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By: **Chairman, Ways and Means Committee (Departmental - Higher Education Commission)**

Introduced and read first time: January 21, 2000

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2000

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CHAPTER 578

1 AN ACT concerning

2 **Higher Education - Community Colleges - Tuition and Fees for Nonresident**  
3 **Students**

4 FOR the purpose of altering the formula that determines the out-of-state fee and the  
5 out-of-county and out-of-region fees charged to nonresident students who  
6 attend certain community colleges; providing for a certain waiver of certain fees;  
7 and generally relating to tuition and fees for nonresident students at certain  
8 community colleges.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 16-310 and 16-505(g)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume)

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

16 **Article - Education**

17 16-310.

18 (a) (1) Subject to paragraphs [(2) and (3)] (2), (3), AND (4) of this subsection  
19 and subsection (f) of this section, any student who attends a community college in this  
20 State and is not a resident of this State shall pay, in addition to the student tuition  
21 and fees payable by a county resident, an out-of-state fee, AT LEAST equal [to the  
22 State share and] TO:

1 (I) 60% OF the county share per full-time equivalent student as  
2 determined under § 16-305 of this subtitle; AND

3 (II) THE MARGINAL COST COMPONENT OF THE STATE SHARE PER  
4 FULL-TIME EQUIVALENT STUDENT AS DETERMINED UNDER § 16-305(C)(5) OF THIS  
5 SUBTITLE.

6 (2) (i) A resident of the state of West Virginia who attends Garrett  
7 Community College under a negotiated reciprocity agreement between the states of  
8 Maryland and West Virginia is an in-county resident for tuition purposes.

9 (ii) For each full-time equivalent student participating in the  
10 reciprocity agreement, the State shall pay to Garrett Community College an amount  
11 equal to the net State support per full-time equivalent student as provided in §  
12 16-305 of this subtitle. For any fiscal year, if State appropriations for reimbursement  
13 of any reciprocity agreements under this paragraph do not provide sufficient funds to  
14 fully reimburse the college, the Governor shall include in the budget bill for the next  
15 fiscal year a deficiency appropriation to provide the additional funds to fully  
16 reimburse the college.

17 (iii) The Commission may make payments to effectuate the  
18 provisions of this paragraph from funds specifically appropriated for this purpose as  
19 provided in the State budget or any supplemental budget request.

20 (iv) The payments authorized by this paragraph are in addition to  
21 the State operating fund to community colleges authorized in § 16-305(c) of this  
22 subtitle.

23 (3) (i) Any student attending a community college in this State who is  
24 not a resident of this State and is enrolled in an education program leading to  
25 licensure in nursing shall be included as an in-county resident for tuition purposes  
26 and shall be included as an in-state resident for computation of the State aid to  
27 community colleges in accordance with § 16-305 of this subtitle.

28 (ii) The student shall furnish a surety bond or guaranteed  
29 promissory note to the State with security satisfactory to the Maryland Higher  
30 Education Commission, that on completion of the Nursing Education Program, the  
31 student will work for at least 2 years in a hospital or related institution as defined in  
32 § 19-301 of the Health - General Article in this State.

33 (iii) The Secretary of Health and Mental Hygiene may determine if  
34 there is a shortage of nurses.

35 (iv) Subject to subparagraphs (v) and (vi) of this paragraph, if the  
36 Secretary determines that there is no shortage of nurses, the Nonresident Student  
37 Tuition Reduction and State Aid Program established under this paragraph may not  
38 be applied to any courses required for the nursing program.

1 (v) Subparagraph (iv) of this paragraph applies only to students  
2 who enroll in a Nursing Education Program subsequent to the determination made  
3 under subparagraph (iv) of this paragraph.

4 (vi) Subparagraph (v) of this paragraph may not affect any student  
5 who is participating in the Nonresident Tuition Reduction and State Aid Program  
6 prior to the determination under subparagraph (iii) of this paragraph.

7 (4) (I) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES MAY WAIVE  
8 THE OUT-OF-STATE FEE AS DETERMINED IN PARAGRAPH (1) OF THIS SUBSECTION  
9 FOR A STUDENT WHO IS EMPLOYED BY A BUSINESS LOCATED IN THE COUNTY THAT  
10 SUPPORTS THE COMMUNITY COLLEGE.

11 (II) ANY STUDENT ATTENDING A COMMUNITY COLLEGE IN THIS  
12 STATE WHO RECEIVES A TUITION WAIVER AS PROVIDED BY THIS PARAGRAPH SHALL  
13 NOT BE INCLUDED AS AN IN-STATE RESIDENT FOR COMPUTATION OF STATE AID TO  
14 COMMUNITY COLLEGES IN ACCORDANCE WITH § 16-305 OF THIS SUBTITLE.

15 (b) (1) Subject to the provisions of [paragraph (2)] PARAGRAPHS (2) AND (3)  
16 of this subsection, any student who attends a community college not supported by the  
17 county in which the student resides shall pay, in addition to the student tuition and  
18 fees payable by a resident of a county that supports the community college, an  
19 out-of-county or out-of-region fee AT LEAST equal to 60% OF the county share per  
20 full-time equivalent student as determined under § 16-305 of this subtitle.

21 (2) (i) Any student who resides in an incorporated municipality whose  
22 corporate limits extend into 2 counties in the State is considered an in-county  
23 resident for tuition purposes at a community college campus located within that  
24 municipality that is supported by either county.

25 (ii) If a student is considered an in-county resident under this  
26 paragraph and the student does not reside in the county that supports the community  
27 college, the county in which the student resides shall pay the difference between the  
28 out-of-county tuition and the in-county tuition.

29 (3) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES MAY WAIVE THE  
30 OUT-OF-COUNTY OR OUT-OF-REGION FEE, AS DETERMINED IN PARAGRAPH (1) OF  
31 THIS SUBSECTION, FOR A STUDENT WHO IS EMPLOYED BY A BUSINESS LOCATED IN  
32 THE COUNTY THAT SUPPORTS THE COMMUNITY COLLEGE.

33 (c) Any county may appropriate money to pay the out-of-county or  
34 out-of-region fees for county residents who attend a community college in this State  
35 that is not supported by that county.

36 (d) (1) Notwithstanding subsection (b) of this section, if any student is a  
37 resident of this State and enrolls in an instructional program that the Commission  
38 designates as a health manpower shortage program or a statewide or regional  
39 program, the student shall pay only the student tuition and fees payable by a resident  
40 of a county that supports the community college and the Commission shall pay any  
41 applicable out-of-county fee. For any fiscal year, if State appropriations to the

1 Commission for payment of any applicable out-of-county fee under this paragraph do  
2 not provide sufficient funds to fully reimburse applicable out-of-county fees, the  
3 Governor shall include in the budget bill for the next fiscal year a deficiency  
4 appropriation to provide the additional funds to fully reimburse the out-of-county  
5 fees.

6 (2) The Commission may make payments to effectuate the provisions of  
7 this section from funds specifically appropriated for this purpose as provided in the  
8 State budget or any supplemental budget request.

9 (e) (1) Notwithstanding subsection (b) of this section, if any student resides  
10 in a county where the per capita wealth is below the State average and the county  
11 does not support a community college or a branch campus of a community college,  
12 except for Baltimore City, the student may enroll at a community college or a branch  
13 campus in the State, either of which is located in a county adjacent to the one in  
14 which the student resides, and pay only the tuition and fees applicable to a county  
15 resident that supports the community college.

16 (2) For any student determined to be eligible under paragraph (1) of this  
17 subsection, the Commission shall pay:

18 (i) In fiscal year 1992, 75% of any applicable out-of-county fee  
19 provided that the county in which the student resides pays 25 percent of that fee; and

20 (ii) In fiscal year 1993, and each fiscal year thereafter, 50% of any  
21 applicable out-of-county fee provided that the county in which the student resides  
22 pays 50 percent of that fee.

23 (3) The Commission may make payments to effectuate the provisions of  
24 this section from funds specifically appropriated for this purpose in the State budget  
25 or any supplemental budget request.

26 (f) The provisions of this section shall be subject to any reciprocal interstate  
27 agreement entered into by the Maryland Higher Education Commission under §  
28 11-105(l)(2) of this article.

29 16-505.

30 (g) (1) The Board of Trustees shall fix the tuition and fees to be paid by  
31 students and shall do so with a view to making college education available at low cost.

32 (2) (I) Except as otherwise provided in paragraph (4) of this  
33 subsection, the Board of Trustees shall assess each student who is not a resident of  
34 this State, in addition to the student tuition and fees paid by residents, an  
35 out-of-state fee AT LEAST equal to 60% PERCENT OF the amount of State support for  
36 the College per full-time equivalent student.

37 (II) THE BOARD OF TRUSTEES MAY WAIVE THE OUT-OF-STATE FEE  
38 AS DETERMINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A STUDENT WHO IS  
39 EMPLOYED BY A BUSINESS LOCATED IN THE CITY OF BALTIMORE.

1 (III) ANY STUDENT ATTENDING THE COLLEGE WHO RECEIVES A  
2 TUITION WAIVER AS PROVIDED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL  
3 NOT BE INCLUDED AS AN IN-STATE RESIDENT FOR COMPUTATION OF STATE AID TO  
4 THE COLLEGE IN ACCORDANCE WITH § 16-512 OF THIS SUBTITLE.

5 (3) For purposes of this subsection, the number of full-time equivalent  
6 students is the quotient of the number of student credit hours produced in the fiscal  
7 year divided by 30.

8 (4) A student who is not a resident of the State shall be considered a  
9 resident for purposes of assessing tuition and fees to the extent that such student  
10 would be eligible for in-county status under the provisions of § 16-310(a)(3) or (f) of  
11 this title.

12 (5) The Board of Trustees shall set tuition and fees for students who are  
13 residents of counties in this State other than Baltimore City at the same rate as the  
14 tuition and fees charged to students who reside in Baltimore City.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
16 effect July 1, 2000.