

HOUSE BILL 401

Unofficial Copy  
F2

2001 Regular Session  
(11r0469)

**ENROLLED BILL**  
*-- Appropriations/Budget and Taxation --*

Introduced by **Delegate Heller**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education - In-State Residency Requirement - Waiver**

3 FOR the purpose of waiving the residency requirement for tuition purposes for ~~State,~~  
4 ~~county, and municipal employees~~ public school teachers under certain  
5 circumstances at public senior higher education institutions and community  
6 colleges; defining a certain term; establishing certain circumstances when a  
7 ~~student~~ public school teacher is responsible for in-State tuition; and generally  
8 relating to waiving the residency requirement for tuition purposes for ~~State,~~  
9 ~~county, and municipal employees~~ public school teachers.

10 BY adding to  
11 Article - Education  
12 Section 15-106.2  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,

1 Article - Education  
 2 Section ~~16-310~~ 16-310(a)  
 3 Annotated Code of Maryland  
 4 (1999 Replacement Volume and 2000 Supplement)

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

7 **Article - Education**

8 15-106.2.

9 (A) IN THIS SECTION, "RESIDENCY REQUIREMENT" MEANS THE  
 10 REQUIREMENT OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT A  
 11 STUDENT ~~RESIDE~~ HAS RESIDED IN THE STATE FOR 1 YEAR TO BE CONSIDERED A  
 12 RESIDENT AND RECEIVE IN-STATE TUITION STATUS.

13 (B) FOR TUITION PURPOSES, A PUBLIC SENIOR HIGHER EDUCATION  
 14 INSTITUTION SHALL WAIVE THE IN-STATE RESIDENCY REQUIREMENT FOR A STATE,  
 15 COUNTY, OR MUNICIPAL EMPLOYEE PUBLIC SCHOOL TEACHER EMPLOYED BY A  
 16 COUNTY BOARD IF:

17 (1) (I) THE COURSE OR PROGRAM IS REQUIRED BY THE ~~EMPLOYER OR~~  
 18 ~~BY STATE LAW OR THE COUNTY BOARD~~ TO MAINTAIN THE TEACHER'S PRESENT  
 19 ~~SALARY, STATUS, OR POSITION WITH THE STATE, COUNTY, OR MUNICIPAL EMPLOYER~~  
 20 COUNTY BOARD; OR

21 (II) THE COURSE OR PROGRAM MAINTAINS OR IMPROVES SKILLS  
 22 REQUIRED BY THE COUNTY BOARD IN THE ~~EMPLOYEE'S~~ TEACHER'S CURRENT  
 23 POSITION; ~~AND~~

24 (2) THE ~~EMPLOYEE TEACHER~~ WORKS AT LEAST 20 HOURS PER WEEK  
 25 ~~FOR THE STATE, COUNTY, OR MUNICIPAL CORPORATION.~~ RESIDES IN THIS STATE  
 26 AND IS EMPLOYED AS A FULL-TIME PUBLIC SCHOOL TEACHER; AND

27 (3) THE TEACHER HAS BEEN EMPLOYED AS A PUBLIC SCHOOL TEACHER  
 28 IN THE STATE FOR LESS THAN A YEAR.

29 (C) ~~AN EMPLOYEE~~ A PUBLIC SCHOOL TEACHER IS RESPONSIBLE FOR THE  
 30 DIFFERENCE BETWEEN IN-STATE AND OUT-OF-STATE TUITION IF:

31 (1) THE ~~EMPLOYEE~~ TEACHER RESIGNS OR IS TERMINATED FROM  
 32 EMPLOYMENT WITH THE ~~STATE, COUNTY, OR MUNICIPAL CORPORATION~~ COUNTY  
 33 BOARD; AND

34 (2) THE ~~EMPLOYEE~~ TEACHER REMAINS ENROLLED IN THE COURSE OR  
 35 PROGRAM AT AN INSTITUTION OF HIGHER EDUCATION DURING THE TEACHER'S  
 36 FIRST YEAR AS A MARYLAND RESIDENT.

1 16-310.

2 (a) (1) Subject to paragraphs (2), (3), [and] (4), AND (5) of this subsection  
3 and subsection (f) of this section, any student who attends a community college in this  
4 State and is not a resident of this State shall pay, in addition to the student tuition  
5 and fees payable by a county resident, an out-of-state fee, at least equal to:

6 (i) 60% of the county share per full-time equivalent student as  
7 determined under § 16-305 of this subtitle; and

8 (ii) The marginal cost component of the State share per full-time  
9 equivalent student as determined under § 16-305(c)(5) of this subtitle.

10 (2) (i) A resident of the state of West Virginia who attends Garrett  
11 Community College under a negotiated reciprocity agreement between the states of  
12 Maryland and West Virginia is an in-county resident for tuition purposes.

13 (ii) For each full-time equivalent student participating in the  
14 reciprocity agreement, the State shall pay to Garrett Community College an amount  
15 equal to the net State support per full-time equivalent student as provided in §  
16 16-305 of this subtitle. For any fiscal year, if State appropriations for reimbursement  
17 of any reciprocity agreements under this paragraph do not provide sufficient funds to  
18 fully reimburse the college, the Governor shall include in the budget bill for the next  
19 fiscal year a deficiency appropriation to provide the additional funds to fully  
20 reimburse the college.

21 (iii) The Commission may make payments to effectuate the  
22 provisions of this paragraph from funds specifically appropriated for this purpose as  
23 provided in the State budget or any supplemental budget request.

24 (iv) The payments authorized by this paragraph are in addition to  
25 the State operating fund to community colleges authorized in § 16-305(c) of this  
26 subtitle.

27 (3) (i) Any student attending a community college in this State who is  
28 not a resident of this State and is enrolled in an education program leading to  
29 licensure in nursing shall be included as an in-county resident for tuition purposes  
30 and shall be included as an in-State resident for computation of the State aid to  
31 community colleges in accordance with § 16-305 of this subtitle.

32 (ii) The student shall furnish a surety bond or guaranteed  
33 promissory note to the State with security satisfactory to the Maryland Higher  
34 Education Commission, that on completion of the Nursing Education Program, the  
35 student will work for at least 2 years in a hospital or related institution as defined in  
36 § 19-301 of the Health - General Article in this State.

37 (iii) The Secretary of Health and Mental Hygiene may determine if  
38 there is a shortage of nurses.

1 (iv) Subject to subparagraphs (v) and (vi) of this paragraph, if the  
 2 Secretary determines that there is no shortage of nurses, the Nonresident Student  
 3 Tuition Reduction and State Aid Program established under this paragraph may not  
 4 be applied to any courses required for the nursing program.

5 (v) Subparagraph (iv) of this paragraph applies only to students  
 6 who enroll in a Nursing Education Program subsequent to the determination made  
 7 under subparagraph (iv) of this paragraph.

8 (vi) Subparagraph (v) of this paragraph may not affect any student  
 9 who is participating in the Nonresident Tuition Reduction and State Aid Program  
 10 prior to the determination under subparagraph (iii) of this paragraph.

11 (4) (i) Each board of community college trustees may waive the  
 12 out-of-state fee as determined in paragraph (1) of this subsection for a student who is  
 13 employed by a business located in the county that supports the community college.

14 (ii) Any student attending a community college in this State who  
 15 receives a tuition waiver as provided by this paragraph shall not be included as an  
 16 in-State resident for computation of State aid to community colleges in accordance  
 17 with § 16-305 of this subtitle.

18 (5) (I) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES SHALL  
 19 WAIVE THE OUT-OF-STATE FEE AS DETERMINED IN PARAGRAPH (1) OF THIS  
 20 SUBSECTION FOR A STUDENT WHO RESIDES IN THIS STATE BUT DOES NOT MEET  
 21 THE IN-STATE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND IS  
 22 EMPLOYED BY THE STATE OR A COUNTY OR MUNICIPAL CORPORATION A PUBLIC  
 23 SCHOOL TEACHER EMPLOYED BY A COUNTY BOARD IF:

24 1. A. THE COURSE OR PROGRAM IS REQUIRED BY THE  
 25 ~~STUDENT'S EMPLOYER COUNTY BOARD OR BY THE STATE LAW OR THE COUNTY~~  
 26 ~~BOARD TO MAINTAIN THE TEACHER'S PRESENT SALARY, STATUS, OR POSITION WITH~~  
 27 ~~THE STATE, COUNTY, OR MUNICIPAL CORPORATION COUNTY BOARD; OR~~

28 B. THE COURSE OR PROGRAM MAINTAINS OR IMPROVES  
 29 ~~SKILLS REQUIRED BY THE COUNTY BOARD IN THE STUDENT'S TEACHER'S CURRENT~~  
 30 ~~POSITION; AND~~

31 2. ~~THE STUDENT WORKS AT LEAST 20 HOURS PER WEEK FOR~~  
 32 ~~THE STATE, COUNTY, OR MUNICIPAL CORPORATION TEACHER RESIDES IN THIS~~  
 33 ~~STATE AND IS EMPLOYED AS A FULL-TIME PUBLIC SCHOOL TEACHER; AND~~

34 3. ~~THE TEACHER HAS BEEN EMPLOYED AS A PUBLIC~~  
 35 ~~SCHOOL TEACHER IN THE STATE FOR LESS THAN A YEAR.~~

36 (II) A ~~STUDENT~~ PUBLIC SCHOOL TEACHER IS RESPONSIBLE FOR  
 37 THE DIFFERENCE BETWEEN IN-STATE AND OUT-OF-STATE TUITION IF:

1                                   1.        ~~THE STUDENT TEACHER RESIGNS OR IS TERMINATED~~  
2 ~~FROM EMPLOYMENT WITH THE STATE, COUNTY, OR MUNICIPAL CORPORATION~~  
3 ~~COUNTY BOARD; AND~~

4                                   2.        ~~THE STUDENT TEACHER REMAINS ENROLLED IN THE~~  
5 ~~COURSE OR PROGRAM AT A COMMUNITY COLLEGE DURING THE TEACHER'S FIRST~~  
6 ~~YEAR AS A MARYLAND RESIDENT.~~

7                                   (III)    ~~ANY STUDENT PUBLIC SCHOOL TEACHER ATTENDING A~~  
8 ~~COMMUNITY COLLEGE IN THIS STATE WHO RESIDES IN THIS STATE BUT DOES NOT~~  
9 ~~MEET THE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND IS EMPLOYED BY~~  
10 ~~THE STATE OR A COUNTY OR MUNICIPAL CORPORATION SATISFIES THE~~  
11 ~~REQUIREMENTS ESTABLISHED IN THIS PARAGRAPH SHALL BE INCLUDED AS AN~~  
12 ~~IN-STATE RESIDENT FOR COMPUTATION OF THE STATE AID TO COMMUNITY~~  
13 ~~COLLEGES IN ACCORDANCE WITH § 16-305 OF THIS SUBTITLE.~~

14        (b)     (1)    ~~Subject to the provisions of paragraphs (2) and (3) of this subsection,~~  
15 ~~any student who attends a community college not supported by the county in which~~  
16 ~~the student resides shall pay, in addition to the student tuition and fees payable by a~~  
17 ~~resident of a county that supports the community college, an out of county or~~  
18 ~~out of region fee at least equal to 60% of the county share per full time equivalent~~  
19 ~~student as determined under § 16-305 of this subtitle.~~

20                   (2)     (i)    ~~Any student who resides in an incorporated municipality whose~~  
21 ~~corporate limits extend into 2 counties in the State is considered an in-county~~  
22 ~~resident for tuition purposes at a community college campus located within that~~  
23 ~~municipality that is supported by either county.~~

24                               (ii)    ~~If a student is considered an in-county resident under this~~  
25 ~~paragraph and the student does not reside in the county that supports the community~~  
26 ~~college, the county in which the student resides shall pay the difference between the~~  
27 ~~out of county tuition and the in-county tuition.~~

28                   (3)     ~~Each board of community college trustees may waive the~~  
29 ~~out of county or out of region fee, as determined in paragraph (1) of this subsection,~~  
30 ~~for a student who is employed by a business located in the county that supports the~~  
31 ~~community college.~~

32        (e)     ~~Any county may appropriate money to pay the out of county or~~  
33 ~~out of region fees for county residents who attend a community college in this State~~  
34 ~~that is not supported by that county.~~

35        (d)     (1)    ~~Notwithstanding subsection (b) of this section, if any student is a~~  
36 ~~resident of this State and enrolls in an instructional program that the Commission~~  
37 ~~designates as a health manpower shortage program or a statewide or regional~~  
38 ~~program, the student shall pay only the student tuition and fees payable by a resident~~  
39 ~~of a county that supports the community college and the Commission shall pay any~~  
40 ~~applicable out of county fee. For any fiscal year, if State appropriations to the~~  
41 ~~Commission for payment of any applicable out of county fee under this paragraph do~~  
42 ~~not provide sufficient funds to fully reimburse applicable out of county fees, the~~

1 Governor shall include in the budget bill for the next fiscal year a deficiency  
2 appropriation to provide the additional funds to fully reimburse the out-of-county  
3 fees.

4           (2)       The Commission may make payments to effectuate the provisions of  
5 this section from funds specifically appropriated for this purpose as provided in the  
6 State budget or any supplemental budget request.

7       (e)       (1)       Notwithstanding subsection (b) of this section, if any student resides  
8 in a county where the per capita wealth is below the State average and the county  
9 does not support a community college or a branch campus of a community college,  
10 except for Baltimore City, the student may enroll at a community college or a branch  
11 campus in the State, either of which is located in a county adjacent to the one in  
12 which the student resides, and pay only the tuition and fees applicable to a county  
13 resident that supports the community college.

14           (2)       For any student determined to be eligible under paragraph (1) of this  
15 subsection, the Commission shall pay:

16                   (i)       In fiscal year 1992, 75% of any applicable out of county fee  
17 provided that the county in which the student resides pays 25 percent of that fee; and

18                   (ii)      In fiscal year 1993, and each fiscal year thereafter, 50% of any  
19 applicable out of county fee provided that the county in which the student resides  
20 pays 50 percent of that fee.

21           (3)       The Commission may make payments to effectuate the provisions of  
22 this section from funds specifically appropriated for this purpose in the State budget  
23 or any supplemental budget request.

24       (f)       The provisions of this section shall be subject to any reciprocal interstate  
25 agreement entered into by the Maryland Higher Education Commission under §  
26 11-105(m)(2) of this article.

27       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 ~~June~~ July 1, 2001.