

**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 \_\_\_\_\_ in a socially distanced and virtual format.

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

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

changes alone for the next three fiscal years could exceed \$250M. In the absence of

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 de

## **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.



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, <sup>3</sup> « G H O L J K W H G W K D W \* R Y + R J D Q K D V V L J

The Board will also now have the authority to review and resolve complaints of agencies regarding 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

authority to set general standards and guidelines governing all USM employees. It effects a broad

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 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





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

House Bill 943 - Senate Bill

might not otherwise have reached on their own. For example, under the Bill, the universities would

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

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 oring 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 e -- the exclusive representative may meet in person with every new bargaining unit employee for thirty minutes 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

employee identification numbers, including Workday identification numbers, to the union president within five days (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 ht 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

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 Patte 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          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

House Bill 156 - Senate Bill 283

**Student and Military Voter Empowerment Act**

USM Position: Information

Status: Passed





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

The bill requires the Maryland Higher Education Commission to establish and implement the Pay It Forward Program . 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 -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 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 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, s

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

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

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 Dispositions  
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## **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)

## **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

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**

Since 2007, the USM has completed (or are facilities. More than half are funded with non-state or auxiliary resources. All USM facilities are designed and built to the standards of the s all 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



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

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

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.