



**Office of Government Relations**  
**2019 End of Session Report**  
**April 8, 2019**

The Maryland General Assembly completed its work for the 2019 Legislative Session and adjourned Sine Die at midnight. Today marks the end of the 2019 Maryland General Assembly session. A total of 2,481 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 143 individual bills that would have had varying impacts on the System, the faculty, staff and students.

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. This process occurred in a spirit of working closely with the USM State Relations Council, and often with our colleagues across all sectors of education. At the same time, the USM succeeded in resisting several 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. Unfortunately, due to a snowstorm, The Council of University System Staff, Council of University System Faculty, and USM Student Council were unable to participate in a joint advocacy day in Annapolis. We look forward to reviving this effort in 2020 and reporting the results of 2019 in-person for these very important councils.

It's 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 Session and their final resolution.

# FISCAL YEAR 2020 OPERATING BUDGET

The Governor proposed, and the General Assembly approved, state support for the USM totaling \$1.49 billion, coming from the General Fund and the Higher Education Investment Fund. This is an increase of \$100 million - or 7 percent - over the FY 2019 revised budget.

The USM budget increase includes: a 3% COLA for state employees effective July 1, 2019, Workforce Development Initiative funds, new building operating funds, SB 1052 funds, funds for the Maryland Center for Computing Education and other important priorities. The state funding level also enables the USM to hold the resident undergraduate tuition rate to a modest 2 percent increase. As part of the budget process, the Department of Legislative Services (DLS) made a number of reduction recommendations including a \$10 million across-the-board reduction, an \$11 million reduction to the Workforce Development Initiative, and a \$1 million reduction to the USM-Southern Maryland budget. Ultimately, the legislature rejected most of the reduction recommendations, but did approve the \$10 million across-the-board cut and a reduction to the USM office.

## COMMITTEE NARRATIVE AND BUDGET AMENDMENTS

*At times, the budget committees wish to express legislative intent or request the University System to perform certain studies or report on particular issues during the interim. This is usually written as “committee narrative” in the chairmen’s report of the budget committees’ action. Committee narrative does not have the effect of law nor does it require agreement to the language on the part of the entire House and Senate. However, both budget committees must agree on the wording. \*\*All language appearing below in this section is exactly as it appears in the original legislation. \*\**

*USM and the affected institutions will respond to committee narrative on the following issues (note: original language from the committee narrative is used in this section):*

### **University of Maryland University College - National Footprint Campaign**

The University of Maryland University College (UMUC) will spend \$500 million in advertising costs on a National Footprint Campaign over the next six years, which includes \$289 million for a national campaign and \$211 million for a regional campaign, to increase enrollment from outside the Baltimore-Washington area. UMUC has performance metrics in place to ensure the advertising data is meeting internal targets. The budget committees request that UMUC submit a report by December 1, 2019, on the goals of the advertising campaign and progress toward the goals. The

report should include the return on investment attained on the regional and national advertising expenditures based on enrollment.

### **University System of Maryland – Report on Mental Health Services**

The demand for mental health services has been increasing, putting a strain on resources as institutions look for ways to meet the demands of its students. These issues also affect the ability of student to stay in college and graduate. The budget committees are interested in how higher education institutions are managing the increased demand in mental health services on their campuses and request the University System of Maryland (USM), Morgan State University (MSU), and St. Mary's College of Maryland (SMCM) to submit a joint report on how they are meeting the demand, including how students request and receive services, type of services provided, challenges that the campus faces in meeting the demand for mental health services, cost of services provided and if best practices implemented at other universities and telemedicine are being considered. The report should be submitted by October 1, 2019.

### **Interagency Agreements**

Following their actions from previous sessions the General Assembly adopted the following language on interagency agreements: That on or before August 1, 2019, 39 each State agency and each public institution of higher education shall report to the 40 Department of Budget and Management (DBM) any agreements in place for any part of 41 fiscal 2019 between State agencies and any public institution of higher education involving HOUSE BILL 100 235 1 potential expenditures in excess of \$100,000 over the term of the agreement. Further 2 provided that DBM shall provide direction and guidance to all State agencies and public 3 institutions of higher education as to the procedures and specific elements of data to be 4 reported with respect to these interagency agreements, to include at a minimum: 5 (1) a common code for each interagency agreement that specifically 6 identifies each agreement and the fiscal year in which the agreement began; 7 (2) the starting date for each agreement; 8 (3) the ending date for each agreement; 9 (4) a total potential expenditure, or not-to-exceed dollar amount, for the 10 services to be rendered over the term of the agreement by any public institution of higher 11 education to any State agency; 12 (5) a description of the nature of the goods and services to be provided; 13 (6) the total number of personnel, both full- and part-time, associated with 14 the agreement; 15 (7) contact information for the agency and the public institution of higher 16 education for the person(s) having direct oversight or knowledge of the agreement; 17 (8) total indirect cost recovery or facilities and administrative (F&A) 18 expenditures authorized for the agreement; 19 (9) the indirect cost recovery or F&A rate for the agreement and brief 20 description of how the rate was determined; 21 (10) actual expenditures for the most recently closed fiscal year; 22 (11) actual base expenditures that the indirect cost recovery or F&A rate 23 may be applied against during the most recently closed fiscal year; 24 (12) actual expenditures for indirect cost recovery or F&A for the most 25 recently closed fiscal year; and 26 (13) total authorized expenditures for any subaward(s) or subcontract(s) 27 being used as part of the agreement and a brief description of the type of award or contract. 28 Further provided that DBM shall submit a consolidated report to the budget 29 committees and the Department of Legislative Services by December 1, 2019, that contains 30 information on all agreements between State agencies and any public institution of higher 31

education involving potential expenditures in excess of \$100,000 that were in effect at any 32 time during fiscal 2019. Further provided that no new higher education interagency agreement with State agencies with a projected value in excess of \$500,000 may be entered into during fiscal 2020 without prior approval of the Secretary of Budget and Management.

## **2020 CAPITAL CONSTRUCTION PROJECTS**

The Governor proposed and the General Assembly approved capital funds totaling \$178 million for critical projects across the USM. The projects included in the capital budget are listed below.

### **UNIVERSITY OF MARYLAND, BALTIMORE**

Central Electric Substation and Electrical Infrastructure Upgrades. Provide funds to continue construction and equip an electric substation, recycling center, and electrical infrastructure upgrades for the University of Maryland, Baltimore - ***\$13,159,000***

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

Chemistry Building Wing 1 Replacement. Provide funds to continue design of the Chemistry Building Wing 1 Replacement - ***\$4,663,000***

School of Public Policy Building. Provide funds to complete design and continue construction of the School of Public Policy Building, provided that notwithstanding Section 6 of this Act, work may continue this project prior to the appropriation of all funds necessary to complete this project - ***\$12,500,000***

New Cole Field House. Provide funds to complete construction of the human performance and academic research facility - ***\$3,941,000***

Maryland Fire and Rescue Institute Western Maryland Regional Training Facility. Provide funds for planning - ***\$150,000***

### **BOWIE STATE UNIVERSITY**

Communication Arts and Humanities Building. Provide funds to begin design of a new Communication Arts and Humanities building - ***\$5,100,000***

Robinson Hall Infrastructure Improvements. Provide funds to design and construct various infrastructure improvements to Robinson Hall - ***\$1,400,000***

### **TOWSON UNIVERSITY**

New College of Health Professions Building. Provide funds to begin design of a new building for the College of Health Professions - ***\$5,266,000***

Science Facility. Provide funds to complete construction and equipping of a new Science Facility - ***\$68,225,000***

### **UNIVERSITY OF MARYLAND EASTERN SHORE**

School of Pharmacy and Health Professions. Provide funds to complete design and begin construction of a new building for the School of Pharmacy and Health Professions, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project - ***\$10,015,000***

Flood Mitigation Project (All ARB Funded). - ***\$1,008,000***

### **FROSTBURG STATE UNIVERSITY**

Education Professions and Health Sciences Center. Provide funds to continue design and begin construction of a new Education Professions and Health Sciences Center and relocate utility systems at the site - ***\$6,200,000***

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

Utility Upgrades and Site Improvements. Provide funds to begin construction to replace, repair, and upgrade utility systems and campus infrastructure, provided that, notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project - ***\$4,022,000 (\$2.346m from ARB)***

Stadium and Athletic Facility Improvements. Provide funds to continue to design, construct, and capital equip various athletic facility improvements - ***\$1,500,000***

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

Capital Facilities Renewal. Provide funds to design, construct, and equip capital facilities renewal projects at University System of Maryland Institutions (Statewide) - ***\$28,646,000 (\$18.646m from ARB)***

Southern Maryland Regional Higher Education Center. Provide funds to complete design and begin construction of a third building on the Southern Maryland Higher Education Center Campus to provide academic and research laboratory space, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (St. Mary's County) - ***\$11,953,000 (\$5 million from ARB)***

## **FINAL STATUS OF LEGISLATION**

**Senate Bill 719**

**House Bill 533**

**University System of Maryland - Board of Regents - Transparency and Oversight**

USM Position: Support

Final Status: Passed

This bill alters the membership of the Board of Regents of the USM to include the Secretary of Commerce (ex officio), one member each appointed by the President of the Senate and the Speaker of the House, respectively, and one additional student member. The bill also requires the Board to make certain meetings available to the public by live and archived video streaming. Additionally, the bill requires the board to review financial disclosure statements from the Chancellor and Presidents and alert the General Assembly and Governor of certain salary adjustments. The Board will also be required to approve search committees for campus Presidents and hold regular training on the duties and responsibilities of the board.

### **House Bill 633**

### **Senate Bill 396**

### **Legal Representation Fund for Title IX Proceedings**

USM Position: Support

Final Status: Passed

This bill establishes the Legal Representation Fund for Title IX Proceedings to provide funds for reasonable costs and attorney's fees for current and former students provided with counsel in accordance with an institution's sexual assault policy as required by Chapters 394 and 395 of 2018.

Title IX proceedings are always stressful and complicated processes, and our universities have robust procedures to manage the investigations and the hearing processes involved in these cases. All University System of Maryland institutions permit each party in a process to have an advocate with them throughout the procedures, and our policies provide that the individual of choice may be an attorney. Until last year, any student who chose to have legal representation was expected to pay for all fees.

The passage of Senate Bill 607 in 2018 obligates the Maryland Higher Education Commission to provide a list of attorneys who would make themselves available to serve in Title IX processes involving students. Having a cadre of legal representatives recognized and available through MHEC would reduce barriers for students if they wish to identify attorneys.

### **House Bill 270**

### **Graduate Assistant Collective Bargaining**

USM Position: Oppose

Final Status: Did Not Pass

House Bill 270 would authorize graduate assistants at USM institutions to collectively bargain. Since 2009, the USM has worked to improve the status of the USM's graduate assistants including the establishment of a "Meet and Confer" process that gives these students (and adjunct faculty) the opportunity to engage a labor representative to represent them in discussions with campus

administrators. The USM adopted a Policy on Graduate Assistantships, which addressed the following issues:

- Due process protection and grievance rights;
- Participation in the shared governance process;
- Stipends comparable to those at peer institutions; and
- Clarification of the university's expectations regarding duties and time commitments; for example, a full-time assistantship requires the student to work an average of 20 hours per week.

### **House Bill 767**

### **Senate Bill 696**

### **Collective Bargaining – Chancellor of the University System of Maryland - Negotiations**

USM Position: Oppose

Final Status: Did Not Pass

This bill would have required the Chancellor of the University System of Maryland (USM) to act on behalf of USM and its constituent institutions, rather than the institutions' presidents under current law, for the purposes of collective bargaining. The bill would also revoke the authority of the twelve USM institution presidents to designate a representative to negotiate on behalf of their institution; instead, it would assign that authority to the USM Chancellor or designee.

The legislation would have weakened a president's authority as chief executive officer to manage the institution's workforce. The authority of institution presidents is set forth in Title 12 of the Education Article. That law states that the president of each institution "shall serve as the chief executive officer of the institution." The USM believes that for institution presidents to carry out these responsibilities, it is important that they retain the authority to designate an appropriate collective bargaining representative for collective bargaining. This bill would have also required institutions to engage in consolidated bargaining on behalf of up to three separate bargaining units at the institution – exempt employees, nonexempt employees, and sworn police officers. These bargaining units have diverse interests and, in many cases, are subject to different personnel policies and legal rights and obligations.

### **House Bill 1143**

### **Collective Bargaining for Tenured Faculty, Adjunct Faculty and Graduate Student Employees**

USM Position: Oppose

Final Status: Did Not Pass

House Bill 1143 would remove tenured faculty, adjunct faculty, and graduate student employees at the University System of Maryland (USM), Morgan State University, St. Mary's College of

Maryland, and Baltimore City Community College from the list of employees who are ineligible to engage in collective bargaining.

An essential process within the USM is referred to “shared governance.” This is a very important process that has served the USM higher education community well for many years. At the System level, USM employs a University System of Maryland Student Council, a Council of University System Faculty, and a Council of University System Staff. Each council is empowered to continually raise issues of concern to the Chancellor and the USM Board of Regents.

Current Maryland collective bargaining law includes USM employees generally. The statute expressly excludes from collective bargaining “a student employee, including a teaching assistant or a comparable position, fellow, or post-doctoral intern.”

### **House Bill 548**

#### **Collective Bargaining – Student Athletes**

USM Position; Oppose

Final Status: Did Not Pass

House Bill 548 would have required the State Higher Education Labor Relations Board (SHELRB) to adopt regulations by July 1, 2020, authorizing and establishing a process for collective bargaining specified topics for student athletes who participate in an intercollegiate athletic program at a University System of Maryland (USM) institution, Morgan State University (MSU), St Mary’s College of Maryland (SMCM) or Baltimore City Community College (BCCC).

The NCAA governance structure provides a voice for the student-athlete in its legislative process. This organization is the Student Athlete Advisory Committee (SAAC). SAAC is organized similarly at all three NCAA levels. It has a hierarchical structure that provides every student-athlete an opportunity to get involved. It starts at the campus level, where each team selects representatives to serve as the voice of the team. When properly empowered, this student organization should have regular interaction with the president, athletic administration and Faculty Athletic Representative (FAR).

The SAAC structure moves beyond the campus setting to the athletic conference level, where each institution sends representatives from its campus SAAC to work with the conference SAAC. This is a three-year appointment that allows for post-graduate participation to fulfill this leadership obligation.

### **House Bill 822**

#### **Senate Bill 711**

#### **USM Regular Employees - Grievance Procedures**

USM Position: Oppose



Final Status: Passed with USM amendments

The bill eliminates the modified at-will status of USM exempt employees who are represented by a labor organization and states that those employees may only be terminated for cause. It also effectively limits the applicability of the statutory grievance procedure to all regular employees who are represented by a labor organization.

Prior to this bill, based on BOR policy approved in 1999, USM exempt employees could be separated either (1) for cause or (2) following a period of prescribed notice, without cause, so long as the separation is not discriminatory. The period of notice is incremental, based on the employee's length of service, and ranges from one month to one year. (Nonexempt employees may be separated only for cause.) Both exempt and nonexempt employees have the right to appeal their separation under the USM's current grievance policy. This policy was intended to provide institutions with the flexibility to address poor employee performance without requiring cause to be proven prior to termination. It was also intended to provide these exempt employees with a reasonable period of time to secure alternative employment without the stigmatizing label of a "cause" termination.

As originally presented, the bill applied to all USM exempt employees, including all university officers and administrators and would have required institutions to negotiate with the unions over the definition of "cause" for termination. It also stated that USM employees not represented by an exclusive representative could only be separated or disciplined in accordance with statutory procedures applicable to employees in the State Personnel Management System. The USM urged amendments to limit the bill's application and to delete the provisions that would have required negotiating the definition of "cause" and that would have made certain employees subject to the State Personnel Management System rules. These three amendments were all adopted in some form.

### **House Bill 319**

#### **Senate Bill 201**

#### **University of Maryland University College – Renaming**

USM Position: Support

Final Status: Passed

House Bill 319 renames the University of Maryland University College (UMUC) to be the University of Maryland Global Campus. The Board of Regents endorsed UMUC's proposal to change the name to University of Maryland Global Campus because it better resonates with today's students and more accurately reflects their global footprint and history of service to the U.S. military. UMUC serves 90,000 students through distributed learning through a variety of means, on military bases across the world, and right here at home.

### **Senate Bill 946**

#### **State Prescription Drug Benefits - Retiree Benefits - Revisions**

USM Position: Monitor

Status: Passed

This bill mandates that DBM establish two new programs to limit out-of-pocket prescription drug costs for current and future State retirees who were hired prior to July 1, 2011 (the date of the benefit sustainability reform legislation took effect). For current Medicare eligible retirees, spouses, and dependents, they will be able to enroll in a new Maryland State Retiree Prescription Drug Coverage Program that will limit out-of-pocket annual prescription drug costs

Enrollees will receive reimbursement from the Program for any out-of-pocket prescription drug costs that exceed the limits for the State employee prescription drug plan - currently a limit of \$1500 per individual and \$2000 per family. For Medicare eligible individuals and their spouses and dependents who retire after 1/1/19, they will be able to enroll in a new Maryland State Retiree Catastrophic Prescription Drug Program that will also limit out-of-pocket annual prescription drug costs. These future retirees will receive reimbursement for any out-of-pocket prescription drug costs once they qualify for Medicare Part D catastrophic coverage - for costs exceeding approximately \$2,500. For non-Medicare eligible retirees, spouses, and dependents, they remain on the current State plan with no program changes.

Also, as amended, in the first year that retirees enroll in Medicare Part D, the Department of Budget and Management is required to contract with an outside entity to provide one-on-one consulting to Medicare eligible retirees in person or on the phone to assist retirees in selecting a Medicare Part D plan based on their specific medications and needs.

### **House Bill 716**

#### **State Government - Protection of Information - Revisions**

USM Position: Oppose

Final Status: Did not Pass

House Bill 716 would expand the regulatory framework that governs the collection, processing, sharing, disposal, and protection of personal information by the State (Executive Branch) and local governments. The bill, as amended, excludes the Office of the Attorney General from the requirements and delays application to the University System of Maryland (USM) until June of 2021.

The USM values privacy and security and takes the information that we are entrusted with seriously. Our institutions have operational data, educational data, and research data; and all three types of data have different requirements for security and privacy. Federal and state laws and regulations, as well as contractual requirements, make our existing security and privacy environment very complex.

House Bill 716 would have a wide range of unintended consequences for the institutions in a variety of ways, not the least of which is the cost, which our campuses estimate would be at least \$116 million to implement and over \$8 million per year to maintain. This bill will require IT application, infrastructure, security, change management, training and personnel costs that cannot be met with current technology budgets or staffing resources. Certain systems will need to be replaced, new integration work done, investments made in new security technologies, and business processes will have to be modified or introduced and will impact not only information technology but administrative and academic offices. All business processes in all operational units will need to be assessed and redesigned to achieve compliance.

The bill also affects research data. USM schools compete for research funding with private institutions in the state and universities across the country. The costs of complying with this legislation would make our research proposals more costly and less competitive. This bill could risk the over \$1.4 billion dollars in annual federally funded research conducted by the USM.

### **House Bill 251**

#### **Higher Education – Academic Forgiveness Policy**

USM Position: Oppose

Final Status: Did Not Pass

House Bill 205 would have required USM institutions to develop and implement an academic forgiveness policy to disregard an applicant's unsatisfactory or failing grades earned at a prior institution more than seven years before an individual applies for admission.

A similar bill was introduced last year and USM testified that institutions already have processes that account for previous academic work, including academic failure, in their admissions processes. However, there are nuances to our processes, and they vary from institution to institution, depending on the mission and usual acceptance process that is institution specific.

### **House Bill 318**

#### **Higher Education – Residency Requirements - Determination of In-State Tuition Status**

USM Position: Oppose

Final Status: Did Not Pass

House Bill 318 would have repealed the one-year residency requirement for public four-year institutions to grant a student in-state tuition. The bill would have required all public institutions of higher education to determine that a student meets the residency requirement for in-state tuition if the student provides evidence that the student (1) graduated from a public or nonpublic high

school in Maryland or received the equivalent of a high school diploma; (2) resides at an address in Maryland; and (3) possesses a Social Security number.

House Bill 318 eliminated the 1-year requirement to reside in Maryland to be considered a resident to gain in-state tuition status. This would have significant negative fiscal impact not only for the general fund budget, but also the university system. House Bill 318 eliminates the 1-year residency requirement and changes drastically the balance between in-state vs. out-state tuition revenue.

### **House Bill 328**

#### **Student Aid Reduction Notifications**

USM Position: Oppose

Final Status: Did Not Pass

House Bill 328 would have required public senior and private nonprofit higher education institutions (within 30 days of a student's acceptance and before reducing a student's institutional gift aid) to provide notice of whether additional gift aid may result in a reduction of institutional gift aid and how much additional gift aid the student may accept before the institutional gift aid will be reduced.

By law, institutions are already required to notify students when financial aid awards are adjusted. House Bill 328 could adversely impact students receiving aid. Implementation of the 30-day notification rule restricts an institution's ability to provide counseling to students should other resources be needed. Students often seek such help while pursuing other resources to pay for college; however, House Bill 328 hinders a student's ability to receive other types of aid if/when time expires on receipt of late aid disbursements because of the 30-day notification rule. When aid is adjusted, loans and work-study are the first to be changed. Given the federal and state award systems at USM institutions, House Bill 328 would create an additional administrative burden and unintended consequences.

The continued addition of student communications (at times redundant to federal rules) is particularly burdensome given that the financial aid departments at some USM institutions do not have a centralized, communication system. These institutions would have been limited in their ability to track communications, determine open rates, record communications in student files, track actions taken in the email, etc.

## **Senate Bill 714**

### **Higher Education - Student Drug Use - Parent Notification**

USM Position: Favorable with Amendments

Final Status: Did Not Pass

Senate Bill 714 would have authorized an institution of higher education to notify the parent or legal guardian of a student who is addicted to drugs, at risk of a drug overdose, or at risk of death from drug use. While the USM appreciated the intent of this bill, we did have some legal concerns and asked for amendments to this bill.

To the extent that the bill provides a basis for holding an institution responsible if it does not act, the breadth of the bill is challenging for the campuses that comprise the University System of Maryland (USM) and we shared amendments to attempt to address these concerns. USM institutions take the health and welfare of their students seriously, and in cases where the protection of the health or safety of the student or another individual is required in an emergency, professional personnel would, indeed, contact the appropriate persons (parent or guardian for minors and dependent students). Therefore, our campuses are already acting the way the bill would expect.

The USM policies and procedures align with the federal regulations on management of information on students, especially under the Family Educational Rights and Privacy Act of 1974 (FERPA). FERPA is a federal law that protects the privacy of student education records. In addition, there are other regulations we must follow.

For example, our campus personnel cannot know the drug use or addiction status of all our 176,000 students, so some implied preventative actions cannot be accomplished. However, those institutions that have an incident that threatens the health and safety of students take all necessary steps, including notification of parents. It should also be recognized that many of our students are not minors, so different criteria would apply to the notification of appropriate people if an emergency exists.

## **Senate Bill 755**

### **House Bill 658**

### **Interagency Agreements – Historically Black Colleges and Universities – Reporting Requirements**

USM Position: Support

Final Status: Passed

Last year's fiscal 2019 Budget Bill (Chapter 570 of 2018) established a goal that state agencies award 5% of total interagency agreement expenditures to Historically Black Institutions unless a waiver is granted following demonstration of good-faith efforts to comply. SB 755 and HB 658

puts into law this existing program. HB 658 was amended to now require the Department of Budget and Management (DBM) to report annually on specified information about interagency agreements with Historically Black Colleges and Universities (HBCUs.)

### **House Bill 41**

### **Senate Bill 88**

### **Student Debt Relief Act**

USM Position: Support

Final Status: Did Not Pass

Senate Bill 88, the Student Debt Relief Act of 2019 would expand the Maryland Promise Scholarship Program, which assists students in financial need to attend community college, to a Promise Plus Program that would support students who are successfully moving from a community college degree on to a four-year institution.

USM campuses have worked hard to shift as much support as possible to “need-based” financial aid programs, but serious need continues to exist. With support from lawmakers, USM has been aggressive in efforts to make tuition and fees more affordable. Not too long ago, the USM had the 6th highest tuition and fees in the nation. At this writing the USM has dropped down to 21st. In further support of affordability, overall undergraduate institutional financial aid—both merit-based and need-based—has increased almost 150 percent in recent years, with the need-based portion up about 200 percent.

Nearly 50 percent of USM bachelor’s degree recipients graduate without debt. And of the 50 percent of students with debt, the median total loan debt of the most recent graduates is approximately \$25,000.

### **Senate Bill 588**

### **Career Education Act of 2019 – Open Educational Resources**

USM Position: Monitor

Final Status: Did Not Pass

The USM actively supports the need to decrease textbook costs for students. Senate Bill 588, however, requires either the adoption of open educational resources (OER) or that the institution pay for instructional materials. In a letter to the Senate Education, Health, and Environmental Affairs Committee, the USM joined sector colleagues to explain why this is problematic.

Led by the USM’s Kirwan Center for Academic Innovation in partnership with MarylandOnline, the Maryland Association of Community Colleges (MACC), and the Maryland Association of Independent Colleges and Universities (MICUA), the Maryland Open Source Textbook (M.O.S.T.) initiative began 2013 to increase access, affordability, and achievement for Maryland

students by supporting faculty adoption of OER. In 2017, M.O.S.T. was charged by the Textbook Cost Savings Act (SB 424) with developing a statewide infrastructure to support this work.

M.O.S.T. has been guided from the start by the idea that the selection of course materials should remain in the purview of the faculty – the subject matter experts best qualified to determine the quality of these materials and to assess whether they are, indeed, helping students to learn. While the pool of available high-quality OER is increasing there are still many large gaps that exist, particularly in highly specialized technical fields – like the ones addressed by this bill – where the content to be learned is often more proprietary in nature. It is unlikely there is enough, high-quality, OER to support these apprenticeship programs.

The bill carried an additional stipulation that, as a condition of approval, institutions choosing not to adopt OER must then pay for the costs of instructional materials may also have an unintended adverse impact on affordability. Moving from a model where students have been paying for textbooks to one where the institution is covering these costs will increase the cost of instruction.

The postsecondary community recommendation is to amend the bill to recommend (not require) the use of OER for these courses and that the participating institutions be required to work with the M.O.S.T. initiative either to locate high-quality, openly licensed materials and/or to create materials where none exist with the intent of striking the optimal balance between affordability and achievement. Funding to support this work would need to go to M.O.S.T.

### **Senate Bill 843**

#### **Law Enforcement – Civilian Review Board of Baltimore City**

USM Position: Oppose

Final Status: Did Not Pass

Senate Bill 843 repeals provisions of current local law relating to the Civilian Review Board of Baltimore City. This proposed legislation attempts to grant to a Baltimore City panel oversight and accountability responsibilities for state-employed police officers working in Baltimore City. This is a problematic extension of city authority to USM and state employees.

Under the proposed legislation, the Civilian Review Board reviews, processes and investigates complaints regarding law enforcement units that are under the authority of the Baltimore City Police Department Commissioner, reviews law enforcement policies and makes recommendations to the city's police commissioner.

The USM institutions' police forces are committed to providing quality service to the campus community. Institution police department personnel are expected to conduct themselves professionally and courteously. The department investigates any allegations of poor service,

disrespect, brutality, or unprofessional conduct on the part of any employee of the department. This is done to resolve any incidents or perceptions of poor service as well as to comply with the high standards established by the Commission on Accreditation for Law Enforcement Agencies, which accredits institutions' police departments.

First among our concerns is that the law enforcement officers of the USM are state employees and are not under the authority of the Baltimore City Police Commissioner. There is not one police force of the USM. Coppin State University, the University of Baltimore, and the University of Maryland, Baltimore each have their own police departments that deliver quality crime control service to support their individual universities' missions within the City of Baltimore.

Second, the bill seeks to impose oversight by a board empowered by a unit of local government on a state agency.

Third, each of the individual institutions' police departments has limited jurisdiction to serve its own campus community (in a very limited geographic area). It is unreasonable to group USM institutional police forces with the Baltimore City Police department and other law enforcement departments that must operate in a citywide environment.

Finally, all USM law enforcement officers are subject to USM policy. Since Senate Bill 843 applies to officers posted in the City of Baltimore only, this provision would create unjust disparity among USM law enforcement officers by subjecting USM police forces in Baltimore City to an oversight scheme for behavior and policy evaluation not applied to other USM law enforcement officers and other state police officers operating outside of Baltimore City.

## **House Bill 482**

### **Income Tax Credit - Endowments of Maryland Historically Black Institutions**

USM Position: Support

Final Status: Passed

House Bill 482 creates a tax credit against the state income tax for 25% of a donation made to a qualified permanent endowment fund at Bowie State University, Coppin State University, Morgan State University, or University of Maryland Eastern Shore. The Comptroller's Office (1) may award a maximum of \$240,000 in tax credits in each year and (2) is required to adopt regulations to implement the tax credit application, approval, and monitoring processes. The bill takes effect July 1, 2019 and applies to tax years 2019 through 2023. The bill terminates December 31, 2023.

## **House Bill 876**

### **Senate Bill 719**

#### **Policy on Student Concerns About Athletic Programs and Activities**



USM Position: Support  
Final Status: Passed

The legislation requires, by October 1, 2019, each institution of higher education to develop and adopt a written policy for receiving and addressing student concerns about the institution's athletic programs. Each institution and the Maryland Higher Education Commission (MHEC) must submit the policy and report the number of students who shared concerns under the policy during the preceding fiscal year.

**House Bill 166**

**Senate Bill 280**

**Labor and Employment - Payment of Wages - Minimum Wage and Enforcement**

USM Position: Monitor  
Final Status: Passed

House Bill 166/SB 280 phases in an increase in the State minimum wage to \$15 per hour by January 1, 2025, with a longer phase-in for employers with 14 or fewer employees. In short, large employers, including public universities, minimum wage rate will increase by 75 cents per year and smaller businesses will increase by 60 cents per year.

**House Bill 235**

**Senate Bill 175**

**Economic Development - Maryland Technology Infrastructure Program**

USM Position: Support  
Final Status: Did Not Pass

The bill establishes the Maryland Technology Infrastructure Program, Authority, and Fund (MTIF) in the Maryland Technology Development Corporation (TEDCO). The Maryland Technology Infrastructure Fund is an important part of a comprehensive approach that will accelerate commercially-driven, innovation related investment and job growth. The bill was meant to target life sciences, cyber, and other emerging industries the MTIF would leverage significant spending through public private partnerships. By creating advanced technology infrastructure hubs to create high-paying technology jobs across the state.

USM institutions produced more than 11,000 STEM degrees last year – up more than 80% since 2011. The 92 patents issued to USM institutions last year is a record number for a single year in addition to more than 600 start-ups and company formation since 2010.

**House Bill 17****Natalie M. LaPrade Medical Cannabis Commission - Academic Research - Medical Uses and Properties of Cannabis**

USM Position: Support

Final Status: Passed

This bill allows for an institution of higher education, a related medical facility, or an affiliated biomedical research firm to register with the Medical Cannabis Commission to purchase medical cannabis for the purposes of conducting a bona fide research project relating to the medical uses, properties, or composition of cannabis. The commission may adopt implementing regulations. The bill establishes state law legal protections for academic research representatives.

**House Bill 720****Senate Bill 830****Natural Resources - Fishery Management Plans - Oysters**

USM (UMCES) Position: Support

Final Status: Passed

This bill requires the Department of Natural Resources in coordination with the University of Maryland Center for Environmental Science (UMCES) to convene a stakeholder workgroup and hold public listening sessions in order to inform the development of an oyster fishery management plan. The stakeholder workgroup would use science-based models and their own knowledge to create a report of recommendations that is reflective of a 75% consensus threshold for management actions on oyster abundance, habitat, harvest, harvest revenue, and nitrogen removal. The bill specifies that the workgroup should be assisted by external facilitation specialists, and that membership of the group should be 60% industry representatives and 40% environmental advocates. Until this work is completed, changes to the current sanctuaries are prohibited.

As a pilot, UMCES recently led a process with stakeholders in the Choptank complex and the group reached consensus on twelve key avenues for continued oyster commercial fishery, restoration, while also protecting sanctuary areas which received federal support. The final recommendation were submitted to DNR for consideration.