

SENATE BILL 396

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9lr2937
CF HB 633

By: **Senators Elfreth, Augustine, Ellis, Feldman, Ferguson, Guzzone, Hester, Kagan, Lam, Lee, McCray, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, Young, Zirkin, and Zucker**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2019

CHAPTER _____

1 AN ACT concerning

2 **Higher Education – Legal Representation Fund for Title IX Proceedings –**
3 **Established**

4 FOR the purpose of establishing the Legal Representation Fund for Title IX Proceedings
5 as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the
6 Maryland Higher Education Commission to administer the Fund; requiring the
7 State Treasurer to hold the Fund and the Comptroller to account for the Fund;
8 specifying the contents of the Fund; specifying the purpose for which the Fund may
9 be used; providing for the investment of money in and expenditures from the Fund;
10 requiring the Governor to include in the annual budget bill a certain minimum
11 appropriation to the Fund; requiring interest earnings of the Fund to be credited to
12 the Fund; exempting the Fund from a certain provision of law requiring interest
13 earnings on State money to accrue to the General Fund of the State; defining a
14 certain term; and generally relating to the Legal Representation Fund for Title IX
15 Proceedings.

16 BY adding to
17 Article – Education
18 Section 11–602
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – State Finance and Procurement
2 Section 6–226(a)(2)(i)
3 Annotated Code of Maryland
4 (2015 Replacement Volume and 2018 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – State Finance and Procurement
7 Section 6–226(a)(2)(ii)112. and 113.
8 Annotated Code of Maryland
9 (2015 Replacement Volume and 2018 Supplement)

10 BY adding to
11 Article – State Finance and Procurement
12 Section 6–226(a)(2)(ii)114.
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2018 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Education**

18 **11–602.**

19 **(A) IN THIS SECTION, “FUND” MEANS THE LEGAL REPRESENTATION FUND**
20 **FOR TITLE IX PROCEEDINGS.**

21 **(B) THERE IS A LEGAL REPRESENTATION FUND FOR TITLE IX**
22 **PROCEEDINGS.**

23 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDS FOR REASONABLE**
24 **COSTS AND ATTORNEY’S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER §**
25 **11–601 OF THIS SUBTITLE.**

26 **(D) THE COMMISSION SHALL ADMINISTER THE FUND.**

27 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
28 **SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

29 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
30 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

31 **(F) THE FUND CONSISTS OF:**

32 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

1 **(2) ANY INVESTMENT EARNINGS OF THE FUND; AND**

2 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
3 **THE BENEFIT OF THE FUND.**

4 **(G) THE FUND MAY BE USED ONLY TO PAY FOR REASONABLE COSTS AND**
5 **ATTORNEY'S FEES FOR STUDENTS PROVIDED WITH COUNSEL UNDER § 11-601 OF**
6 **THIS SUBTITLE.**

7 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
8 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

9 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
10 **THE FUND.**

11 **(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
12 **WITH THE STATE BUDGET.**

13 **(J) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT**
14 **INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE**
15 **APPROPRIATED TO ASSIST STUDENTS WITH REASONABLE COSTS AND ATTORNEY'S**
16 **FEES FOR TITLE IX PROCEEDINGS.**

17 **(K) BEGINNING IN FISCAL YEAR 2021, THE GOVERNOR SHALL INCLUDE IN**
18 **THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$500,000 TO THE**
19 **FUND.**

20 **Article – State Finance and Procurement**

21 6-226.

22 (a) (2) (i) Notwithstanding any other provision of law, and unless
23 inconsistent with a federal law, grant agreement, or other federal requirement or with the
24 terms of a gift or settlement agreement, net interest on all State money allocated by the
25 State Treasurer under this section to special funds or accounts, and otherwise entitled to
26 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
27 Fund of the State.

28 (ii) The provisions of subparagraph (i) of this paragraph do not apply
29 to the following funds:

30 112. the Pretrial Services Program Grant Fund; [and]

31 113. the Veteran Employment and Transition Success Fund;

1 AND

2 **114. THE LEGAL REPRESENTATION FUND FOR TITLE IX**
3 **PROCEEDINGS.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.