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By: **Delegate Kopp**

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Assigned to: Rules and Executive Nominations  
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Committee Report: Favorable  
House action: Adopted  
Read second time: March 30, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Higher Education Investment Program - Participation by District**  
3 **of Columbia Residents**

4 FOR the purpose of expanding the Maryland Higher Education Investment Program  
5 to allow certain residents of the District of Columbia to participate in the  
6 Program; clarifying the status of residents of the District of Columbia for  
7 acceptance at public institutions of higher education in the State and for tuition  
8 charged at public institutions of higher education in the State; and generally  
9 relating to the Maryland Higher Education Investment Program.

10 BY repealing and reenacting, with amendments,  
11 Article - Education  
12 Section 18-1901  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 1998 Supplement)  
15 (As enacted by Chapter 110 of the Acts of the General Assembly of 1997)

16 BY repealing and reenacting, with amendments,  
17 Article - Education  
18 Section 18-1902 and 18-1909(b)  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 1998 Supplement)

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

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**Article - Education**

2 18-1901.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Board" means the Board of the Maryland Higher Education Investment  
5 Program.

6 (c) "Program" means the Maryland Higher Education Investment Program.

7 (d) "Higher education investment contract" means a contract between the  
8 Board and a purchaser under the provisions of this subtitle for the advance payment  
9 of undergraduate tuition at a fixed and guaranteed level by the purchaser for a  
10 qualified beneficiary to attend an institution of higher education in the State, if the  
11 qualified beneficiary is admitted to the institution.

12 (e) "Purchaser" means an individual who:

13 (1) Makes or undertakes the obligation to make advance payments of  
14 undergraduate tuition as provided under a higher education investment contract; and15 (2) Except as provided in § 18-1909(b) of this subtitle, is a resident of  
16 Maryland OR OF THE DISTRICT OF COLUMBIA at the time that the purchaser enters  
17 into a higher education investment contract.

18 (f) "Qualified beneficiary" means an individual who:

19 (1) Is eligible to apply advance tuition payments to undergraduate  
20 tuition at an institution of higher education in the State under the provisions of this  
21 subtitle; and22 (2) Except as provided in § 18-1909(b) of this subtitle, is a resident of the  
23 State OR OF THE DISTRICT OF COLUMBIA at the time that the purchaser enters into a  
24 higher education investment contract.25 (g) "Tuition" means the charges imposed by an institution of higher education  
26 in the State for enrollment at the institution and includes registration and all fees  
27 required as a condition of enrollment.

28 18-1902.

29 It is the intent of the General Assembly to enhance the accessibility and  
30 affordability of higher education for all citizens of the State AND FOR ALL CITIZENS  
31 OF THE DISTRICT OF COLUMBIA by establishing a method to provide for the  
32 prepayment of tuition at institutions of higher education in the State.

33 18-1909.

34 (b) (1) For the purpose of entering into a higher education investment  
35 contract, either the purchaser or the qualified beneficiary must be a resident of

1 Maryland OR OF THE DISTRICT OF COLUMBIA at the time that the purchaser enters  
2 into the contract.

3 (2) For the purposes of determining residency for the purchase of a  
4 higher education investment contract:

5 (I) FOR RESIDENCY IN MARYLAND, "resident" has the meaning  
6 stated in § 10-101(h) of the Tax - General Article; AND

7 (II) FOR RESIDENCY IN THE DISTRICT OF COLUMBIA, "RESIDENT"  
8 HAS THE MEANING STATED IN § 47-1801.4 OF THE DISTRICT OF COLUMBIA CODE  
9 ANNOTATED.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 1999.