

HOUSE BILL 253

Unofficial Copy
F2

2003 Regular Session
(31r0845)

ENROLLED BILL
-- Ways and Means/Education, Health, and
Environmental Affairs --

Introduced by **Delegates Hixson, Barve, Benson, Bromwell, Bronrott, Brown,
Burns, Cadden, Cardin, V. Clagett, Conroy, C. Davis, Dumais, Feldman,
Franchot, Frush, Goldwater, Gordon, Gutierrez, Healey, Howard, Jones,
King, Lee, Madaleno, Mandel, Marriott, McIntosh, Montgomery, Murray,
Nathan-Pulliam, Niemann, Paige, Patterson, Petzold, Ramirez, Ross,
Simmons, Taylor, F. Turner, ~~and Vaughn~~ Vaughn, and 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 **Higher Education - Resident Tuition Charges - Immigrant Students and**
3 **United States Military Personnel and Dependents**

4 FOR the purpose of establishing that certain individuals, other than certain
5 nonresident aliens, shall be exempt from paying nonresident tuition at certain
6 public institutions of higher education under certain circumstances; prohibiting
7 certain institutions of higher education from awarding degrees to certain
8 individuals under certain circumstances; *establishing that certain military*
9 *personnel and, dependents of military personnel, and certain veterans are exempt*
10 *from paying nonresident tuition at certain public institutions of higher education*
11 *under certain circumstances; requiring the Maryland Higher Education*

1 Commission to adopt certain regulations; and generally relating to tuition
2 charges for certain individuals attending public institutions of higher education
3 in the State.

4 BY adding to
5 Article - Education
6 Section 15-106.3
7 Annotated Code of Maryland
8 (2001 Replacement Volume and 2002 Supplement)

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

11 **Article - Education**

12 15-106.3.

13 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
14 INDIVIDUAL OTHER THAN A NONIMMIGRANT ALIEN WITHIN THE MEANING OF TITLE
15 8, § 1101(A)(15) OF THE UNITED STATES CODE, SHALL BE EXEMPT FROM PAYING
16 NONRESIDENT TUITION AT A PUBLIC INSTITUTION OF HIGHER EDUCATION IF THE
17 INDIVIDUAL:

18 (1) ATTENDED A PUBLIC OR PRIVATE SECONDARY SCHOOL IN THIS
19 STATE FOR AT LEAST 3 YEARS;

20 (2) GRADUATED FROM A PUBLIC OR PRIVATE SECONDARY SCHOOL IN
21 THIS STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS
22 STATE;

23 (3) REGISTERS AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF
24 HIGHER EDUCATION IN THIS STATE NOT EARLIER THAN THE 2003 FALL SEMESTER;

25 (4) PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER EDUCATION AN
26 AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE AN APPLICATION TO BECOME
27 A PERMANENT RESIDENT WITHIN 30 DAYS AFTER THE INDIVIDUAL BECOMES
28 ELIGIBLE TO DO SO; AND

29 (5) MAKES APPLICATION TO ATTEND A PUBLIC INSTITUTION OF HIGHER
30 EDUCATION IN THIS STATE NOT LATER THAN 5 YEARS AFTER GRADUATING FROM A
31 PUBLIC OR PRIVATE SECONDARY SCHOOL IN THIS STATE OR RECEIVING THE
32 EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE.

33 (B) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT AWARD A
34 DEGREE TO AN INDIVIDUAL WHO QUALIFIES FOR RESIDENT TUITION CHARGES
35 UNDER THIS SECTION UNTIL *THE INDIVIDUAL*:

36 (1) ~~THE INDIVIDUAL~~ FILES THE AFFIDAVIT OR OTHER EVIDENCE OR
37 DOCUMENTATION SPECIFIED UNDER THIS SECTION; OR

1 (2) PAYS THE DIFFERENCE BETWEEN THE TUITION CHARGES FOR A
 2 NONRESIDENT STUDENT AND THE TUITION CHARGES FOR A RESIDENT STUDENT AT
 3 THE INSTITUTION.

4 (C) (1) THIS SUBSECTION APPLIES TO THE FOLLOWING INDIVIDUALS:

5 (I) AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED
 6 FORCES;

7 (II) THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED
 8 STATES ARMED FORCES; ~~OR~~

9 (III) THE FINANCIALLY DEPENDENT CHILD OF AN ACTIVE DUTY
 10 MEMBER OF THE UNITED STATES ARMED FORCES; OR

11 (IV) AN HONORABLY DISCHARGED VETERAN OF THE UNITED
 12 STATES ARMED FORCES.

13 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
 14 INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS EXEMPT FROM
 15 PAYING NONRESIDENT TUITION AT A PUBLIC INSTITUTION OF HIGHER EDUCATION
 16 IN THIS STATE IF:

17 (I) THE ACTIVE DUTY MEMBER REFERRED TO IN PARAGRAPH (1)
 18 OF THIS SUBSECTION:

19 ~~(H)~~ A. 1. IS STATIONED IN THIS STATE;

20 ~~(H)~~ B. 2. RESIDES IN THIS STATE; OR

21 ~~(H)~~ C. 3. IS DOMICILED IN THIS STATE; OR

22 (II) THE HONORABLY DISCHARGED VETERAN PRESENTS THE
 23 FOLLOWING DOCUMENTATION WITHIN 1 YEAR AFTER THE VETERAN'S DISCHARGE:

24 A. 1. EVIDENCE THAT THE VETERAN ATTENDED A PUBLIC
 25 OR PRIVATE SECONDARY SCHOOL IN THIS STATE FOR AT LEAST 3 YEARS; AND

26 B. 2. DOCUMENTATION THAT THE VETERAN GRADUATED
 27 FROM A PUBLIC OR PRIVATE SECONDARY SCHOOL IN THIS STATE OR RECEIVED THE
 28 EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE.

29 ~~(C)~~ (D) THE COMMISSION SHALL ADOPT REGULATIONS IN ACCORDANCE
 30 WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE TO IMPLEMENT
 31 THE PROVISIONS OF THIS SECTION.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 July 1, 2003.

