
By: **Delegates Hixson, Ramirez, Cryor, Barkley, Barve, Benson, Bobo, Bronrott, Brown, Cane, Carter, C. Davis, D. Davis, Dumais, Feldman, Franchot, Frush, Gaines, Goldwater, Goodwin, Gordon, Gutierrez, Harrison, Healey, Heller, Holmes, Howard, Hubbard, Jones, Kaiser, King, Kirk, Lee, Madaleno, Mandel, Marriott, Moe, Montgomery, Nathan-Pulliam, Niemann, Oaks, Paige, Patterson, Pendergrass, Proctor, Ross, Stern, Taylor, F. Turner, V. Turner, Vallario, and Vaughn**

Introduced and read first time: February 13, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education - Tuition Charges - Maryland High School Students**

3 FOR the purpose of establishing that certain individuals, other than certain
4 nonresident individuals, shall be exempt from paying nonresident tuition at
5 certain public institutions of higher education under certain circumstances;
6 requiring certain individuals to provide certain documentation regarding
7 Maryland income tax withholdings; prohibiting certain institutions of higher
8 education from awarding degrees to certain individuals under certain
9 circumstances; requiring the Maryland Higher Education Commission to adopt
10 certain regulations; and generally relating to tuition charges for certain
11 individuals attending public institutions of higher education in the State.

12 BY adding to
13 Article - Education
14 Section 15-106.3
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

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

19 **Article - Education**

20 15-106.3.

21 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
22 INDIVIDUAL OTHER THAN A STUDENT WITHIN THE MEANING OF TITLE 8, § 1101(A)(15)
23 OF THE UNITED STATES CODE, SHALL BE EXEMPT FROM PAYING NONRESIDENT
24 TUITION AT A PUBLIC INSTITUTION OF HIGHER EDUCATION IF THE INDIVIDUAL:

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

3 (2) GRADUATED FROM A PUBLIC OR PRIVATE SECONDARY SCHOOL IN
4 THIS STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS
5 STATE;

6 (3) REGISTERS AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF
7 HIGHER EDUCATION IN THIS STATE NOT EARLIER THAN THE 2004 FALL SEMESTER;

8 (4) PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER EDUCATION:

9 (I) DOCUMENTATION THAT THE INDIVIDUAL OR THE
10 INDIVIDUAL'S PARENT OR GUARDIAN HAS PAID MARYLAND INCOME TAX
11 WITHHOLDINGS DURING THE YEAR PRIOR TO THE INDIVIDUAL GRADUATING FROM A
12 PUBLIC OR PRIVATE SECONDARY SCHOOL IN THIS STATE OR RECEIVING THE
13 EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE; AND

14 (II) AN AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE AN
15 APPLICATION TO BECOME A PERMANENT RESIDENT WITHIN 30 DAYS AFTER THE
16 INDIVIDUAL BECOMES ELIGIBLE TO DO SO; AND

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

21 (B) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT AWARD A
22 DEGREE TO AN INDIVIDUAL WHO QUALIFIES FOR RESIDENT TUITION CHARGES
23 UNDER THIS SECTION UNTIL:

24 (1) THE INDIVIDUAL FILES THE AFFIDAVIT SPECIFIED UNDER THIS
25 SECTION; OR

26 (2) PAYS THE DIFFERENCE BETWEEN THE TUITION CHARGES FOR A
27 NONRESIDENT STUDENT AND THE TUITION CHARGES FOR A RESIDENT STUDENT AT
28 THE INSTITUTION.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2004.