

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Maryland Higher Education Commission**  
(DLS Control No. 19-292)

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**Overview and Legal and Fiscal Impact**

This regulation by the Maryland Higher Education Commission alters the definition of “full-time” enrollment for purposes of the Richard W. Collins III Leadership With Honor Scholarship.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Maryland Higher Education Commission:**

Financial Aid:

Richard W. Collins III Leadership With Honor Scholarship Program:

COMAR 13B.08.11.02

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**Legal Analysis**

**Background**

The Richard W. Collins III Leadership With Honor Scholarship program was created by Chapter 597 of 2018 and is administered by the Office of Student Financial Assistance within the Maryland Higher Education Commission. The purpose of the program is to provide scholarships to students who (1) are eligible for in-State tuition; (2) are members of a Reserve Officer Training Corps (ROTC) program; (3) are members of a minority group or another group historically underrepresented in ROTC programs; and (4) attend an historically black college or university in the State. The initial regulations implementing the program took effect November 18, 2019 (see DLS Control No. 19-030).

**Summary of Regulation**

This regulation alters the previously adopted regulations implementing the Richard W. Collins III Leadership With Honors Program by changing the definition of “full-time” from “enrollment in at least 12 credits per semester at an eligible institution” to mean “enrollment at an eligible institution in:

(a) At least 12 credits per semester in a certificate or undergraduate degree program;  
or

(b) At least 9 credits per semester in a graduate certificate, graduate degree, or doctoral degree program.”

### **Legal Issues**

The regulation presents no legal issue of concern.

### **Statutory Authority and Legislative Intent**

The commission cites §§ 11-105(u), 18-204(c), and 18-605(e) as statutory authority for this regulation. Section 11-105(u) gives the commission the authority to adopt any rule or regulation necessary to carry out its powers and duties. Section 18-204(c) states that the office may adopt any rule or regulation necessary to carry out its powers and duties, one of which is to administer student financial assistance programs. Section 18-605 establishes the Richard W. Collins III Leadership With Honor Scholarship Program. Section 18-605(e) requires the office to adopt any procedures or regulations necessary to implement that section.

The relevant statutes are silent on whether a student must be enrolled full-time to receive a scholarship, but do require the office to select the recipients of each award, giving the office discretion in setting criteria for scholarship grants from the program.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The commission advises that the regulation has no fiscal impact on State or local governments. The Department of Legislative Services concurs. The regulation alters the definition of “full-time enrollment” for the scholarship to clarify the implementation of Chapter 597 of 2018 (Senate Bill 1202), which created the Richard W. Collins III Leadership with Honor Scholarship Program. The program is primarily implemented by regulations (DLS Control No. 19-030) that the commission approved for formal adoption on October 23, 2019. Chapter 597 requires the Governor to include an annual appropriation of at least \$1.0 million for the program in the State budget beginning in fiscal 2020. There is no fiscal impact beyond the funding mandated by Chapter 597.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The commission advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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