLY AWARD A SCHOLARSHIP TO THE
6 RELATIVE OF A DELEGATE WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT
7 AS THE SENATOR.

8 (4) IF A SENATOR AWARDS A SCHOLARSHIP TO A RELATIVE OR
9 THE RELATIVE OF A DELEGATE WHO REPRESENTS THE SAME LEGISLATIVE
10 DISTRICT AS THE SENATOR IN VIOLATION OF PARAGRAPH (3) OF THIS
11 SUBSECTION:

12 (I) THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS
13 AWARDED MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT
14 AN ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF
15 THE SCHOOL YEAR;

16 (II) THE SENATOR MAY NOT RENEW THE SCHOLARSHIP FOR
17 THE NEXT SCHOOL YEAR; AND

18 (III) THE OFFICE SHALL SEND THE SENATOR AND THE
19 INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED A WRITTEN NOTICE
20 STATING THAT THE SCHOLARSHIP MAY NOT BE RENEWED WHEN IT EXPIRES
21 UNDER THE REQUIREMENTS OF THIS SUBSECTION.

22 (5) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO
23 SCHOLARSHIPS AWARDED BY THE COMMISSION UNDER § 18-407 OF THIS
24 SUBTITLE.

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

27 18-407.

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

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

4 **(1) Scored highest on the competitive examination; or**

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

7 **(c) The Office shall:**

8 **(1) Notify each Senator of the applicants to whom it awards the**
9 **Senator's scholarships; and**

10 **(2) Announce publicly the names of all recipients.**

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

15 18-501.

16 **(a) There is a program of Delegate Scholarships in this State that are**
17 **awarded under this subtitle.**

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

19 **(1) An eligible institution for a program of undergraduate, graduate,**
20 **or professional studies;**

21 **(2) An accredited undergraduate, graduate, or professional institution**
22 **outside the State, if:**

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

25 **(ii) 1. The applicant is disabled;**

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

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

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

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

11 18-502.

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

13 ~~(1)~~ **(I) SPOUSE;**

14 ~~(2)~~ **(II) PARENT OR STEPPARENT;**

15 ~~(3)~~ **(III) SIBLING OR STEPSIBLING;**

16 ~~(4)~~ **(IV) CHILD OR STEPCHILD;**

17 ~~(5)~~ **~~FOSTER CHILD OR WARD;~~**

18 ~~(6)~~ **(V) MOTHER-IN-LAW OR FATHER-IN-LAW;**

19 ~~(7)~~ **(VI) SON-IN-LAW OR DAUGHTER-IN-LAW;**

20 ~~(8)~~ **(VII) GRANDPARENT; OR**

21 ~~(9)~~ **(VIII) GRANDCHILD.**

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

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

1 (C) A MEMBER OF THE HOUSE OF DELEGATES MAY NOT ~~AWARD A~~
 2 ~~SCHOLARSHIP TO:~~

3 ~~(1) THE:~~

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

5 (2) A KNOWINGLY AWARD A SCHOLARSHIP TO A RELATIVE OF
 6 ANOTHER DELEGATE OR THE SENATOR WHO REPRESENTS THE SAME
 7 LEGISLATIVE DISTRICT AS THE MEMBER.

8 (D) IF A MEMBER OF THE HOUSE OF DELEGATES AWARDS A
 9 SCHOLARSHIP TO A RELATIVE OR THE RELATIVE OF ANOTHER DELEGATE OR
 10 THE SENATOR WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE
 11 MEMBER IN VIOLATION OF SUBSECTION (C) OF THIS SECTION:

12 (1) THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED
 13 MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT AN
 14 ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF THE
 15 SCHOOL YEAR;

16 (2) THE MEMBER MAY NOT RENEW THE SCHOLARSHIP FOR THE
 17 NEXT SCHOOL YEAR; AND

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

22 ~~(D)~~ (E) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO
 23 SCHOLARSHIPS AWARDED BY THE OFFICE OF STUDENT FINANCIAL
 24 ASSISTANCE UNDER § 18-507 OF THIS SUBTITLE.

25 18-507.

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

1 **(b) In the event that the total number of eligible recipients of an Educational**
2 **Excellence Award who reside in the Delegate's legislative district is insufficient to**
3 **utilize the total amount of funds available to the Delegate for any fiscal year, the**
4 **Office of Student Financial Assistance may, with the consent of the Delegate, award**
5 **the unused funds to other eligible recipients throughout the State.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.