

# SENATE BILL 458

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CF HB 506

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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 29, 2020

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## CHAPTER \_\_\_\_\_

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~~ at the institution, remains continuously  
9 enrolled at the institution, and remains domiciled in the State, regardless of changes  
10 in the station, residency, or domicile of the active duty member; making conforming  
11 changes; and generally relating to exemptions for nonresident tuition at public  
12 institutions of higher education.

13 BY repealing and reenacting, without amendments,  
14 Article – Education  
15 Section 10–101(a) and (h)  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Education  
20 Section 15–106.4  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2019 Supplement)

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### 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.



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

3 **Article – Education**

4 10–101.

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

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

9 (2) “Institution of higher education” includes public, private nonprofit, and  
10 for–profit institutions of higher education.

11 15–106.4.

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

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

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

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

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

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

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

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

26 (i) Is stationed in this State;

27 (ii) Resides in this State; or

28 (iii) Is domiciled in this State;

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

5           **(I) ENROLLED AS AN ENTERING STUDENT IN A PUBLIC**  
6 **INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR**

7           **(II) WAS ACCEPTED TO ATTEND A PUBLIC INSTITUTION OF**  
8 **HIGHER EDUCATION IN THE STATE;**

9           **[(2)] (3)** The honorably discharged veteran **DESCRIBED IN SUBSECTION**  
10 **(A) OF THIS SECTION** presents documentation that the individual:

11           (i) Was honorably discharged from the United States armed forces;  
12 and

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

14                       2. Is domiciled in this State; or

15           **[(3)] (4)** The National Guard member described in subsection **[(a)(5)] (A)**  
16 of this section is a member of the Maryland National Guard and joined or subsequently  
17 serves in the Maryland National Guard to:

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

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

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

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

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

29           **(I) ENROLLS AS AN ENTERING STUDENT IN A PUBLIC**  
30 **INSTITUTION OF HIGHER EDUCATION IN THE STATE; ~~AND~~**

1 (II) REMAINS continuously enrolled at the public institution of  
2 higher education; AND

3 (III) REMAINS DOMICILED IN THE STATE; AND

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

6 (d) Each public institution of higher education shall comply with federal law  
7 relating to nonresident tuition for veterans and veterans' dependents.

8 (e) The Commission shall adopt regulations in accordance with Title 10, Subtitle  
9 1 of the State Government Article to implement the provisions of this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.