

HOUSE BILL 1171

Unofficial Copy
F2
HB 253/03 - W&M

2004 Regular Session
4lr2234

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

Committee Report: Favorable
House action: Adopted
Read second time: March 24, 2004

CHAPTER _____

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:

1 **Article - Education**

2 15-106.3.

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

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

9 (2) GRADUATED FROM A PUBLIC OR PRIVATE SECONDARY SCHOOL IN
10 THIS STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS
11 STATE;

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

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

15 (I) DOCUMENTATION THAT THE INDIVIDUAL OR THE
16 INDIVIDUAL'S PARENT OR GUARDIAN HAS PAID MARYLAND INCOME TAX
17 WITHHOLDINGS DURING THE YEAR PRIOR TO THE INDIVIDUAL GRADUATING FROM A
18 PUBLIC OR PRIVATE SECONDARY SCHOOL IN THIS STATE OR RECEIVING THE
19 EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE; AND

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

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

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

30 (1) THE INDIVIDUAL FILES THE AFFIDAVIT SPECIFIED UNDER THIS
31 SECTION; OR

32 (2) PAYS THE DIFFERENCE BETWEEN THE TUITION CHARGES FOR A
33 NONRESIDENT STUDENT AND THE TUITION CHARGES FOR A RESIDENT STUDENT AT
34 THE INSTITUTION.

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

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