

May 24, 2019

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 400 – *Maryland Higher Education Commission – Private Nonprofit Institutions of Higher Education – Regulation (Private Nonprofit Institution of Higher Education Protection Act of 2019)*.

This bill alters the definition of “private nonprofit institution of higher education” to mean, in addition to current criteria, that the institution 1) benefits no person through any part of its net earnings; 2) is legally authorized to operate as a nonprofit organization in each state in which it is physically located; and 3) is determined by the Internal Revenue Service to be an organization to which contributions are tax deductible.

This bill also requires the Maryland Higher Education Commission 1) to determine whether an incident constitutes private inurement if a private nonprofit institution of higher education engages in a reportable incident as defined by the bill; and 2) jointly with the Office of the Attorney General, develop a procedure for determining and enforcing the classification of institutions of higher education as enacted by the bill.

House Bill 461, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 400.

Sincerely,

Lawrence J. Hogan, Jr.
Governor