
By: **Delegates Hixson, Kagan, Healey, Finifter, Heller, Franchot, Hurson,
Shriver, Bronrott, Kopp, Barve, Gordon, Kagan, Grosfeld, Carlson,
Menes, R. Baker, Swain, Howard, Griffith, Valderrama, Marriott,
Gladden, Phillips, Oaks, Dobson, C. Davis, Paige, and Nathan-Pulliam**

Introduced and read first time: January 30, 2002
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2002

CHAPTER _____

1 AN ACT concerning

2 **Higher Education - Resident Tuition Charges - Immigrant Students**

3 FOR the purpose of ~~establishing certain eligibility criteria for certain individuals who~~
4 ~~are citizens of a country other than the United States to qualify as residents of~~
5 ~~Maryland, under certain circumstances, for purposes of certain tuition charges~~
6 ~~at two-year or four-year public institutions of higher education in the State;~~
7 ~~and generally relating to tuition charges for certain resident noncitizens to~~
8 ~~attend two-year or four-year public institutions of higher education in the State~~
9 prohibiting the governing body of a community college from denying certain
10 individuals eligibility for a certain tuition status under certain circumstances.

11 BY adding to
12 Article - Education
13 Section 15-106.3
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

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

1

Article - Education

2 15-106.3.

3 ~~(A) UNLESS A STUDENT ESTABLISHES RESIDENCY IN MARYLAND AS~~
4 ~~PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, TUITION TO ATTEND A PUBLIC~~
5 ~~INSTITUTION OF HIGHER EDUCATION IN THIS STATE FOR A STUDENT WHO IS A~~
6 ~~CITIZEN OF ANY COUNTRY OTHER THAN THE UNITED STATES IS THE SAME AS THE~~
7 ~~TUITION REQUIRED OF OTHER NONRESIDENT STUDENTS.~~

8 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL~~
9 ~~SHALL BE CLASSIFIED AS A MARYLAND RESIDENT UNTIL THE INDIVIDUAL~~
10 ~~ESTABLISHES A RESIDENCE OUTSIDE THIS STATE IF THE INDIVIDUAL:~~

11 ~~(1) GRADUATED FROM A PUBLIC OR PRIVATE SECONDARY SCHOOL OR~~
12 ~~RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;~~

13 ~~(2) RESIDED IN THIS STATE WITH THE INDIVIDUAL'S PARENTS,~~
14 ~~GUARDIAN, OR CONSERVATOR FOR AT LEAST 3 YEARS PRIOR TO THE DATE THE~~
15 ~~INDIVIDUAL GRADUATED FROM A PUBLIC OR PRIVATE SECONDARY SCHOOL OR~~
16 ~~RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;~~

17 ~~(3) REGISTERS AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF~~
18 ~~HIGHER EDUCATION IN THE STATE NOT EARLIER THAN THE 2003 FALL SEMESTER;~~
19 ~~AND~~

20 ~~(4) PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER EDUCATION AN~~
21 ~~AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE AN APPLICATION TO BECOME~~
22 ~~A PERMANENT RESIDENT WITHIN 30 DAYS AFTER THE INDIVIDUAL BECOMES~~
23 ~~ELIGIBLE TO DO SO.~~

24 THE GOVERNING BOARD OF A COMMUNITY COLLEGE MAY NOT DENY AN
25 INDIVIDUAL ELIGIBILITY FOR RESIDENT TUITION STATUS FOR ATTENDANCE AT THE
26 COMMUNITY COLLEGE ON ACCOUNT OF THE INDIVIDUAL'S IMMIGRATION STATUS IF
27 THE INDIVIDUAL HAS THE CAPACITY TO ESTABLISH DOMICILE IN MARYLAND.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2002.