
By: **Delegate Heller**
Introduced and read first time: February 1, 2001
Assigned to: Ways and Means

A BILL ENTITLED

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

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

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 16-310
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

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

21 **Article - Education**

22 15-106.2.

23 (A) IN THIS SECTION, "RESIDENCY REQUIREMENT" MEANS THE
24 REQUIREMENT OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT A
25 STUDENT RESIDE IN THE STATE FOR 1 YEAR TO BE CONSIDERED A RESIDENT AND
26 RECEIVE IN-STATE TUITION.

1 (B) FOR TUITION PURPOSES, A PUBLIC SENIOR HIGHER EDUCATION
2 INSTITUTION SHALL WAIVE THE RESIDENCY REQUIREMENT FOR A STATE, COUNTY,
3 OR MUNICIPAL EMPLOYEE IF:

4 (1) (I) THE COURSE OR PROGRAM IS REQUIRED BY THE EMPLOYER OR
5 BY STATE LAW TO MAINTAIN PRESENT SALARY, STATUS, OR POSITION WITH THE
6 STATE, COUNTY, OR MUNICIPAL EMPLOYER; OR

7 (II) THE COURSE OR PROGRAM MAINTAINS OR IMPROVES SKILLS
8 REQUIRED IN THE EMPLOYEE'S CURRENT POSITION; AND

9 (2) THE EMPLOYEE WORKS AT LEAST 20 HOURS PER WEEK FOR THE
10 STATE, COUNTY, OR MUNICIPAL CORPORATION.

11 (C) AN EMPLOYEE IS RESPONSIBLE FOR THE DIFFERENCE BETWEEN
12 IN-STATE AND OUT-OF-STATE TUITION IF:

13 (1) THE EMPLOYEE RESIGNS OR IS TERMINATED FROM EMPLOYMENT
14 WITH THE STATE, COUNTY, OR MUNICIPAL CORPORATION; AND

15 (2) THE EMPLOYEE REMAINS ENROLLED IN THE COURSE OR PROGRAM
16 AT AN INSTITUTION OF HIGHER EDUCATION.

17 16-310.

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

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

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

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

29 (ii) For each full-time equivalent student participating in the
30 reciprocity agreement, the State shall pay to Garrett Community College an amount
31 equal to the net State support per full-time equivalent student as provided in §
32 16-305 of this subtitle. For any fiscal year, if State appropriations for reimbursement
33 of any reciprocity agreements under this paragraph do not provide sufficient funds to
34 fully reimburse the college, the Governor shall include in the budget bill for the next
35 fiscal year a deficiency appropriation to provide the additional funds to fully
36 reimburse the college.

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

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

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

12 (ii) The student shall furnish a surety bond or guaranteed
13 promissory note to the State with security satisfactory to the Maryland Higher
14 Education Commission, that on completion of the Nursing Education Program, the
15 student will work for at least 2 years in a hospital or related institution as defined in
16 § 19-301 of the Health - General Article in this State.

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

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

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

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

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

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

36 (5) (I) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES SHALL
37 WAIVE THE OUT-OF-STATE FEE AS DETERMINED IN PARAGRAPH (1) OF THIS
38 SUBSECTION FOR A STUDENT WHO RESIDES IN THIS STATE BUT DOES NOT MEET
39 THE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND IS EMPLOYED BY THE
40 STATE OR A COUNTY OR MUNICIPAL CORPORATION IF:

1 1. A. THE COURSE OR PROGRAM IS REQUIRED BY THE
2 STUDENT'S EMPLOYER OR BY STATE LAW TO MAINTAIN PRESENT SALARY, STATUS,
3 OR POSITION WITH THE STATE, COUNTY, OR MUNICIPAL CORPORATION; OR

4 B. THE COURSE OR PROGRAM MAINTAINS OR IMPROVES
5 SKILLS REQUIRED IN THE STUDENT'S CURRENT POSITION; AND

6 2. THE STUDENT WORKS AT LEAST 20 HOURS PER WEEK FOR
7 THE STATE, COUNTY, OR MUNICIPAL CORPORATION.

8 (II) A STUDENT IS RESPONSIBLE FOR THE DIFFERENCE BETWEEN
9 IN-STATE AND OUT-OF-STATE TUITION IF:

10 1. THE STUDENT RESIGNS OR IS TERMINATED FROM
11 EMPLOYMENT WITH THE STATE, COUNTY, OR MUNICIPAL CORPORATION; AND

12 2. THE STUDENT REMAINS ENROLLED IN THE COURSE OR
13 PROGRAM AT A COMMUNITY COLLEGE.

14 (III) ANY STUDENT ATTENDING A COMMUNITY COLLEGE IN THIS
15 STATE WHO RESIDES IN THIS STATE BUT DOES NOT MEET THE RESIDENCY
16 REQUIREMENT FOR TUITION PURPOSES AND IS EMPLOYED BY THE STATE OR A
17 COUNTY OR MUNICIPAL CORPORATION SHALL BE INCLUDED AS AN IN-STATE
18 RESIDENT FOR COMPUTATION OF THE STATE AID TO COMMUNITY COLLEGES IN
19 ACCORDANCE WITH § 16-305 OF THIS SUBTITLE.

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

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

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

34 (3) Each board of community college trustees may waive the
35 out-of-county or out-of-region fee, as determined in paragraph (1) of this subsection,
36 for a student who is employed by a business located in the county that supports the
37 community college.

1 (c) Any county may appropriate money to pay the out-of-county or
2 out-of-region fees for county residents who attend a community college in this State
3 that is not supported by that county.

4 (d) (1) Notwithstanding subsection (b) of this section, if any student is a
5 resident of this State and enrolls in an instructional program that the Commission
6 designates as a health manpower shortage program or a statewide or regional
7 program, the student shall pay only the student tuition and fees payable by a resident
8 of a county that supports the community college and the Commission shall pay any
9 applicable out-of-county fee. For any fiscal year, if State appropriations to the
10 Commission for payment of any applicable out-of-county fee under this paragraph do
11 not provide sufficient funds to fully reimburse applicable out-of-county fees, the
12 Governor shall include in the budget bill for the next fiscal year a deficiency
13 appropriation to provide the additional funds to fully reimburse the out-of-county
14 fees.

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

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

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

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

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

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

35 (f) The provisions of this section shall be subject to any reciprocal interstate
36 agreement entered into by the Maryland Higher Education Commission under §
37 11-105(m)(2) of this article.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 June 1, 2001.