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**By: Chairman, Appropriations Committee (Departmental - Military) and Delegates C. Davis and Hutchins**

Introduced and read first time: February 23, 1996  
Assigned to: Appropriations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 24, 1996

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Higher Education - Tuition and Fee Waivers - Members of the Maryland National Guard**

3 [TAG ftpo]FOR the purpose of requiring the governing boards of certain state institutions of higher  
4 education, including community colleges, to ~~waive one half of the tuition charged~~  
5 ~~for certain courses for certain members of the Maryland National Guard under~~  
6 ~~certain circumstances; requiring that members of the Maryland National Guard be~~  
7 ~~certified as eligible by the Maryland Adjutant General; requiring the repayment of~~  
8 ~~a tuition waiver under certain circumstances; authorizing the presidents of certain~~  
9 ~~institutions of higher education, including community colleges, to waive up to 100%~~  
10 ~~of tuition for certain courses and fees for certain members of the Maryland National~~  
11 ~~Guard; defining certain terms~~ determine and submit a tuition waiver policy for  
12 members of the Maryland National Guard to the Maryland Higher Education  
13 Commission by a certain date; requiring the Maryland Higher Education  
14 Commission to maintain a certain list and submit a copy of the list to certain  
15 committees of the General Assembly by a certain date; stating the intent of the  
16 General Assembly; and generally relating to tuition waivers for members of the  
17 Maryland National Guard.

18 BY adding to

- 19 Article - Education
- 20 Section ~~13-303, 14-108, 14-209, and 16-205(e)~~ 11-403
- 21 Annotated Code of Maryland
- 22 (1992 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Education**

2 ~~13-303.~~

3 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
4 ~~INDICATED.~~

5 ~~(2) "INSTITUTION" MEANS ANY CONSTITUENT INSTITUTION OF THE~~  
6 ~~UNIVERSITY OF MARYLAND SYSTEM.~~

7 ~~(3) "MEMBER OF THE MARYLAND NATIONAL GUARD" MEANS ANY~~  
8 ~~RESIDENT OF THE STATE WHO:~~

9 ~~(i) IS REGULARLY ENLISTED IN THE MARYLAND NATIONAL~~  
10 ~~GUARD; OR~~

11 ~~(ii) HOLDS A COMMISSION IN THE MARYLAND NATIONAL GUARD~~  
12 ~~AS:~~

13 ~~1. AN OFFICER IN THE GRADE OF CAPTAIN OR BELOW; OR~~

14 ~~2. A WARRANT OFFICER.~~

15 ~~(4) "TUITION" MEANS THE BASIC INSTRUCTIONAL CHARGE FOR~~  
16 ~~COURSES AND DOES NOT PERTAIN TO SELF-SUPPORTING PROGRAMS OR INCLUDE~~  
17 ~~FEES, SUCH AS THOSE FOR REGISTRATION, APPLICATION, OR LABORATORY WORK.~~

18 ~~(5) "TUITION WAIVER" MEANS THE WAIVER OF ONE-HALF OF THE~~  
19 ~~TUITION CHARGED FOR A CREDIT OR NONCREDIT COURSE.~~

20 ~~(B) AN INSTITUTION SHALL WAIVE ONE-HALF OF THE TUITION OF ANY~~  
21 ~~SCHEDULED CREDIT OR NONCREDIT COURSE FOR A MEMBER OF THE MARYLAND~~  
22 ~~NATIONAL GUARD IF:~~

23 ~~(1) THE MEMBER IS ENROLLED AT THE INSTITUTION;~~

24 ~~(2) THE MEMBER IS CERTIFIED AS ELIGIBLE BY THE MARYLAND~~  
25 ~~ADJUTANT GENERAL, AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION;~~

26 ~~(3) THE MEMBER IS NOT RECEIVING A TUITION WAIVER FOR MORE~~  
27 ~~THAN FIVE COURSES PER TERM; AND~~

28 ~~(4) REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE.~~

29 ~~(C) (1) PRIOR TO RECEIVING A TUITION WAIVER UNDER THIS SECTION,~~  
30 ~~THE MARYLAND ADJUTANT GENERAL MUST CERTIFY THAT A MEMBER OF THE~~  
31 ~~MARYLAND NATIONAL GUARD IS ELIGIBLE.~~

32 ~~(2) THE MARYLAND ADJUTANT GENERAL MAY NOT CERTIFY A~~  
33 ~~MEMBER AS ELIGIBLE UNLESS THE MEMBER:~~

34 ~~(i) IF ENLISTED, HAS AT LEAST 24 MONTHS REMAINING TO SERVE~~  
35 ~~ON THE MEMBER'S CURRENT ENLISTMENT; OR~~

1                   ~~(H) IF AN OFFICER OR WARRANT OFFICER, THE MEMBER AGREES~~  
2 ~~IN WRITING TO SERVE FOR A MINIMUM OF 24 MONTHS.~~

3                   ~~(3) THE 24 MONTH REQUIREMENT RUNS FROM THE FIRST DAY OF~~  
4 ~~CLASSES FOR THE SEMESTER.~~

5                   ~~(D) IF A RECIPIENT OF THE TUITION WAIVER UNDER THIS SECTION IS~~  
6 ~~DISCHARGED FROM THE MARYLAND NATIONAL GUARD FOR A REASON~~  
7 ~~DESIGNATED BY THE MARYLAND ADJUTANT GENERAL, THE TUITION WAIVER~~  
8 ~~TERMINATES AND THE MEMBER OWES THE INSTITUTION WITHIN 30 DAYS OF~~  
9 ~~DISCHARGE THE AMOUNT OF THE TUITION WAIVED FOR THAT SEMESTER.~~

10                  ~~(E) (1) THE PRESIDENT OF AN INSTITUTION MAY WAIVE UP TO 100% OF THE~~  
11 ~~TUITION OF ANY SCHEDULED CREDIT OR NONCREDIT COURSE, REGARDLESS OF~~  
12 ~~WHETHER REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE, FOR A MEMBER~~  
13 ~~OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER THIS SECTION.~~

14                  ~~(2) THE PRESIDENT OF AN INSTITUTION MAY WAIVE FEES FOR A~~  
15 ~~MEMBER OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER THIS~~  
16 ~~SECTION.~~

17 44-108.

18                  ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
19 ~~INDICATED.~~

20                  ~~(2) "INSTITUTION" MEANS MORGAN STATE UNIVERSITY.~~

21                  ~~(3) "MEMBER OF THE MARYLAND NATIONAL GUARD" MEANS ANY~~  
22 ~~RESIDENT OF THE STATE WHO:~~

23                                 ~~(I) IS REGULARLY ENLISTED IN THE MARYLAND NATIONAL~~  
24 ~~GUARD; OR~~

25                                 ~~(II) HOLDS A COMMISSION IN THE MARYLAND NATIONAL GUARD~~  
26 ~~AS:~~

27   1. ~~AN OFFICER IN THE GRADE OF CAPTAIN OR BELOW; OR~~

28   2. ~~A WARRANT OFFICER.~~

29                   ~~(4) "TUITION" MEANS THE BASIC INSTRUCTIONAL CHARGE FOR~~  
30 ~~COURSES AND DOES NOT PERTAIN TO SELF-SUPPORTING PROGRAMS OR INCLUDE~~  
31 ~~FEES, SUCH AS THOSE FOR REGISTRATION, APPLICATION, OR LABORATORY WORK.~~

32                   ~~(5) "TUITION WAIVER" MEANS THE WAIVER OF ONE-HALF OF THE~~  
33 ~~TUITION CHARGED FOR A CREDIT OR NONCREDIT COURSE.~~

34                  ~~(B) AN INSTITUTION SHALL WAIVE ONE-HALF OF THE TUITION OF ANY~~  
35 ~~SCHEDULED CREDIT OR NONCREDIT COURSE FOR A MEMBER OF THE MARYLAND~~  
36 ~~NATIONAL GUARD IF:~~

37                                 ~~(1) THE MEMBER IS ENROLLED AT THE INSTITUTION;~~

1                   ~~(2) THE MEMBER IS CERTIFIED AS ELIGIBLE BY THE MARYLAND~~  
2 ~~ADJUTANT GENERAL, AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION;~~

3                   ~~(3) THE MEMBER IS NOT RECEIVING A TUITION WAIVER FOR MORE~~  
4 ~~THAN FIVE COURSES PER TERM; AND~~

5                   ~~(4) REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE.~~

6                   ~~(C) (1) PRIOR TO RECEIVING A TUITION WAIVER UNDER THIS SECTION,~~  
7 ~~THE MARYLAND ADJUTANT GENERAL MUST CERTIFY THAT A MEMBER OF THE~~  
8 ~~MARYLAND NATIONAL GUARD IS ELIGIBLE.~~

9                   ~~(2) THE MARYLAND ADJUTANT GENERAL MAY NOT CERTIFY A~~  
10 ~~MEMBER AS ELIGIBLE UNLESS THE MEMBER:~~

11                   ~~(i) IF ENLISTED, HAS AT LEAST 24 MONTHS REMAINING TO SERVE~~  
12 ~~ON THE MEMBER'S CURRENT ENLISTMENT; OR~~

13                   ~~(ii) IF AN OFFICER OR WARRANT OFFICER, THE MEMBER AGREES~~  
14 ~~IN WRITING TO SERVE FOR A MINIMUM OF 24 MONTHS.~~

15                   ~~(3) THE 24 MONTH REQUIREMENT RUNS FROM THE FIRST DAY OF~~  
16 ~~CLASSES FOR THE SEMESTER.~~

17                   ~~(D) IF A RECIPIENT OF THE TUITION WAIVER UNDER THIS SECTION IS~~  
18 ~~DISCHARGED FROM THE MARYLAND NATIONAL GUARD FOR A REASON~~  
19 ~~DESIGNATED BY THE MARYLAND ADJUTANT GENERAL, THE TUITION WAIVER~~  
20 ~~TERMINATES AND THE MEMBER OWES THE INSTITUTION WITHIN 30 DAYS OF~~  
21 ~~DISCHARGE THE AMOUNT OF THE TUITION WAIVED FOR THAT SEMESTER.~~

22                   ~~(E) (1) THE PRESIDENT OF AN INSTITUTION MAY WAIVE UP TO 100% OF THE~~  
23 ~~TUITION OF ANY SCHEDULED CREDIT OR NONCREDIT COURSE, REGARDLESS OF~~  
24 ~~WHETHER REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE, FOR A MEMBER~~  
25 ~~OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER THIS SECTION.~~

26                   ~~(2) THE PRESIDENT OF AN INSTITUTION MAY WAIVE FEES FOR A~~  
27 ~~MEMBER OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER THIS~~  
28 ~~SECTION.~~

29 44-209.

30                   ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
31 ~~INDICATED.~~

32                   ~~(2) "INSTITUTION" MEANS ST. MARY'S COLLEGE.~~

33                   ~~(3) "MEMBER OF THE MARYLAND NATIONAL GUARD" MEANS ANY~~  
34 ~~RESIDENT OF THE STATE WHO:~~

35                   ~~(i) IS REGULARLY ENLISTED IN THE MARYLAND NATIONAL~~  
36 ~~GUARD; OR~~

37                   ~~(ii) HOLDS A COMMISSION IN THE MARYLAND NATIONAL GUARD~~  
38 ~~AS:~~

5

1 ~~1. AN OFFICER IN THE GRADE OF CAPTAIN OR BELOW; OR~~

2 ~~2. A WARRANT OFFICER.~~

3 ~~(4) "TUITION" MEANS THE BASIC INSTRUCTIONAL CHARGE FOR~~  
4 ~~COURSES AND DOES NOT PERTAIN TO SELF-SUPPORTING PROGRAMS OR INCLUDE~~  
5 ~~FEES, SUCH AS THOSE FOR REGISTRATION, APPLICATION, OR LABORATORY WORK.~~

6 ~~(5) "TUITION WAIVER" MEANS THE WAIVER OF ONE-HALF OF THE~~  
7 ~~TUITION CHARGED FOR A CREDIT OR NONCREDIT COURSE.~~

8 ~~(B) AN INSTITUTION SHALL WAIVE ONE-HALF OF THE TUITION OF ANY~~  
9 ~~SCHEDULED CREDIT OR NONCREDIT COURSE FOR A MEMBER OF THE MARYLAND~~  
10 ~~NATIONAL GUARD IF:~~

11 ~~(1) THE MEMBER IS ENROLLED AT THE INSTITUTION;~~

12 ~~(2) THE MEMBER IS CERTIFIED AS ELIGIBLE BY THE MARYLAND~~  
13 ~~ADJUTANT GENERAL, AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION;~~

14 ~~(3) THE MEMBER IS NOT RECEIVING A TUITION WAIVER FOR MORE~~  
15 ~~THAN FIVE COURSES PER TERM; AND~~

16 ~~(4) REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE.~~

17 ~~(C) (1) PRIOR TO RECEIVING A TUITION WAIVER UNDER THIS SECTION,~~  
18 ~~THE MARYLAND ADJUTANT GENERAL MUST CERTIFY THAT A MEMBER OF THE~~  
19 ~~MARYLAND NATIONAL GUARD IS ELIGIBLE.~~

20 ~~(2) THE MARYLAND ADJUTANT GENERAL MAY NOT CERTIFY A~~  
21 ~~MEMBER AS ELIGIBLE UNLESS THE MEMBER:~~

22 ~~(i) IF ENLISTED, HAS AT LEAST 24 MONTHS REMAINING TO SERVE~~  
23 ~~ON THE MEMBER'S CURRENT ENLISTMENT; OR~~

24 ~~(ii) IF AN OFFICER OR WARRANT OFFICER, THE MEMBER AGREES~~  
25 ~~IN WRITING TO SERVE FOR A MINIMUM OF 24 MONTHS.~~

26 ~~(3) THE 24-MONTH REQUIREMENT RUNS FROM THE FIRST DAY OF~~  
27 ~~CLASSES FOR THE SEMESTER.~~

28 ~~(D) IF A RECIPIENT OF THE TUITION WAIVER UNDER THIS SECTION IS~~  
29 ~~DISCHARGED FROM THE MARYLAND NATIONAL GUARD FOR A REASON~~  
30 ~~DESIGNATED BY THE MARYLAND ADJUTANT GENERAL, THE TUITION WAIVER~~  
31 ~~TERMINATES AND THE MEMBER OWES THE INSTITUTION WITHIN 30 DAYS OF~~  
32 ~~DISCHARGE THE AMOUNT OF THE TUITION WAIVED FOR THAT SEMESTER.~~

33 ~~(E) (1) THE PRESIDENT OF AN INSTITUTION MAY WAIVE UP TO 100% OF THE~~  
34 ~~TUITION OF ANY SCHEDULED CREDIT OR NONCREDIT COURSE, REGARDLESS OF~~  
35 ~~WHETHER REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE, FOR A MEMBER~~  
36 ~~OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER THIS SECTION.~~

1                   ~~(2) THE PRESIDENT OF AN INSTITUTION MAY WAIVE FEES FOR A~~  
2 ~~MEMBER OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER THIS~~  
3 ~~SECTION.~~

4 ~~16-205.~~

5                   ~~(E) (1) (I) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~  
6 ~~MEANINGS INDICATED.~~

7                   ~~(II) "INSTITUTION" MEANS A COMMUNITY COLLEGE LOCATED IN~~  
8 ~~THE STATE.~~

9                   ~~(III) "MEMBER OF THE MARYLAND NATIONAL GUARD" MEANS ANY~~  
10 ~~RESIDENT OF THE STATE WHO:~~

11                                 ~~1. IS REGULARLY ENLISTED IN THE MARYLAND NATIONAL~~  
12 ~~GUARD; OR~~

13                                 ~~2. HOLDS A COMMISSION IN THE MARYLAND NATIONAL~~  
14 ~~GUARD AS:~~

15                                     ~~A. AN OFFICER IN THE GRADE OF CAPTAIN OR BELOW; OR~~

16                                     ~~B. A WARRANT OFFICER.~~

17                   ~~(IV) "TUITION" MEANS THE BASIC INSTRUCTIONAL CHARGE FOR~~  
18 ~~COURSES AND DOES NOT PERTAIN TO SELF-SUPPORTING PROGRAMS OR INCLUDE~~  
19 ~~FEES, SUCH AS THOSE FOR REGISTRATION, APPLICATION, OR LABORATORY WORK.~~

20                   ~~(V) "TUITION WAIVER" MEANS THE WAIVER OF ONE HALF OF THE~~  
21 ~~TUITION CHARGED FOR A CREDIT OR NONCREDIT COURSE.~~

22                   ~~(2) AN INSTITUTION SHALL WAIVE ONE HALF OF THE TUITION OF ANY~~  
23 ~~SCHEDULED CREDIT OR NONCREDIT COURSE FOR A MEMBER OF THE MARYLAND~~  
24 ~~NATIONAL GUARD IF:~~

25                                 ~~(I) THE MEMBER IS ENROLLED AT THE INSTITUTION;~~

26                                 ~~(II) THE MEMBER IS CERTIFIED AS ELIGIBLE BY THE MARYLAND~~  
27 ~~ADJUTANT GENERAL, AS PROVIDED UNDER PARAGRAPH (4) OF THIS SUBSECTION;~~

28                                 ~~(III) THE MEMBER IS NOT RECEIVING A TUITION WAIVER FOR~~  
29 ~~MORE THAN FIVE COURSES PER TERM; AND~~

30                                 ~~(IV) REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE.~~

31                   ~~(3) A MEMBER OF THE MARYLAND NATIONAL GUARD RECEIVING A~~  
32 ~~TUITION WAIVER UNDER THIS SUBSECTION SHALL BE COUNTED IN COMPUTING~~  
33 ~~FULL-TIME EQUIVALENT ENROLLMENT UNDER § 16-403 OF THIS TITLE IF ENROLLED~~  
34 ~~IN ANY CLASS THAT IS ELIGIBLE FOR STATE SUPPORT.~~

35                   ~~(4) (I) PRIOR TO RECEIVING A TUITION WAIVER UNDER THIS~~  
36 ~~SECTION, THE MARYLAND ADJUTANT GENERAL MUST CERTIFY THAT A MEMBER OF~~  
37 ~~THE MARYLAND NATIONAL GUARD IS ELIGIBLE.~~

7

1 ~~(II) THE MARYLAND ADJUTANT GENERAL MAY NOT CERTIFY A~~  
2 ~~MEMBER AS ELIGIBLE UNLESS THE MEMBER:~~

3 ~~1. IF ENLISTED, HAS AT LEAST 24 MONTHS REMAINING TO~~  
4 ~~SERVE ON THE MEMBER'S CURRENT ENLISTMENT; OR~~

5 ~~2. IF AN OFFICER OR WARRANT OFFICER, THE MEMBER~~  
6 ~~AGREES IN WRITING TO SERVE FOR A MINIMUM OF 24 MONTHS.~~

7 ~~(III) THE 24 MONTH REQUIREMENT RUNS FROM THE FIRST DAY OF~~  
8 ~~CLASSES FOR THE SEMESTER.~~

9 ~~(5) IF A RECIPIENT OF THE TUITION WAIVER UNDER THIS SECTION IS~~  
10 ~~DISCHARGED FROM THE MARYLAND NATIONAL GUARD FOR A REASON~~  
11 ~~DESIGNATED BY THE MARYLAND ADJUTANT GENERAL, THE TUITION WAIVER~~  
12 ~~TERMINATES AND THE MEMBER OWES THE INSTITUTION WITHIN 30 DAYS OF~~  
13 ~~DISCHARGE THE AMOUNT OF THE TUITION WAIVED FOR THAT SEMESTER.~~

14 ~~(6) (I) THE PRESIDENT OF AN INSTITUTION MAY WAIVE UP TO 100%~~  
15 ~~OF THE TUITION OF ANY SCHEDULED CREDIT OR NONCREDIT COURSE,~~  
16 ~~REGARDLESS OF WHETHER REGULARLY SCHEDULED COURSE SPACE IS AVAILABLE,~~  
17 ~~FOR A MEMBER OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER~~  
18 ~~THIS SUBSECTION.~~

19 ~~(II) THE PRESIDENT OF AN INSTITUTION MAY WAIVE FEES FOR A~~  
20 ~~MEMBER OF THE MARYLAND NATIONAL GUARD WHO IS ELIGIBLE UNDER THIS~~  
21 ~~SUBSECTION.~~

22 11-403.

23 (A) THE COMMISSION SHALL MAINTAIN A LIST OF STATE HIGHER  
24 EDUCATION INSTITUTIONS, INCLUDING COMMUNITY COLLEGES, OFFERING  
25 TUITION WAIVERS TO MEMBERS OF THE MARYLAND NATIONAL GUARD.

26 (B) THE LIST REQUIRED UNDER THIS SECTION SHALL:

27 (1) INCLUDE THE TUITION WAIVER POLICY OF EACH INSTITUTION AND  
28 A CONTACT NAME AND TELEPHONE NUMBER;

29 (2) BE UPDATED AT LEAST ANNUALLY; AND

30 (3) BE SHARED WITH THE MILITARY DEPARTMENT FOR DISTRIBUTION  
31 TO MEMBERS OF THE MARYLAND NATIONAL GUARD.

32 SECTION 2. AND BE IT FURTHER ENACTED, That:

33 (a) The governing board of each State higher education institution, including the  
34 Board of Regents of the University of Maryland System, the Board of Regents of Morgan  
35 State University, the Board of Trustees of St. Mary's College of Maryland, and the Board  
36 of Trustees of each community college, shall determine a tuition waiver policy for  
37 members of the Maryland National Guard.

38 (b) It is the intent of the General Assembly that a portion of tuition be waived  
39 only if:

1                   (1) regularly scheduled course space is available;

2                   (2) the member of the Maryland National Guard is enrolled at the  
3 institution; and

4                   (3) the Maryland Adjutant General has certified that the member of the  
5 Maryland National Guard has at least 24 months remaining to serve or has agreed in  
6 writing to serve for a minimum of 24 months.

7                   (c) It is the intent of the General Assembly that nothing in this Section may be  
8 construed as requiring additional State general fund support.

9                   (d) The governing board of each State higher education institution shall submit a  
10 copy of the institution's tuition waiver policy to the Maryland Higher Education  
11 Commission no later than July 1, 1996. The Maryland Higher Education Commission  
12 shall submit a copy of the list required in § 11-403 of the Education Article as enacted by  
13 this Act to the budget committees of the General Assembly no later than September 1,  
14 1996.

15                   SECTION-~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take  
16 effect ~~July~~ June 1, 1996.