

SENATE BILL 396

F2

(9lr2937)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Appropriations* —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 certain term; and generally relating to the Legal Representation Fund for Title IX
2 Proceedings.

3 BY adding to
4 Article – Education
5 Section 11–602
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2018 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 6–226(a)(2)(i)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2018 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 6–226(a)(2)(ii)112. and 113.
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2018 Supplement)

18 BY adding to
19 Article – State Finance and Procurement
20 Section 6–226(a)(2)(ii)114.
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2018 Supplement)

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

25 **Article – Education**

26 **11–602.**

27 **(A) IN THIS SECTION, “FUND” MEANS THE LEGAL REPRESENTATION FUND**
28 **FOR TITLE IX PROCEEDINGS.**

29 **(B) THERE IS A LEGAL REPRESENTATION FUND FOR TITLE IX**
30 **PROCEEDINGS.**

31 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS FOR REASONABLE**
32 **COSTS AND ATTORNEY’S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER §**
33 **11–601 OF THIS SUBTITLE.**

34 **(D) THE COMMISSION SHALL ADMINISTER THE FUND.**

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

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

5 (F) THE FUND CONSISTS OF:

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

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

8 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
9 THE BENEFIT OF THE FUND.

10 (G) THE FUND MAY BE USED ONLY TO PAY FOR REASONABLE COSTS AND
11 ATTORNEY'S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER § 11-601 OF
12 THIS SUBTITLE.

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

15 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
16 THE FUND.

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

19 (J) ~~MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT~~
20 ~~INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE~~
21 ~~APPROPRIATED TO ASSIST STUDENTS WITH REASONABLE COSTS AND ATTORNEY'S~~
22 ~~FEES FOR TITLE IX PROCEEDINGS.~~

23 ~~(K)~~ BEGINNING IN FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN
24 THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST ~~\$500,000~~ \$250,000 TO
25 THE FUND.

26 Article – State Finance and Procurement

27 6-226.

28 (a) (2) (i) Notwithstanding any other provision of law, and unless
29 inconsistent with a federal law, grant agreement, or other federal requirement or with the
30 terms of a gift or settlement agreement, net interest on all State money allocated by the
31 State Treasurer under this section to special funds or accounts, and otherwise entitled to

1 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
2 Fund of the State.

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

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

6 113. the Veteran Employment and Transition Success Fund;

7 **AND**

8 **114. THE LEGAL REPRESENTATION FUND FOR TITLE IX**
9 **PROCEEDINGS.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.