

(PRE-FILED)

By: **Delegates Ramirez, Montgomery, Nathan-Pulliam, Bobo, Rosenberg,
Gaines, Dumais, Mandel, Benson, and Healey**

Requested: September 7, 2005

Introduced and read first time: January 11, 2006

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 withholding; 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 15-106.5
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2005 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 15-106.5.

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:

25 (1) ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS
26 STATE FOR AT LEAST 3 YEARS;

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

4 (3) REGISTERS AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF
5 HIGHER EDUCATION IN THIS STATE NOT EARLIER THAN THE 2006 FALL SEMESTER;

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

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

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

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

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

22 (1) FILES THE AFFIDAVIT SPECIFIED UNDER THIS SECTION; OR

23 (2) PAYS THE DIFFERENCE BETWEEN THE TUITION CHARGES FOR A
24 NONRESIDENT STUDENT AND THE TUITION CHARGES FOR A RESIDENT STUDENT AT
25 THE INSTITUTION.

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2006.