HOUSE BILL 799

F2 5lr1357

By: **Delegates P. Young, Clippinger, Jones, McIntosh, Smith, Sydnor, C. Wilson, ~~and Zucker~~ Zucker, Afzali, D. Barnes, Buckel, Ebersole, Fennell, Hixson, Hornberger, C. Howard, Kaiser, Long, Luedtke, Metzgar, Patterson, Platt, Reilly, Shoemaker, Simonaire, Tarlau, Turner, Walker, A. Washington, and M. Washington**

Introduced and read first time: February 13, 2015
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 2015

CHAPTER _____

AN ACT concerning

Higher Education ~~– Exemption From Nonresident Tuition~~ – Veterans and Dependents Nonresident Tuition – Compliance With Federal Law

FOR the purpose of ~~exempting certain spouses and dependents of certain veterans of the United States armed forces from paying nonresident tuition at certain public institutions of higher education in the State; altering certain eligibility requirements for certain veterans to qualify for nonresident tuition at certain public institutions of higher education;~~ requiring each public institution of higher education in the State to comply with certain federal laws relating to veterans' tuition benefits; and generally relating to tuition charges for veterans of the United States armed forces and their dependents.

BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.4
Annotated Code of Maryland
(2014 Replacement Volume and 2014 Supplement)

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

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.

Article – Education

15–106.4.

(a) This section applies to the following individuals:

(1) An active duty member of the United States armed forces;

~~(2) A VETERAN OF THE UNITED STATES ARMED FORCES;~~

[(2)] ~~(3)~~ The spouse of an active duty member ~~OR VETERAN~~ of the United States armed forces;

[(3)] ~~(4)~~ A financially dependent child of an active duty member of the United States armed forces;

~~(5) A CHILD OF A VETERAN OF THE UNITED STATES ARMED FORCES; OR~~

[(4) An honorably discharged veteran of the United States armed forces; or

(5)] ~~(6)~~ A member of the National Guard as defined in § 13–405(a)(3) of the Public Safety Article.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The [honorably] discharged veteran presents documentation that the individual:

(i) Was [honorably] discharged ~~OR RELEASED~~ from the United States armed forces; [and]

(ii) 1. Resides in this State; or

2. Is domiciled in this State; [or] ~~AND~~

~~(III) IN ACCORDANCE WITH 38 U.S.C. § 3311(C) AFTER A PERIOD OF AT LEAST 90 DAYS OF AGGREGATE SERVICE THAT OCCURRED NO MORE THAN 3 YEARS BEFORE AN INDIVIDUAL COVERED BY THIS SECTION ENROLLS IN A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;~~

~~(3) THE INDIVIDUAL IS THE SPOUSE OR CHILD OF A VETERAN OF THE UNITED STATES ARMED FORCES WHO IS ENTITLED TO ASSISTANCE UNDER 38 U.S.C. § 3311(B)(9) OR § 3319; OR~~

~~[~~(3)~~]~~ ~~(4)~~ The National Guard member described in subsection ~~[~~(a)(5)~~]~~ ~~(A)(6)~~ of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.

(c) Notwithstanding any other provision of this article, a spouse or financially dependent child of an active duty member who enrolls as an entering student in a public institution of higher education and is exempt from paying nonresident tuition under subsection (b) of this section shall continue to be exempt from paying nonresident tuition if:

(1) The active duty member no longer meets the requirements of subsection (b)(1) of this section; and

(2) The spouse or financially dependent child remains continuously enrolled at the public institution of higher education.

(D) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH FEDERAL LAW RELATING TO NONRESIDENT TUITION FOR VETERANS AND VETERANS' DEPENDENTS.

~~(d)~~ **(E)** The Commission shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.