

# SENATE BILL 167

F2  
HB 612/09 – W&M

11r1084  
CF 11r1089

---

By: **Senators Ramirez, Madaleno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey**  
Introduced and read first time: January 24, 2011  
Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Tuition Charges – Maryland High School Students**

3 FOR the purpose of establishing that certain individuals, other than certain  
4 nonresident individuals, shall be exempt from paying the nonresident tuition  
5 rate at certain public institutions of higher education under certain  
6 circumstances; requiring certain individuals to provide certain documentation  
7 regarding Maryland income tax withholding; requiring the governing board of  
8 each public institution of higher education to adopt certain policies; and  
9 generally relating to tuition charges for certain individuals attending public  
10 institutions of higher education in the State.

11 BY adding to  
12 Article – Education  
13 Section 15–106.8  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2010 Supplement)

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

18 **Article – Education**

19 **15–106.8.**

20 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN**  
21 **INDIVIDUAL, OTHER THAN A STUDENT WITHIN THE MEANING OF 8 U.S.C. §**  
22 **1101(A)(15), SHALL BE EXEMPT FROM PAYING THE NONRESIDENT TUITION**  
23 **RATE AT A PUBLIC INSTITUTION OF HIGHER EDUCATION REGARDLESS OF**  
24 **RESIDENCY IF THE INDIVIDUAL:**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           **(1) ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN**  
2 **THIS STATE FOR AT LEAST 2 YEARS;**

3           **(2) GRADUATED FROM A PUBLIC OR NONPUBLIC SECONDARY**  
4 **SCHOOL IN THIS STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL**  
5 **DIPLOMA IN THIS STATE;**

6           **(3) REGISTERS AS AN ENTERING STUDENT IN A PUBLIC**  
7 **INSTITUTION OF HIGHER EDUCATION IN THIS STATE NOT EARLIER THAN THE**  
8 **2011 FALL SEMESTER;**

9           **(4) PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER**  
10 **EDUCATION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S**  
11 **PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD DURING**  
12 **THE YEAR PRIOR TO THE INDIVIDUAL GRADUATING FROM A PUBLIC OR**  
13 **NONPUBLIC SECONDARY SCHOOL IN THIS STATE;**

14           **(5) IN THE CASE OF AN INDIVIDUAL WHO IS NOT A PERMANENT**  
15 **RESIDENT, PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER EDUCATION AN**  
16 **AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE AN APPLICATION TO**  
17 **BECOME A PERMANENT RESIDENT WITHIN 30 DAYS AFTER THE INDIVIDUAL**  
18 **BECOMES ELIGIBLE TO DO SO; AND**

19           **(6) MAKES OR HAS MADE AN APPLICATION TO ATTEND A PUBLIC**  
20 **INSTITUTION OF HIGHER EDUCATION IN THIS STATE NOT LATER THAN 3 YEARS**  
21 **AFTER GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN**  
22 **THIS STATE OR RECEIVING THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN**  
23 **THIS STATE.**

24           **(B) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER**  
25 **EDUCATION SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE**  
26 **PROVISIONS OF THIS SECTION.**

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 2011.