



**Office of Government Relations**  
**2021 End of Session Report**  
**April 2021**

The Maryland General Assembly completed its work for the 2021 Legislative Session and adjourned Sine Die on Monday, April 12th. It marks the end of the 2021 Maryland General Assembly session. A total of 2,347 bills were introduced this session and the University System of Maryland (USM) Office of Government Relations, in conjunction with the State Relations Council representatives from each USM institution, tracked, offered testimony or sought amendments on more than 150 bills that would have had varying impacts on the USM and our institutions.

Because of the COVID-19 emergency, the presiding officers of the Maryland General Assembly decided to conduct this year's legislative session in a socially distanced and virtual format.

One of the main responsibilities of the Chancellor's Office is to prepare and advance the annual operating and capital budgets for the 12 institutions and three regional higher education centers that comprise the USM. At the same time, the USM succeeded in resisting a number of bills that would have imposed onerous new regulations or financially curtailed USM programs. These efforts do not happen in a silo. The USM Office of Government Relations, State Relations Council and staff from the System Office and campuses collaborated closely this year to share information and updates. The Council of University System Staff, Council of University System Faculty, and USM Student Council aided these efforts greatly by participating in a virtual joint advocacy day in Annapolis. We look forward to reviving this effort next year and reporting the results of 2021 in conference and video calls for these very important advisory councils.

It is also important to acknowledge and thank the dedicated professional staff of the Department of Legislative Services (DLS) and the Maryland Department of Budget and Management (DBM). These individuals provide critical analysis of the performance and function of the USM and often help translate the legislative intentions and objectives of those elected leaders to whom they report.

The End-of-Session report is a snapshot of the major issues the USM faced during the 90-day Session and their final resolution.

# FISCAL YEAR 2022 OPERATING BUDGET

The Governor proposed, and the General Assembly approved, state support for the USM totaling \$1.496 billion, coming from the General Fund and the Higher Education Investment Fund. This is an increase of \$54.5 million - or 3.8 percent over the adjusted FY 2021 state funding level.

The FY 2022 state funding summary is provided below:

- Across the board state funding cut of \$16M
- New facilities operating and equipment of \$2.1M
- State fringe benefit inflationary increases of \$3.8M
- Supplemental budget allocation for Healthcare Professions and Public Health of \$23.5M
- USM Cost of Living Adjustment annualization of January 2021 2% of \$38.1M
- Other institutional specific increases.
  - UMCP Judge Alex Williams Center for Education, Justice & Ethics -\$350,000
  - UMCP Hughes Agro-Ecology Center \$130,000
  - Frostburg Office of Regional Development & Engagement \$194,000

The state funding level enables the USM to hold the resident undergraduate tuition rate to a modest 2 percent increase.

## FY 2022 CAPITAL CONSTRUCTION PROJECTS

The General Assembly approved capital funds totaling \$317 million for critical projects across the USM. Funding is a combination of General Obligation (GO) Bonds, USM Academic Revenue Bonds (ARBs), State Bond Premium Funds, and General Funds “Paygo” cash.

The Governor’s FY2022 Capital Improvement Program (CIP, released January 2021) reflected almost exactly the request of the Board of Regents. The Governor’s recommendation for fiscal year 2022 was \$277M. Please note the following actions taken during the session. The numbers correspond to the columns in the table below:

1. During their approval process, the House and Senate removed over \$205M of GO Bonds from the USM total, with the intent that the Governor would replace these funds with “Paygo” (General Funds) cash in the operating budget. This action allowed them to expand the capital program for other priorities. The General Assembly can redirect GO Bond funds to other projects, but they cannot do the same for General Funds.
2. A portion of the “new” project funding provided by the General Assembly came back to the USM in the form of projects either added to, or advanced within, the Governor’s CIP. The current year impact of these changes was a net increase to the USM of \$32M. The Governor is under no obligation to continue to fund these projects in future years, and there will be much discussion with DBM over the coming months, as the impact of these

changes alone for the next three fiscal years could exceed \$250M. In the absence of continued cash availability, this will pose a challenge to the State's bond program.

3. At the end of March, the Governor appropriated \$205M in operating budget (Paygo cash) funding to replace the GO Bond funding removed from the FY2022 capital program by the General Assembly. This fully restored funding for these projects and made the USM capital program for the current year whole again.

4. The Governor also recommended \$25M in additional Facilities Renewal funding for the USM (\$21.2M for FY21, using bond premium funds, and \$3.8M in Paygo for FY22). Institutions provided a list of campus deferred maintenance projects that will be supported with these funds. A \$4M deficit inherent the State's capital budgeting system for an ongoing project at UMES was also restored.

The bottom line is that the original fiscal year request of \$277M by the Governor at the beginning of the session has increased by \$40M due to the actions of the Governor and the General Assembly.

<b>USM CAPITAL BUDGET: ACTIONS TAKEN DURING THE 2021 SESSION (ALL FIGURES \$'000's)</b>						
		<b>1. GO Bond Bill passed by General Assembly</b>	<b>2. Projects Added by General Assembly</b>	<b>3. Deleted projects restored by Governor (Paygo)</b>	<b>4. New Projects added by Governor</b>	<b>Final Budget</b>
Revised 4/7/21 USM Office of Capital Planning						
UMCP	Campuswide Bldg Sys & Infrastr (Incl \$5M USM ARBs)	10,000				<b>10,000</b>
BSU	Construct MLK Comm Arts & Humanities Bldg	3,600				<b>3,600</b>
UMBC	Utility Upgrades	6,936				<b>6,936</b>
USM	Systemwide Facilities Renewal (all USM ARBs)	25,000				<b>25,000</b>
USM	USM Southern MD Ctr Acad & Research Bldg	4,829				<b>4,829</b>
UMB	[Added] School of Social Work Addition and Renovation		2,500			<b>2,500</b>
UMCP	[Increased] New School of Public Policy		2,500			<b>2,500</b>
UMCP	[Accelerated] Interdisciplinary Engineering Building		4,000			<b>4,000</b>
UMCP	[Added] Quantum and Advanced Computing Infrastructure		10,000			<b>10,000</b>
UMCP	[Added] Cole Field House Signage and Message Board		375			<b>375</b>
FSU	[Added] Challenger Center		3,000			<b>3,000</b>
CSU	[Added] New Dormitory and Student Union		3,000			<b>3,000</b>
UMBC	[Accelerated] Sherman Hall Renovation		7,000			<b>7,000</b>
UMB	Central Electric Substation and Redundancy	deleted		11,307		<b>11,307</b>
UMCP	Chemistry Building Wing 1 Replacement	deleted		45,190		<b>45,190</b>
TU	Health Professions Building	deleted		50,684		<b>50,684</b>
UMES	School of Pharmacy and Health Professions - Phase I	deleted		18,716		<b>18,716</b>
FSU	Education & Health Sciences Ctr	deleted		46,655		<b>46,655</b>
CSU	Renovate Julilian Sci for the College of Business	deleted		32,851		<b>32,851</b>
UMES	[Correction] School of Pharmacy and Health Professions				4,000	<b>4,000</b>
USM	Additional FR (FY21, Bond Premium Funds)				21,200	<b>21,200</b>
USM	Additional FR (FY22, General Funds "Paygo")				3,800	<b>3,800</b>
	<b>TOTALS</b>	<b>\$50,365</b>	<b>\$32,375</b>	<b>\$205,403</b>	<b>\$29,000</b>	<b>\$317,143</b>

## **UNIVERSITY OF MARYLAND, BALTIMORE**

Central Electric Substation and Electrical Infrastructure Upgrades. Provide \$11.307M to continue construction of this phased, multi-year project.

School of Social Work Renovation. The capital budget bill provides \$2.5M for planning.

## **UNIVERSITY OF MARYLAND, COLLEGE PARK**

Chemistry Building Wing 1 Replacement. Provide \$45.190M to continue design and construction. The bill preauthorizes another \$448.317M in FY2023 and \$5.3 in FY2024 for construction of this project.

School of Public Policy Building. Provide \$2.5M to continue construction.

Campus-wide Building and Infrastructure Improvements. Provide \$10M (includes \$5M USM ARBs) to continue work on this phased, multi-year repair and renewal program.

Quantum and Advanced Computing Infrastructure. Provides \$4M for planning. The bill preauthorizes another \$7M in FY2023, \$74M in FY2024 and \$70M in FY2025.

Cole Field House Signage and Message Board. Provides \$375K for planning and construction.

## **BOWIE STATE UNIVERSITY**

MLK Communication Arts and Humanities Building. Provide \$3.6M for the planning and construction of this project. The bill preauthorizes \$40.073M in FY2023, \$75.094M in FY2024 and \$16.342M in FY2025 for construction.

## **TOWSON UNIVERSITY**

Health Professions Building. Provide \$50.684M to complete design of this project. Preauthorizes \$73.152M in FY23 and \$31.12M in FY24.

## **UNIVERSITY OF MARYLAND EASTERN SHORE**

School of Pharmacy and Health Professions. Provide \$22.716M for construction of this project.

## **FROSTBURG STATE UNIVERSITY**

Education Professions and Health Sciences Center. Provide \$46.655M for construction of this project.

Challenger Center. Provides \$3M for construction.

### **COPPIN STATE UNIVERSITY**

Renovate Percy Julian Science for the College of Business. Provides \$32.851M for construction and equipment.

New Dormitory and Student Union. Provides \$3M for planning. Another \$9M is preauthorized for FY2023.

### **UNIVERSITY OF MARYLAND BALTIMORE COUNTY**

Utility Upgrades and Site Improvements. Provide \$6.936M toward this phased, multi-year project.

Sherman Hall Renovation. The bill provides \$7M and preauthorization for \$40M in FY2023 and \$40M in FY2024.

### **UNIVERSITY SYSTEM OF MARYLAND OFFICE**

Systemwide Facilities Renewal (all USM ARB bonds). Provide \$50.009M in ARBs toward this multi-year renewal program that benefits all institutions.

Academic and Research Center at USM Southern Maryland. Provide \$4.829M to continue construction of this project.

## **FINAL STATUS OF LEGISLATION**

### **HBCU FUNDING**

House Bill 1 - Senate Bill 1

#### **Historically Black Colleges and Universities - Funding**

USM Position: Favorable

Status: Passed

This legislation provides an additional \$577 million for Maryland's historically black colleges and universities (HBCUs) from fiscal 2023 through 2032 to be distributed and used as specified. An HBCU Reserve Fund is created to hold unused funds at the end of each fiscal year. The bill establishes a new academic program evaluation unit within the Maryland Higher Education Commission (MHEC) with a mandated staffing level. In addition, the bill has several study and

reporting provisions. Most of the bill's provisions are contingent on the execution of a final settlement agreement in the HBCU lawsuit, as specified, by June 1, 2021.

On March 24<sup>th</sup>, Chancellor Perman, on behalf of the entire University System of Maryland (USM) and, particularly Bowie State University, Coppin State University, and the University of Maryland Eastern Shore stated that he was, "...delighted that Gov. Hogan has signed HBI/SB1, advancing funding equity for the state's historically Black institutions." He also cited the legislature's overwhelming support for this bill. The funding will be used to provide student scholarships and financial aid, develop new academic programs, and recruit faculty.

HBCUs represent only 3% of colleges and universities in the United States yet enroll 12% of all African American students. HBCUs produce 23% of all African American graduates, confer 40% of STEM degrees and 60% of all engineering degrees for African American students. Seventy percent of African American dentists and physicians earned degrees at HBCUs. (Historically Black Colleges and Universities October 2015 data.)

According to the Thurgood Marshall College Fund, HBCUs disproportionately enroll low-income, first-generation and academically underprepared college students. These are the students who are the most at-risk for economic hardships. More than 75% of HBCU students rely on Pell Grants.

## **PUBLIC INFORMATION REQUESTS**

House Bill 183

### **Public Information Act - Revisions**

USM Position: Unfavorable – Offered Amendments

Status: Passed with USM Amendments

This bill will expand the jurisdiction of the Public Information Act (PIA) Compliance Board to include additional types of disputes; institutes an integrated PIA complaint resolution process that includes the Public Access Ombudsman; and requires a custodian to adopt a proactive disclosure policy. Implementing these changes will require the University System of Maryland to devote significantly more resources to this task. In attempting to meet this broad array of mandates, given the consistently high volume and complexity of PIA requests received, information technology and legal services would need significant investments in resources. The required proactive disclosure of records and the required recordkeeping and reporting will create additional work for institutions. The expanded jurisdiction of the PIA Compliance Board to include disputes over fee charges of \$350 and above, disputes over withheld documents, and disputes over missed deadlines will increase the workload of institutions that will have to respond to complaints filed with the Board.

The Board will also now have the authority to review and resolve complaints of agencies regarding requesters whose “request or pattern of requests is frivolous, vexatious, or in bad faith.” While this is a potentially positive development, USM institutions still receive multiple and/or repetitive requests over extended periods of time from specific individuals.

## **PERSONNEL AND EMPLOYMENT**

Senate Bill 9

### **State Employees - Collective Bargaining - Applicability, Bargaining Processes, and Memorandums of Understanding**

USM Position: Unfavorable – Offered Amendments

Status: Passed with limited USM amendments

This bill significantly amends Maryland’s collective bargaining law relating to the University System of Maryland (USM) institutions and the law setting forth the USM Board of Regents’ authority to set general standards and guidelines governing all USM employees. It effects a broad transfer of authority over collective bargaining matters from the institution presidents to the Chancellor of the USM, and generally establishes consolidated collective bargaining at the System level, as opposed to bargaining at the institution level, under current law. If an exclusive representative that represents more than one bargaining unit of USM employees at more than one institution requests to bargain a consolidated memorandum of understanding (MOU), the Chancellor and the representative “shall” negotiate the terms of a consolidated agreement that applies to all bargaining units represented by that representative. That agreement is required to include certain terms. In this event, the president of a USM institution and the exclusive representative “shall” negotiate a separate agreement regarding the following matters: designation of essential employees, student breaks and holidays, hours of work, other compensation that does not directly impact wages or salary, shift differentials, teleworking, and uniforms and equipment.

The bill also amends Education Article 12-110, by revoking the Board of Regents’ authority to establish general standards and guidelines governing the appointment, compensation, advancement and termination of employees represented by an exclusive representative. It adds a requirement that the BOR “apply the standards and guidelines in a negotiated memorandum of understanding to all represented employees” covered by the MOU.

The bill takes effect June 1, 2021.

Senate Bill 812

### **Workers’ Compensation – Occupational Disease Presumptions – COVID-19**

USM Position: Unfavorable

Status: Did not Pass

The legislation would create a legal presumption that “health care workers” at certain public higher education institution facilities who have been diagnosed with COVID-19 are presumed to be entitled to worker’s compensation benefits. The reach of the bill is very broad and is not limited

to employees whose work duties have exposed them to a reasonable risk of COVID-19 infection from patients of the facility. The bill also creates a similar presumption for USM institution police officers and rescue squad members who have been diagnosed with COVID-19, regardless of whether their actual duties during the pandemic included close contact with other institution employees or members of the public.

Extensive health and safety equipment and protocols have been put in place to limit potential exposure to COVID-19 and, as a result, the positivity rate on many USM campuses is lower than the rate in surrounding communities. The fiscal impact of Senate Bill 812 is indeterminate, but it would result in the USM institutions assuming significant costs due to COVID-19 cases that predominantly are not work related.

House Bill 73 - Senate Bill 710

### **State and Local Government and Public Institutions of Higher Education-Teleworking**

USM Position: Favorable with Amendment

Status: Passed with USM Amendments

The bill requires a governing body's designee to establish telework programs and adopt a certain telework policy and telework guidelines—requiring the State Court Administrator and the President of the Senate and the Speaker of the House to establish a telework program, policy and guidelines. Last March, the University System of Maryland (USM) issued temporary guidance on telework to promote employee, student, and community health and safety by encouraging social distancing, including self-isolation, during the presence of COVID-19. The USM is supportive of updating telework policy and guidance overall and requested an amendment to reflect the USM's discretion to designate and approve positions for telework based on operational necessity. The university environment is unique in its mission to provide academic instruction, research and public service. That mission reflects the work-need diversity of faculty and staff and the application of telework standards that need nuanced attention and oversight.

House Bill 1326 - Senate Bill 727

### **Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave**

USM Position: Requested USM Exemption

Status: Did not Pass

The legislation expands the Maryland Healthy Working Families Act to require employers to provide additional leave to covered employees during a declared public health emergency. Full-time employees would be granted 112 hours, or almost 4 weeks, of additional leave. The leave could be used if the employee or their family member is ill, needs to isolate, needs to seek preventive medical care or treatment, or the employee needs to care for dependents when schools or childcare providers are closed. USM supported the bill with an amendment that would exempt employees of the twelve USM constituent institutions.



These purposes closely track the various reasons employees from all sectors have needed to be absent from work during the covid pandemic. Providing sufficient sick leave to protect employees from loss of pay during a public health emergency is important. Such protections are already in place for USM institution employees. Those employees currently have access to multiple forms of leave that have allowed them to be absent, with pay, as necessary during the covid pandemic for the same reasons mentioned in Senate Bill 727. The categories of leave available to USM employees include sick and safe leave, advanced sick leave, extended sick leave, family and parental leave, collegial leave, and reserve fund leave. Also, following formal guidance from the USM Chancellor's Office, USM institutions have permitted employees to use leave like that required by the federal Families First Coronavirus Response Act through June 30, even though the deadline for using the federally mandated leave expired December 30th. As a result, USM institution employees are protected from loss of pay when they need to be absent to care for themselves or family members during the pandemic.

House Bill 1199 - Senate Bill 813

**Workers' Compensation – Occupational Disease Presumptions – COVID-19**

USM Position: Unfavorable

Status: Did not Pass

The legislation establishes an occupational disease presumption for employees with specified public safety and first responder occupations (such as paid and volunteer firefighters, police officers, and paramedics) and certain childcare workers, education workers, essential workers, and health care workers that are suffering from the effects of severe acute respiratory syndrome coronavirus 2. Covered employees who are suffering from COVID-2 are presumed, under certain circumstances, to have an occupational disease the was suffered in the line of duty or course of employment.

The fiscal impact is unknown because it depends on evolving medical information about coronavirus and specific medical responses of individuals who contract the virus. The bill adds "education workers" to the types of employees covered for workers compensation benefits under certain circumstances, and includes a presumption relating to coverage of coronavirus as an "occupational disease." The definition of "education workers" includes higher education teachers, maintenance workers, food service workers, and administrative personnel, among others. Under the legislation, there is a presumption that an education worker is suffering from a compensable occupational disease if they are suffering from the effects of severe acute respiratory syndrome coronavirus.

This bill establishes a presumption that certain classes of employee suffering certain effects of COVID would be granted the presumption that they contracted the virus in the line of duty. The bill would pretty much cover every employee, so it would be likely that under its provisions USM

institutions could expect to see a rise in workers compensation claims from employees who meet the criteria.

House Bill 943 - Senate Bill 637

**Community Development Administration - Live Near Your School Program - Establishment**

USM Position: Favorable

Status: Passed

The bills require the Community Development Administration in the Department of Housing and Community Development to administer a home buyer assistance program that assists current students and recent graduates of public institutions of higher education to receive low-interest mortgages for the purchase of homes near their schools. The “Live Near Your Work (LNYW)” movement is a form of employer assisted housing program to not only support an employee toward buying a home, but also encourage them to live closer to their job. The LNYW program proposal pairs a homeownership grant for down-payment and closing cost assistance in partnership between a municipality and participating employers within the area. The municipality or county will often match contributions made by a participating employer with the primary purpose of encouraging employees (or students or recent graduates) to live close to their place of employment, study or transit.

The legislation encourages prospective homebuyers to live within walking and/or transit distance to their place of employment or educational study in order to reduce not only household travel and energy costs, but to reduce the impact of long commutes on roads, congestion, and air quality.

House Bill 581 - Senate Bill 486

**Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)**

USM Position: Information

Status: Did not Pass

The legislation contains a sweeping set of new rules applicable to an incredibly broad group of employees, including contractors and subcontractors, working in a multitude of public and private industries and sectors, including the USM institutions. It appears intended to address some of the concerns of those employees who reported to worksites during the pandemic. The changes could have a significant impact on the USM institutions. The bill conflicts with the existing statutorily prescribed collective bargaining process, which authorizes an exclusive bargaining representative to negotiate with the institution over wages, hours, and other terms and conditions of employment, including health and safety measures.

It requires “hazard” pay of \$3 per hour for all employees working at the worksite, retroactive to the beginning of the emergency. This Bill imposes costly and unnecessary terms that the parties

might not otherwise have reached on their own. For example, under the Bill, the universities would have to provide workers three days of “bereavement leave” and 14 days of “health leave,” when the same amount of bereavement leave, and a greater amount of sick leave is already provided to these employees through policy and/or the collectively bargained MOUs.

Additionally, by providing an “essential worker” with the right to refuse to fulfill work responsibilities under subjective circumstances (when the worker “fears” for their life or health), the bill promotes the potential for large-scale work stoppage in violation of the State collective bargaining laws). The allocation of significant leave amounts coupled with refusals to work could create significant hardship in staffing and in maintaining the effective and efficient operations of the USM institutions. Another concern is that the legislation shifts to the institutions responsibility to provide significant “financial assistance” to employees who get sick or injured as a result of an emergency, regardless of whether the employee was exposed or injured at work or not.

House Bill 375 - Senate Bill 211

**Labor and Employment - Family and Medical Leave Insurance Program - Establishment**

USM Position: Information

Status: Did not Pass

The legislation would require the USM institutions to participate in a Family & Medical Leave Insurance Program that provides job protection and wage replacement at a certain level for employees who need to be absent for up to twelve weeks due to reasons generally set forth in the federal Family & Medical Leave Act.

Compared to private sector leave policies, these policies are extremely generous. USM employees are guaranteed twelve weeks of paid parental leave and may use the various other forms of accrued leave while they are absent for their own or their family member’s health condition or military-related absences as set forth in the federal law.

Challenges may arise with applying the language of the bill in the context of employee work schedules and the employment categories of most higher education institutions, not just the USM. It appears the bill would apply not just to regular faculty and staff, but also to those more temporary categories of employees, such as Contingent I and Contingent II employees, “contractual” faculty, adjunct faculty, and student employees. Those employees are typically short-term employees who often do not work regular schedules. USM institutions regularly employ adjunct faculty and certain staff employees on an “if and when needed” basis and for periods of six months or less.

The bill states that employees would be eligible for benefits if they worked 680 hours during the preceding calendar year. This could mean that a full-time Contingent I employee on a six-month contract during the fall 2020 semester, who took another job in the interim but returned to the

university on another six-month contract for the fall 2021 semester, could be eligible for a twelve-week paid leave the day they begin another contract six months later. They would then be absent for most of the semester and the university would need to scramble to provide coverage for a class or other necessary operation at the last minute.

House Bill 904 - Senate Bill 717

### **State Personnel – Collective Bargaining – Exclusive Representative Access to New Employees**

USM Position: Unfavorable – Offered Amendments

Status: Passed with USM Amendments

This legislation requires the USM institutions to turn over highly sensitive personally identifiable information belonging to each bargaining unit-eligible employee to the exclusive representative, without any showing of the need for this information or any limit on the exclusive representative's use of the information. Also, it significantly expands the unions' initial access to new employees hired into bargaining unit-eligible positions on several important fronts and creates new, administrative burdens for the institutions.

Currently, the exclusive representative enjoys the statutory right to participate in the agency or unit's new employee orientation or training program to collectively address all new employees in attendance, not just the new employees the union represents. House Bill 904 preserves this right, but also establishes a new right, if the employee orientation does not occur within 14 days of the employee's start date -- the exclusive representative may meet in person with every new bargaining unit employee for thirty minutes within the first full pay period after the employee's start date. The bill provides that the exclusive representative alone has the right to determine if public health concerns necessitate that a meeting be conducted remotely via video. USM employees must have the exclusive right to choose to join or not join a union devoid of undue influence or outside pressure.

House Bill 904 also requires USM institutions to transmit a new employee's name, unit, and all employee identification numbers, including Workday identification numbers, to the union president within five days of the employee's start date. (Social security numbers are not included.) The exclusive representative must consider the information confidential and may not disclose it, except to a third-party contractor using the information to fulfill the exclusive representative's statutory duties. The employee has no right to opt out of having this information provided to the exclusive representative.

The USM requested amendments and the legislature adopted to limit the transfer of information for only those new employees in a bargaining unit represented by the exclusive representative instead of all new employees. The USM also requested and the legislature adopted an amendment requiring the exclusive representative to have standards in place to protect employee information and data.

## **ECONOMIC DEVELOPMENT**

House Bill 1279 - Senate Bill 778

**Regional Institution Strategic Enterprise Zone Program - Alterations**

USM Position: Favorable

Status: Passed

The legislation alters the existing Regional Institution Strategic Enterprise (RISE) Zone Program by (1) establishing for qualified businesses a rental assistance grant program and enhanced biotechnology investment incentive and cybersecurity investment incentive tax credits; (2) limiting to 500 acres the maximum size of a zone; (3) limiting existing income tax and property tax credits to businesses that locate in a RISE zone before January 1, 2023; (4) expanding the purposes of the program; and (5) terminating program tax credits and benefits effective January 1, 2028.

The USM has long supported the intent of the RISE Zone program but contended that it is not structured in the manner necessary to achieve its goal. In 2018 possible fixes to the RISE program were discussed—fixes that would enable USM institutions and their neighboring communities effectively pursue (1) the creation, retention, and attraction of new startup activity; (2) the inspiration and execution of innovation-driven projects housing startups together with industry, government, and academic collaborators; and (3) the facilitation of new investment/reinvestment resulting in physical development and related business growth— all of which contribute to a more robust, sustainable innovation ecosystem.

Since 2012, the USM has been particularly successful in facilitating the creation of new businesses, having help launch nearly 1,000 new ventures. The pace of USM intellectual property (IP) based startup growth has increased as well and in 2016, the USM began making investments in early-stage startups to help fuel their growth in Maryland. The legislation provides this type of support, specifically the granting of rent subsidies and provision of other stated benefits direct to the startup company as opposed to a prospective developer or landlord.

Senate Bill 732

**Maryland Innovation Initiative (MII) University Partnership Pilot Program. Establishment**

USM Position: Favorable

Status: Passed

Several bills were introduced to expand TEDCO's MII program to comprehensive universities, with some tweaks that make the program more amenable to various innovation and private company engagement. Bills emerged from the Task Force on the Economic Future of Western Maryland (SB 802/HB1169) Senators Edwards and Corderman and Delegate Buckel) that named Frostburg State University particularly. Senator Patterson's bill named Bowie State and Salisbury State specifically. When Salisbury dropped out, Frostburg was amended in. It requires a \$50,000

contribution to support the work of site miners to work with faculty, and the bill includes a \$500,000 mandate in the state budget going forward.

Senate Bill 943

**University of Maryland Strategic Partnership Act**

USM Position: Favorable

Status: Passed

This bill increases, beginning in fiscal 2023, mandated appropriations by \$2.5 million each for the Center for Maryland Advanced Ventures at the University of Maryland (CMAVUM) and the University of Maryland Center for Economic and Entrepreneurship Development (UMCEED). A portion of the mandated funding is for the development and location of technology companies in Baltimore City and Prince George's County. In addition, for fiscal 2023 through 2027, the Governor must appropriate at least an additional \$4.0 million to the University System of Maryland (USM) Office to increase the estimated funding guideline.

The University of Maryland, College Park and the University of Maryland, Baltimore were linked together in 2020 as one research enterprise in the ranking, with combined research expenditures of \$1.1 billion. This expanded research effort earned us a ranking of No. 14 overall and No. 8 among public institutions. With this new ranking, the state of Maryland joins an elite group of six states with more than one research university conducting research at or above \$1 billion per year.

The bill was amended to include the Center for Cybersecurity at the University of Maryland, Baltimore County housed within the College of Engineering and Information Technology. The Center provides interdisciplinary academic and research leadership, partnership, innovation and outreach. The Governor shall include in the annual budget bill at least \$3 million for the Center.

Senate Bill 803 - House Bill 1144

**Western Maryland Economic Future Investment Board and Fund – Establishment**

USM Position: Favorable

Status: Did not Pass

This bill would have established a dedicated economic development fund for infrastructure and business development efforts in the three western-most counties, and established a board of local experts, under the leadership of the tri-county council to evaluate and award investments and manage the funds. The fund was seeking \$15 million annually for 5 years in any combination of bonds and PAYGO, a compromise from the original request of \$20 million.

**VOTING**

House Bill 156 - Senate Bill 283

**Student and Military Voter Empowerment Act**

USM Position: Information

Status: Passed

This bill establishes various requirements relating primarily to voter registration and voting by military and overseas voters and students at institutions of higher education in the State, including (1) a process for a military or overseas voter to submit a federal post card application electronically; (2) designation of a student voting coordinator and development and implementation of a student voting plan at each public institution of higher education; (3) expansion of the placement of links to the State Board of Elections' (SBE) online voter registration system on online portals used by higher education students to register for coursework; and (4) a specified SBE web page relating to registration and voting by students enrolled in institutions of higher education. The bill also requires that local boards of elections obtain input from large residential institutional communities when establishing precinct boundaries and designating polling places. The bill takes effect June 1, 2021.

**STUDENT ACHIEVEMENT, DATA AND ACCESS**

House Bill 320

**Longitudinal Data System – Transfer of Student Data – Modifications**

USM Position: Favorable

Status: Passed

This bill, in general, transfers the responsibility for providing specified professional and occupational license and industry and vocational certificate data to the Maryland Longitudinal Data System (MLDS) Center from the Maryland Higher Education Commission (MHEC) as an intermediary directly to the specified State licensing authorities and specified third-party industry certifiers.

House Bill 460 - Senate Bill 886

**Transfer with Success Act**

USM Position: Favorable with Amendment

Status: Passed with USM Amendments

The bill requires MHEC to establish notification procedures regarding the denial of transfer credits; report the denial to the institution from which the transfer student originates; and submit to MHEC an annual report listing the denials and reasons for the denials. The reporting requirements in House Bill 460 require extensive communication between the sending and receiving institution. Our institutions work diligently to create articulated pathways for students

so that the transfer may be as seamless as possible. If students follow these recommended transfer pathways, they should not “lose” any credits in the transfer process.

The language in the bill, including “denial of transfer credit” should refer to courses wholly ineligible for transfer. However, this will not reflect the most common of the issues for the student. It is not that the credit is “denied.” The most common situation is that the courses taken do not apply to the major as selected at the receiving institution, and therefore the student must take additional prerequisite courses to complete the major and earn the degree. In other words, the courses are transferrable for credit, but not applicable to the degree. No transfer platform will amend this issue.

House Bill 466 - Senate Bill 405

**Higher Education-Student Identification Cards-Required Information**

USM Position: Favorable with Amendment

Status: Passed

The bill requires each institution of higher education to include Maryland’s Helpline, or the telephone number a campus mental health crisis hotline that is available 24 hours a day, 365 days a year, on student identification cards.

House Bill 1159

**Higher Education – Community College Credits – General Education Courses**

USM Position: Favorable with Amendment

Status: Did not Pass

The bill requires that *all general education credits* that a student earns at any community college in the State toward an associate of arts or associate of science degree be transferable to any public four-year institution for credit toward a bachelor’s degree without further review or a testing requirement.

USM institutions already accept credits toward a bachelor’s degree. However, it must be noted that there are situations in which a course does not transfer as credit toward the major, but instead will be applied as elective credit. These instances occur when a course is in a major that is accredited by its discipline at the 4-year institution, but not at the community college. An example is a basic social science course may not be accepted toward a major in Social Work if the accrediting agency states that all courses in the major must be taken in an accredited program. No legislation can overrule the regulations imposed by an accrediting body.

House Bill 1208

**Task Force to Study Academic Credit for Prior Learning in Higher Education**



USM Position: Favorable with Amendment

Status: Did not Pass

House Bill 1208 creates a task force to study the awarding of academic credit for prior learning in higher education. As written, the community colleges would have 17 representatives and the 12 institutions and three regional centers of the USM, representing over 170,000 students, would have only one representative. The USM sought an amendment to include one representative of the USM (central office), and three (3) additional appointees from University System of Maryland institutions - one from a research institution, one from a comprehensive institution, and one from an HBCU. The testimony noted also that UMGC has a great deal of expertise in the area of assessment of prior learning, so either a representative from UMGC or the inclusion of experts from UMGC in the agendas of the Task Force would be helpful.

House Bill 46 - Senate Bill 584

**Education - Student Horizon Database and Scorecard**

USM Position: Information

Status: Did not Pass

The legislation requires the State Department of Education to collect information each year and publish a Student Horizon Scorecard. Currently, the US Department of Education (ED), has a comprehensive comparison tool that incorporates much of what is outlined for the Maryland scorecard. Here is the link to College Navigator: <https://nces.ed.gov/collegenavigator/>

The University System of Maryland is confident that the federal standard is more useful because a prospective student can compare institutions across the country. The Maryland tool would be limited to only the schools in Maryland. Graduation rates at the program level is problematic. Students often change their majors. For example, pre-nursing students who may drop out of a program but change majors and successfully complete in sociology. Additionally, USM institutions would be unable to report on low enrollment majors. Even if FERPA were not an issue, the rates would be very erratic because of the low headcounts.

Reporting starting salary data is problematic too. Not all students go right into the workforce. Some go to graduate school, some choose to work only part-time, some do not find employment right out of school. These are not included in the calculation, but the fewer students in the average again skews the numbers.

House Bill 1172

**Higher Education – Pay It Forward Program and Pay It Forward Fund – Established**

USM Position: Unfavorable

Status: Did not Pass

The bill requires the Maryland Higher Education Commission to establish and implement the Pay It Forward Program at USM's Historically Black Institutions (HBIs). The purpose of the fund is to facilitate the payment of tuition and fees of students and monitor the repayment of those funds paid on their behalf. The USM acknowledges the need to provide affordable options for students to finance their education. The income-contingent model has proven less than effective for the same reasons it did 50 years ago – no up-front funding to hold institutions harmless, no compulsory requirement that all students participate, and over-representation of students who would otherwise be Pell-eligible and qualified to receive other grant or scholarship support.

The disproportionately high student loan debts carried by students of color is a barrier to financial freedom and exacerbates the nation's wealth gap. Under the income-contingent repayment model, loan debt grows deeper and the wealth gap wider.

Lastly, it imposes burdensome restraints on the use of funding from private entities who would be in direct contractual relationships with students, prompting a destabilizing effect on endowment donations, grants and other philanthropic revenue. The language limits an institution's ability to determine students most in need.

House Bill 891 - Senate Bill 767

### **Higher Education - Hunger-Free Campus Grant Program - Established**

USM Position: Favorable with Amendment

Status: Passed with USM Amendments

The legislation establishes the Hunger-Free Campus Grant Program for public institutions of higher education administered by the Maryland Higher Education Commission (MHEC). A recent study found that, all USM institutions have food pantries, emergency funds, and/or other programs to help students meet their most basic need while they are matriculating at our institutions. The program and grant outlined in the legislation would help enhance the institutions' efforts. The USM offered amendments to allow Regional Higher Education Centers (RHEC) to be included in the bill and/or institutions that receive the hunger-free designation. Also, some colleges and universities do not have dining halls. Therefore, the USM asked that section(s) referring to dining halls and meal plans should indicate "if applicable."

House Bill 96

### **Education - High School Graduation Requirements - Application**

USM Position: Favorable

Status: Did not Pass

House bill requires public high school students, beginning in the 2022-2023 school year, as a requirement for graduation, to submit the Free Application for Federal Student Aid (FAFSA) to the U.S. Department of Education or the Maryland State Financial Aid Application (MSFAA) to

the Maryland Higher Education Commission. The USM supports the objectives outlined in House Bill 96 and looks forward to working with our secondary education partners to advance these goals.

Knowledge of financial aid—or lack thereof—is one of many hurdles high school students face in successfully pursuing postsecondary education. Perhaps the most important gateway for students to access financial aid is the FAFSA, the federal form required to receive Pell grants and student loans. In addition to federal aid, most states require the FAFSA to determine eligibility for state financial-aid programs, and many institutions ask students to file to receive institutional grants and scholarships.

House Bill 97 - Senate Bill 66

**Department of Housing and Community Development - Office of Statewide Broadband - Established**

USM Position: Favorable

Status: Passed

The bill establishes an Office of Digital Inclusion within the Maryland Department of Housing and Community Development. When public schools were forced to shift classes and assignments online due to the spread of the coronavirus, the State confronted the reality that many students in Maryland do not have reliable access to internet at home – particularly those who live in rural areas and/or those from low-income households. According to a Pew Research Report written before the pandemic, the pivot to remote instruction greatly exacerbated the “homework gap” – which refers to school-age children lacking the connectivity they need to complete schoolwork at home.

House Bill 216 (Senate Bill 155)

**Higher Education - Tuition Exemption for Foster Care Recipients and Homeless Youth - Alterations and Reports**

USM Position: Information

Status: Passed

This bill expands the definition of “homeless youth” who are eligible to receive a tuition waiver at a public institution of higher education by removing the requirements that the youth (1) be “unaccompanied” and (2) qualify as an independent student under federal law. The bill also alters the method by which an individual is determined to be a homeless youth for the purpose of a tuition waiver and repeals the requirement that only a financial aid administrator can verify the status. In addition, a foster care recipient or homeless youth who receives a tuition waiver must receive priority consideration for on-campus housing.

Each public institution of higher education must make the application for the tuition waiver available to current and prospective students and notify students about the application. Each public

institution must establish an appeals process for the tuition waiver. Finally, each public institution must designate a homeless and foster student liaison with expertise to assist students with applying for financial aid.

The bill takes effect July 1, 2021. As written, USM institutions foresee challenges in the verification and appeals process and the unknown cost.

The legislation uses the McKinney-Vento Homeless Assistance Act definition of homelessness, a definition that was created for students under the age of 21 in the K-12 public education system. Currently USM institutions do not collect data on how many students are homeless under the McKinney-Vento definition and without this data it is impossible to estimate the cost to institutions. USM institutions currently provide a tuition waiver to any student who qualifies as an unaccompanied homeless youth as defined on the Free Application for Federal Student Aid (FAFSA), but the McKinney-Vento definition is much broader and would qualify an unknown number of students for tuition waivers. This definition was meant to keep K-12 students in school when they may be experiencing turbulent and rapidly changing living situations and was not intended for higher education purposes.

Senate Bill 927

**Institutions of Higher Education – Prohibition Against Incentive Payments – Foreign Student Exemption**

USM Position: Favorable

Status: Passed

The Maryland Independent College and University Association (MICUA) and USM jointly supported Senate Bill 927. The bill exempts the recruitment of international students who reside in a foreign country and who are not eligible to receive federal student assistance from the prohibition against paying a commission, bonus, or other incentive based on success in securing enrollment.

During the 2019-2020 academic year, the 20,362 international students enrolled in Maryland's institutions of higher education contributed \$761.4 million to the state economy and supported 8,725 jobs. These students also added to the cultural diversity on our campuses and supported the research endeavors of our institutions, all of which add to our capacity to offer world-class educational experiences to the people of Maryland and support the economic growth of our state. These agents' knowledge of the cultures, educational systems, and languages prevalent within specific countries enable them to serve as an important bridge between international students and U.S. institutions. Additionally, they provide a cost-effective way for U.S. institutions with limited recruitment budgets to develop a presence globally.

Senate Bill 403

**Public Institutions of Higher Education – Incarcerated and Formerly Incarcerated  
Individuals – Academic and Employment Opportunities**

USM Position: Information

Status: Did not Pass

This legislation requires the Maryland Higher Education Commission, in conjunction with institutions of higher education and the Maryland Correctional Enterprises, to develop materials and outreach to incarcerated and formerly incarcerated individuals who are or were employed by Maryland Correctional Enterprises to increase access to admission and employment at public institutions of higher education.

Institutions in the USM do not discriminate against individuals who have been incarcerated but granting preference in admissions runs counter to previous legislation that prevents us from asking about criminal history. The University of Baltimore is already a member institution in the national Second Chance Pell pilot program which provides Pell grants to incarcerated individuals allowing them access to a program in the UB School of Criminal Justice.

Senate Bill 895

**University System of Maryland - Student Fees - Review and Spending**

USM Position: Favorable with Amendment

Status: Passed with USM Amendments

This bill requires that, when setting mandatory and nonmandatory student fees, the president of each University System of Maryland (USM) institution must present information on such fees for review by the student fee committee of record. The information presented to the committee must include (1) the amount of the fee; (2) the students who will be charged the fee; and (3) the proposed use of revenues from the fee. Unless the student fee committee of record reviews an exception to the use of the fee, revenues derived from fees as reviewed by the committee must be spent by the campus unit or department that requested the fee in a manner consistent with the intended purpose for which the fee exists. The bill takes effect July 1, 2021.

The Board of Regents has adopted policies on the establishment of tuition and mandatory fees, which already require student consultation. Board Policy VIII-2.50 Policy on Student Tuition, Fees, and Charges specifies that, for both mandatory and nonmandatory fees, each campus must ensure that an advisory committee is established and comprises appropriate numbers of students and stakeholders representing each area supported by a student fee. These advisory committees must be consulted prior to the establishment or change of student fees, and the process by which the committees are involved must be reported to the Board of Regents along with the proposed fee schedule.

## **CYBERSECURITY**

House Bill 38 - Senate Bill 49

### **State Government-Department of Information Technology-Cybersecurity**

USM Position: Favorable with Amendment

Status: Passed

The legislation expands the responsibilities of the Secretary of Information Technology to include advising and overseeing a consistent cybersecurity strategy for units of state government, including institutions under the control of the governing boards of the public institutions of higher education.

Systemwide cybersecurity policies and procedures are vetted through the Board of Regents (BOR) approved Cybersecurity Standards under the advisement of the Office of Legislative Audits – the same standards against which the USM is audited. USM utilizes the same National Institute of Standards and Technology (NIST) framework that the state has used. Additionally, USM technology managers are rewriting version of our standards to adopt more advanced NIST and federal practices.

House Bill 38 would require that USM institutions adhere to a one-size-fits-all set of policies and procedures administered by the Secretary of Information Technology. However, the USM has deployed cybersecurity best practices tailored to meet the diverse mission of each institution. The USM asked to retain that autonomy. The USM requested an amendment to be excluded from the requirements called for under this legislation.

House Bill 587 - Senate Bill 917

### **Department of Information Technology – Status of Information Technology and Cybersecurity in State Agencies – Reports**

USM Position: Favorable with Amendment

Status: Did not Pass

House Bill 587 expands the responsibilities of the Secretary of Information Technology to include requiring each unit of state government to submit a certain report related to information technology and cybersecurity to the Department of Information Technology on or before a certain date each year. House Bill 587 would require that USM institutions develop new reports of arguable value for DoIT's goal in this report. Based on the mismatched oversight and compliance procedures between the Executive Branch and USM for some of the requirements of the bill, we are asking to be explicitly omitted. The USM requested an amendment to be excluded from the requirements called for under House Bill 587.

## **AUDITS**

House Bill 756 - Senate Bill 922

### **Office of Legislative Audits-Acceptance and Investigation of Allegations of Fraud, Waste, and Abuse**

USM Position: Unfavorable – Offered Amendments

Status: Passed with Amendments

As originally drafted, the bill expanded the authority of the Office of Legislative Audits (OLA) to compel by subpoena certain records and the coordinate investigations in relation to acts or allegations of fraud, waste, or abuse. Several amendments have been adopted and an analysis of the impact is still underway. USM institutions have significant gifts, grants and contracts that would be ineligible to obtain if confidentiality is not ensured. USM institutions also hold information that is protected under HIPPA and FERPA laws. The bill did not provide any guidance, ethical or otherwise, as to OLA's responsibility in requesting such information.

Currently drafted, each officer or employee of the unit or body that is subject to examination must provide any information that the Legislative Auditor determines to be needed for the examination of that unit or body, or any other matter under the authority of OLA, including information that otherwise would be confidential under any provision of law. This would place individuals in a position of breaking an existing law(s) to comply with this provision.

In general, there is no evidence that OLA is qualified to appropriately conduct investigations of fraud, waste and abuse.

## **HEALTH, WELLNESS AND ENVIRONMENT**

House Bill 803 - Senate Bill 835

### **Facilitating University Transformations by Unifying Reductions in Emissions (FUTURE) Act**

USM Position: Favorable with Amendments

Status: Did not Pass

The bill requires each public four-year institution to be carbon neutral for “Scope 1 direct emissions” and “Scope 2 indirect emissions” by January 1, 2025, and for “Scope 3 induced emissions” by January 1, 2035. Carbon neutrality can be met through reduced carbon emissions or carbon offsets. Each institution is required to have specified staff to implement the bill and dedicated to sustainability. By December 1 annually, each public four-year institution must report on the progress the institution has made toward meeting the requirements of the bill.

Since 2007, the USM has completed (or are developing) nearly 80 “Green” (LEED Silver or better) facilities. More than half are funded with non-state or auxiliary resources. All USM facilities are designed and built to the standards of the state’s High Performance (Green) Building Program, and all meet similar standards for “smart growth” and “coast smart” construction and are publicly reporting their progress in reducing carbon emissions as part of a national database. Collectively, USM institutions have documented a 34% reduction in CO2 emissions (a reduction of nearly 300,000 metric tons each year) since 2007. The USM remains open to working with the committees and the bill sponsors to address and amend some of the aspects of the bill to improve the ability to achieve those goals.

House Bill 836 - Senate Bill 741

**COVID-19 Testing, Contact Tracing, and Vaccination Act of 2021**

USM Position: Information

Status: Passed

The bill requires the Maryland Department of Health, in collaboration with local health departments of the State, to adopt and implement a plan to respond to the outbreak of COVID-19. It also requires institutions of higher education in the state to adopt and implement COVID-19 testing plans.

The USM provided testimony explaining that a critical part of keeping the campuses safe was the development of testing and tracing programs, with the capability of quarantine and isolation of students as required. These plans required close collaboration with the local health departments and the preparation of living spaces for isolation when necessary. We learned many lessons during the fall semester, that we will outline here along with some of the summary results. The plans, results and proposed plans for spring 2021 can be found at <https://www.usmd.edu/spring2021>

House Bill 59 - Senate Bill 147

**Task Force on Higher Education Students with Chronic Health Conditions**

USM Position: Information

Status: Did Not Pass

The legislation would establish the Task Force on Higher Education Students with Chronic Health Conditions to explore the ways in which to improve services to students. Generally, the USM institutions do not have the right or capability to ask every student about their medical status (beyond vaccination history or other information that would directly create potential public health risks) or otherwise compel students to submit a health history. USM institutions would only be privy to knowledge of a "chronic health condition" when a student visits a health center and chooses to disclose that information. In campus offices of disability services, students self-identify in order to request specific academic accommodations and services and are deemed eligible for



such services upon submission of appropriate documentation of a disabling and functionally limiting condition.

House Bill 244 - Senate Bill 161

**Task Force to Study Access to Mental Health Care in Higher Education**

USM Position: Information

**Status:** Did not Pass

The legislation would establish the Task Force to Study Access to Mental Health Care in Higher Education. Upon the conclusion of the 2019 legislative session, the USM, Morgan State University (MSU), and St. Mary's College of Maryland (SMCM) were required to complete a JCR Report on Mental Health Services, which was submitted on October 1, 2019.

In January 2020, the USM began regularly convening the counseling center leadership from our constituent institutions. With these (at least) every-other-month meetings, counseling center and mental health professionals talk and collaborate directly with their peers on topics including, but not limited to: campus updates and sharing of best practices; outreach to students; assessment of data; effects of budget constraints; supporting out-of-state students; serving the needs of students as they pertain to changes and adjustments that can be attributed to COVID-19 and civil unrest; unique ways to provide services and address student needs while establishing and maintaining COVID-19 safety protocols; and the disproportionate impact of the pandemic and racial injustice on underrepresented communities.

House Bill 125 - Senate Bill 439

**Jordan McNair Safe and Fair Play Act**

USM Position: Unfavorable – Offered Amendments

Status: Passed with USM Amendments

The legislation establishes several requirements related to the health and safety of student athletes. By October 1, 2021, and each October 1<sup>st</sup> thereafter, the University System of Maryland (USM) Intercollegiate Athletics must report on student athletes at each institution, including any student athlete policy changes related to the health and safety of student athletes. Beginning July 1, 2023, USM institutions and athletic associations, including the National Collegiate Athletic Association (NCAA), must follow specified rules regarding student athlete compensation for the use of the student's name, image, or likeness (NIL). The bill generally takes effect July 1, 2021; however, the NIL provisions take effect July 1, 2023.

In November 2020, the Board of Regents approved the establishment, effective July 1, 2021, of a new Board of Regents standing committee on Intercollegiate Athletics and Student-athlete Health and Welfare, addressing the recommendation of the Association of Governing Boards to improve

transparency of oversight of intercollegiate athletics, while also expanding the scope of oversight of athletics and student-athlete issues of health and well-being, areas also the focus of provisions of the legislation.