

SENATE BILL 458

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CF HB 506

By: **Senators Elfreth, Beidle, Carozza, Gallion, Hester, Kagan, Peters, Salling, and Smith**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Nonresident Tuition Exemption for Military Personnel,**
3 **Spouses, and Dependents – Alterations**

4 FOR the purpose of exempting spouses and financially dependent children of active duty
5 members of the United States armed forces from paying nonresident tuition at a
6 public institution of higher education in the State if certain requirements are met at
7 the time of acceptance to attend the institution; requiring the exemption to continue
8 if the qualifying individual enrolls and remains continuously enrolled at the
9 institution, regardless of changes in the station, residency, or domicile of the active
10 duty member; making conforming changes; and generally relating to exemptions for
11 nonresident tuition at public institutions of higher education.

12 BY repealing and reenacting, without amendments,
13 Article – Education
14 Section 10–101(a) and (h)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 15–106.4
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2019 Supplement)

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

24 **Article – Education**

25 10–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this division the following words have the meanings indicated.

2 (h) (1) “Institution of higher education” means an institution of postsecondary
3 education that generally limits enrollment to graduates of secondary schools, and awards
4 degrees at either the associate, baccalaureate, or graduate level.

5 (2) “Institution of higher education” includes public, private nonprofit, and
6 for-profit institutions of higher education.

7 15–106.4.

8 (a) This section applies to the following individuals:

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

10 (2) The spouse of an active duty member of the United States armed forces;

11 (3) A financially dependent child of an active duty member of the United
12 States armed forces;

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

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

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

20 (1) The active duty member [referred to] **DESCRIBED** in subsection (a) of
21 this section:

22 (i) Is stationed in this State;

23 (ii) Resides in this State; or

24 (iii) Is domiciled in this State;

25 **(2) THE SPOUSE OR FINANCIALLY DEPENDENT CHILD DESCRIBED IN**
26 **SUBSECTION (A) OF THIS SECTION PRESENTS DOCUMENTATION THAT, DURING THE**
27 **TIME PERIOD IN WHICH THE ACTIVE DUTY MEMBER MET THE REQUIREMENTS OF**
28 **PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL:**

29 **(I) ENROLLED AS AN ENTERING STUDENT IN A PUBLIC**

1 INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

2 (II) WAS ACCEPTED TO ATTEND A PUBLIC INSTITUTION OF
3 HIGHER EDUCATION IN THE STATE;

4 [(2)] (3) The honorably discharged veteran DESCRIBED IN SUBSECTION
5 (A) OF THIS SECTION presents documentation that the individual:

6 (i) Was honorably discharged from the United States armed forces;
7 and

8 (ii) 1. Resides in this State; or

9 2. Is domiciled in this State; or

10 [(3)] (4) The National Guard member described in subsection [(a)(5)] (A)
11 of this section is a member of the Maryland National Guard and joined or subsequently
12 serves in the Maryland National Guard to:

13 (i) Provide a Critical Military Occupational Skill; or

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

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

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

23 (2) The] IF THE spouse or financially dependent child [remains]:

24 (I) ENROLLS AS AN ENTERING STUDENT IN A PUBLIC
25 INSTITUTION OF HIGHER EDUCATION IN THE STATE; AND

26 (II) REMAINS continuously enrolled at the public institution of
27 higher education; AND

28 (2) REGARDLESS OF WHETHER THE ACTIVE DUTY MEMBER STILL
29 MEETS THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION.

30 (d) Each public institution of higher education shall comply with federal law

1 relating to nonresident tuition for veterans and veterans' dependents.

2 (e) The Commission shall adopt regulations in accordance with Title 10, Subtitle
3 1 of the State Government Article to implement the provisions of this section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2020.