

Montgomery College

2020 Maryland General Assembly Legislative Session Report

Overview

This is a report of the 2020 Maryland General Assembly's legislative session. It contains information on the operating and capital budgets, legislation adopted that may affect Montgomery College, legislation adopted of interest, and the governor's actions with respect to adopted legislation.

The general assembly meets annually for 90 days from January through April. In addition to approving the state's operating and capital budgets each year, the 47 members of the Senate and 141 members of the House of Delegates pass bills that will take effect on June 1, July 1, or October 1.

The 2020 session opened with new leadership. Delegate Adrienne Jones from Baltimore County became the first woman and first African American speaker of the Maryland House of Delegates. Senator Bill Ferguson from Baltimore City became the youngest president of the Maryland Senate.

The session adjourned "Sine Die" on March 18, 2020, 19 days early due to the COVID-19 public health crisis.

Operating Budget: State aid to Montgomery College increased

State funding for community colleges is based on a complex funding formula known as the Senator John A. Cade Funding Formula (also known as "Cade.") Enrollment, along with funding provided to certain University System of Maryland (USM) institutions, are factors in the formula.

The governor's FY21 operating budget funded the Cade formula, resulting in a statewide increase for community colleges of approximately \$36,393,000 or 14.6 percent over the last fiscal year's appropriation, distributed to the community colleges in accordance with Cade.

As a result, the College is scheduled to receive \$51,521,780 million in operating aid, an increase of \$6,266,662 million in new state support for FY21.

Subsequent to the issuance of the governor's proposed FY21 operating budget, the governor submitted SB 193 – the Budget Reconciliation and Finance Act (BRFA) which included reductions in community college funding and the elimination of the Cade formula. The legislature rejected the sections in the BRFA related to community college funding, and instead adopted the funding levels in the budget as submitted and once again endorsed the formula.

Many thanks to the members of the Montgomery County Delegation who support the Cade formula and Montgomery College.

The fiscal and economic impacts of the COVID-19 crisis are unknown and unpredictable at this time. The Maryland Board of Public of Works, made up of the governor, the treasurer and the comptroller, has the authority to make mid-year spending and budget changes.

Capital Budget: Funds for the Leggett Building approved

The state approved \$6.5 million in capital funds for construction in FY20, \$18.3 million for construction in FY21, and preauthorized \$12.5 million for FY22 to continue to advance the Catherine and Isiah Leggett Math and Science Building on the Takoma Park/Silver Spring Campus.

Adopted bills significant to Montgomery College

The governor chose to review and act upon a limited number of bills in an effort to focus on the current public health crisis. As a result, a number of bills will be enacted without his signature.

[SB 307 / HB 415 – Maryland Community College Promise Program](#)

This legislation increases eligibility for the Maryland Community College Promise Scholarship. Several changes to this program enacted are:

- Removes requirement that students apply for the Promise program within two years of completing high school or obtaining their GED.
- Removes all requirements relating to the service obligation and the promissory note whereby students committed to the services requirement. Students who have already agreed to the service requirement will not be required to fulfill it.
- Removes requirement that Promise awards be made after all other financial aid is distributed, meaning the Promise is no longer “last dollar.” This change allows institutional aid to be distributed after Promise awards are made.
- Adds requirements related to how information about the Promise program must be displayed on community college websites and Maryland Higher Education Commission (MHEC) website.
- Adds requirement that MHEC contact each high school counselor at each public high school in Maryland with information about the Community College Promise program.
- Clarifies GPA eligibility requirements for high school student applicants and for community college students applying to renew Promise funding.
- Maintains the eligibility of non-credit courses that lead to licensure and certification for Promise awards.

In addition, budget language was adopted that requests MHEC evaluate and report on the feasibility of notifying students of financial aid awards by May 1. **The report is to be submitted to the General Assembly on December 31, 2020. This legislation, enacted without the governor’s signature, takes effect July 1, 2020.**

HB 0045 / SB 0122 Economic Development – Opportunity Zone Incentives – Alteration of the More Jobs for Marylanders and Opportunity Zone Enhancement Programs

This legislation alters the Opportunity Zone Enhancement Program by (1) limiting the enhanced tax benefits available under the program to tax years 2019 through 2026; (2) restricting eligibility for the enhanced benefits under the biotechnology investment incentive and cybersecurity investment incentive tax credit programs to investments made in a company that is newly established or expands into an opportunity zone on or after March 1, 2018; (3) requiring businesses in a county with a minimum wage that exceeds the state minimum wage to pay the greater of 120 percent of the state or county minimum wage; and (4) altering certain application and reporting requirements. Montgomery County's Delegate Julie Palakovich Carr was this legislation's main sponsor. **This legislation, enacted without the governor's signature, takes effect July 1, 2020, and applies to tax year 2020 and beyond.**

HB 362 / SB 282 – Maryland National Guard – Tuition Assistance Program – Modifications

An administration bill, this legislation increases the percentage of in-state tuition that the Military Department may reimburse from 50 percent to 100 percent for an eligible active member of the Maryland National Guard. The legislation expands eligibility to include any member who holds a commission in the Maryland National Guard. **The legislation, enacted without the governor's signature, takes effect on July 1, 2020.**

SB 446 / HB 469 – Institutions of Postsecondary Education – Disorderly School Closures

This legislation requires institutions of postsecondary education and private career schools to meet specified requirements regarding school and program closures, including having close-out plans and teach-out agreements. To that end, schools and school leadership must meet specified financial and record transferring obligations. It establishes additional protections for any student who attends a program, school, or institution that closes related to tuition and fee reimbursement, student debt collection, transcripts, closeout plans, and teach-out agreements. Violation of specified provisions of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA's civil and criminal penalty provisions. **The legislation, enacted without the governor's signature, takes effect on July 1, 2020.**

HB 880 – Maryland Healthy Working Families Act – Family Member – Definition

This legislation alters the definition of "family member," for the Maryland Healthy Working Families Act, to include a legal ward of an employee, a legal ward of an employee's spouse, or a legal guardian of an employee's spouse. **This legislation, enacted without the governor's signature, takes effect on October 1, 2020.**

HB 1111 / SB 734 – Public Safety – Special Police Officers – Training and Renewal of Commission

This legislation repeals the authorization for the secretary of state police to require training and education for special police officers (SPOs) as the secretary considers necessary. With specified exceptions, an SPO applicant for an initial commission must complete a training course approved by the secretary in consultation with the Maryland Police Training and Standards Commission (MPTSC) consisting of at least 80 hours of instruction. Before applying for renewal, an SPO must complete 12 hours of in-service training approved by the secretary in consultation with MPTSC. **This legislation, enacted without the governor's signature, takes effect on October 1, 2020.**

[HB 1122 / SB 588 – State Government – Protection of Personally Identifiable Information – University System of Maryland](#)

This legislation excludes the University System of Maryland (USM) and all public institutions of higher education from certain provisions of law governing the protection of information by government agencies. It requires USM and all public institutions of higher education to review and designate certain systems as systems of record based on certain criteria and to develop and adopt a certain privacy governance program to govern each system of record. Additionally, it requires the USM and public institutions of higher education to develop and adopt a certain information security and risk management program for the protection of personally identifiable information. Montgomery County's Senator Cheryl Kagan was the main sponsor of this legislation. **This legislation, enacted without the governor's signature, takes effect on October 1, 2024.**

[SB 458 / HB 506 – Higher Education – Nonresident Tuition Exemption for Military Personnel, Spouses, and Dependents – Alterations](#)

This legislation expands the conditions under which a spouse or financially dependent child of an active-duty service member of the US Armed Forces is eligible for resident (i.e. in-state) tuition to also encompass a dependent who was accepted to attend a public institution of higher education when the member was stationed, residing, or domiciled in the state. To remain exempt from paying nonresident tuition, a spouse or financially dependent child of an active-duty service member must remain continuously enrolled and remain domiciled in the state. The requirement to remain domiciled in the state during enrollment is a new condition for currently eligible individuals.

This legislation, enacted without the governor's signature, takes effect on July 1, 2020.

[SB 633 / HB 541 Maryland Police Training and Standards Commission - Training Requirements - Hate Crimes](#)

This legislation requires the Maryland Police Training and Standards Commission (MPTSC) to require entrance-level police training and in-service level police training at least every three years conducted by the state and each county and municipal police training school. The curriculum and minimum courses of study must include special training on the study of the application and enforcement of the criminal laws concerning hate crimes. The curriculum must also include the recognition of, response to, and reporting of incidents of crime in the state required to be reported by each local law enforcement agency and the state fire marshal to the Department of State Police, as specified. **This legislation, enacted without the governor's signature, takes effect on October 1, 2020.**

[HB 596 - Edward T. and Mary A. Conroy Memorial, Jean B. Cryor Memorial, and Veterans of the Afghanistan and Iraq Conflicts Scholarships – Alterations](#)

This legislation changes the eligibility requirements for the Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program by removing the residency requirement for certain categories of individuals; alters the requirement of filing for federal and state financial aid for the Veterans of the Afghanistan and Iraq Conflict Scholarship; prohibits certain scholarships from being awarded after a certain date; and authorizes certain scholarships to be renewed after a certain date. **This legislation, enacted without the governor's signature, takes effect on July 1, 2020.**

[HB 795 - Montgomery County - Authority of County Council Over Inspector General - Montgomery County Public Schools MC 14-20](#)

Despite the bill's title, this bill affects MC. This legislation authorizes the Montgomery County Council to enact a local law that grants the Montgomery County Inspector General the same authority over Montgomery College, the Montgomery County Board of Education and public schools located in Montgomery County, and the Housing Opportunity Commission, that the Inspector General has over a department of county government. Local law already states that MC is subject to the Inspector General. The bill was sponsored by the Montgomery County Delegation at the initiation of Senator Ben Kramer. **This legislation, enacted without the governor's signature, takes effect on October 1, 2020.**

Adopted bills of interest to Montgomery College

[HB 318 / SB 667 – University System of Maryland – Textbooks – Availability of Free Digital Materials \(Textbook Transparency Act of 2020\)](#)

This legislation requires each constituent institution of higher education in the University System of Maryland to develop a method to clearly show in the online course catalog which courses (1) provide students access to all required course materials in the form of free digital materials and (2) may provide students access to course materials with a low-cost print option as an alternative to free digital materials. The free digital materials may include openly licensed educational resources and must, to the extent practicable, be equally accessible to and independently usable by individuals with disabilities. Montgomery County Delegate Vaughn Stewart was the main sponsor of this legislation. **This legislation, enacted without the governor's signature, takes effect on July 1, 2021.**

[HB 251 / SB 0236 – Teachers' Retirement and Pension Systems – Obsolete Reemployment Provisions](#)

This legislation repeals certain obsolete provisions relating to the re-employment of certain teachers and principals who are retirees of the Teachers' Retirement and Pension Systems. **This legislation, enacted without the governor's signature, takes effect on July 1, 2020.**

[HB 1539 / SB 630 – Grant Applications and Reporting - Uniform Forms and Requirements](#)

This legislation establishes the Maryland Efficient Grant Application Council to study and make recommendations to the governor's Grants Office and the Department of Budget and Management (DBM) regarding the entire grant life cycle. By July 1, 2024, the council must submit a report on its full recommendations to DBM and the General Assembly. DBM must submit reports on the council's progress (annually from 2021 through 2026). By October 1, 2020, each state grant-making agency must appoint a chief accountability officer to serve as the liaison to the council and perform other related responsibilities. The legislation includes a representative of postsecondary education as appointed by MHEC. Senator Cheryl Kagan of Montgomery County was the lead sponsor. **This legislation, enacted without the governor's signature, takes effect on July 1, 2020**

[HB 159 – State Ethics Commission – Determination of Public Official in an Executive Unit – Information from Units of State Government](#)

A departmental bill, this legislation requires (1) the secretary of a principal department in the Executive Branch; (2) the president of a public senior higher education institution; and (3) a unit of state

government to provide, in a timely manner, on request of the State Ethics Commission (SEC), any information necessary to decide whether an individual in an executive unit is a public official for purposes of the Maryland Public Ethics Law. **This legislation, enacted without the governor's signature, takes effect on October 1, 2020.**

HB 187 / SB 329 – Public Institutions of Higher Education – Outbreak Response Plan

This legislation requires a public institution of higher education that has residential housing and/or a health center to submit an outbreak response plan to the Maryland Department of Health (MDH) on or before August 1, 2021, and each year thereafter. It requires a public institution of higher education to implement the outbreak response plan under certain circumstances and requires the plan to include certain protocols, processes, and the provision of certain staff. It requires the MDH, in consultation with MHEC, to adopt certain regulations. Senator Waldstreicher of Montgomery County was the main sponsor of this legislation. **This legislation, enacted without the governor's signature, takes effect on October 1, 2020**

SB 751 / HB 1457 – Apprenticeship Start-Up Act of 2020

This legislation eliminates the termination date of the apprenticeship income tax credit and alters the tax credit program by expanding the definition of an apprentice, increasing the credit from \$1,000 to \$3,000 for each eligible apprentice not employed through a youth apprenticeship program, and limiting the number of credits that taxpayers can claim. The credit is \$1,000 for each eligible apprentice employed through a youth apprenticeship. The bill also removes the \$500,000 annual cap on the program and creates an apprenticeship-tax-credit-reserve fund. The governor must include in the annual budget bill an appropriation to the fund. The number of credits that the Maryland Department of Labor can award each year cannot exceed the amount appropriated to the fund. **This legislation, enacted without the governor's signature, takes effect June 1, 2020, and applies to tax year 2020 and beyond.**

HB 1205 – Universities at Shady Grove Regional Higher Education Center

This legislation establishes The Universities at Shady Grove (USG) Regional Higher Education Center in the University System of Maryland (USM) and specifies its purpose and funding. The bill codifies current practice. **The legislation, enacted without the governor's signature, takes effect on July 1, 2020.**

SB 732 / HB 576 Health Occupations - Athletic Training – Revisions

This legislation alters the definition of “practice athletic training” and defines “athletic individual.” It repeals limitations on the settings in which athletic trainers may practice. It also repeals the requirement that an evaluation and treatment protocol describe the settings where the athletic trainer may practice. It also specifies that an athletic trainer may provide treatment for no more than 14 days to an athletic individual with an injury that affects job function or job-related activity except under specified circumstances. Additionally, it repeals obsolete language regarding the three athletic trainer members of the Athletic Trainer Advisory Committee. **This legislation, enacted without the governor's signature, takes effect on October 1, 2020.**

Vetoed bills of interest to Montgomery College

[HB 1300 – Blueprint for Maryland’s Future](#)

The General Assembly adopted the Blueprint for Maryland’s Future legislation. Known as the Kirwan bill, it would implement the education reform recommendations of the Commission on Innovation and Excellence chaired by Brit Kirwan, the former chancellor of the University System of Maryland. The governor vetoed this legislation. The legislature can choose to override the veto during a special session, if called or at the start of the regular session in January 2021. Montgomery County and the Montgomery County Delegation support the legislation.

This legislation includes a substantial increase in state and local funding and a series of initiatives to bolster Maryland's K-12 public schools with an increased investment of \$4 billion.

The legislation includes several measures that would affect community colleges:

- Permits a community college to review agreements periodically with its local education agency for dually enrolled student programs.
- Adds community college involvement in the establishment of the Career and College Readiness standards.
- Adds community college participation on the newly established Career and Technical Education Council.
- Expands the Career and Technical Education Programs to include non-credit courses leading to certificate or licensure credentials.