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By: **Delegates Hixson, Bozman, Healey, Heller, and Madaleno**

Introduced and read first time: February 10, 2006

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Higher Education - ~~Public Senior Higher Education Institutions -~~**  
 3 **~~Restrictions on Tuition~~ Tuition Affordability Act of 2006**

4 FOR the purpose of prohibiting, for a certain academic year, an increase in the tuition  
 5 that may be charged to a resident undergraduate student at certain public  
 6 senior higher education institutions in Maryland; ~~making this Act subject to a~~  
 7 ~~certain contingency~~; limiting, for a certain academic year, an increase in the  
 8 tuition that may be charged to a resident undergraduate student at a certain  
 9 public senior higher education institution; establishing a Commission to  
 10 Develop the Maryland Model for Funding Higher Education; providing for the  
 11 composition of the Commission; providing for the appointment of the chairman  
 12 of the Commission; requiring the Commission to review certain reports and  
 13 options and make certain recommendations relating to the establishment of a  
 14 consistent and stable funding mechanism to ensure accessibility and  
 15 affordability at certain public institutions of higher education in Maryland;  
 16 requiring the Commission to submit a certain report to the Governor and  
 17 General Assembly on or before a certain date; providing for the staffing of the  
 18 Commission; providing for the termination of a certain provision of this Act; and  
 19 generally relating to tuition restrictions at certain public senior higher  
 20 education institutions in the State.

21 BY adding to  
 22 Article - Education  
 23 Section 15-106.5  
 24 Annotated Code of Maryland  
 25 (2004 Replacement Volume and 2005 Supplement)

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

3 **Article - Education**

4 15-106.5.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) "ACADEMIC YEAR" MEANS THE PERIOD COMMENCING WITH THE  
8 FALL SEMESTER AND CONTINUING THROUGH THE IMMEDIATELY FOLLOWING  
9 SUMMER SESSION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.

10 (3) "GOVERNING BOARD" MEANS:

11 (I) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF  
12 MARYLAND; AND

13 (II) THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY.

14 (4) "PUBLIC SENIOR HIGHER EDUCATION INSTITUTION" HAS THE  
15 MEANING STATED IN § 10-101(J)(1) AND (2) OF THIS ARTICLE.

16 (5) (I) "TUITION" MEANS THE CHARGES APPROVED BY THE  
17 GOVERNING BOARD OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT  
18 ARE REQUIRED OF ALL UNDERGRADUATE RESIDENT STUDENTS BY THE  
19 INSTITUTION AS A CONDITION OF ENROLLMENT REGARDLESS OF THE STUDENT'S  
20 DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED COURSES.

21 (II) "TUITION" DOES NOT INCLUDE:

22 1. FEES THAT ARE REQUIRED OF ALL UNDERGRADUATE  
23 RESIDENT STUDENTS BY THE INSTITUTION AS A CONDITION OF ENROLLMENT  
24 REGARDLESS OF THE STUDENT'S DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED  
25 COURSES;

26 2. FEES DEDICATED TO SUPPORT AUXILIARY ENTERPRISES  
27 AND OTHER SELF-FUNDED ACTIVITIES OF A PUBLIC SENIOR HIGHER EDUCATION  
28 INSTITUTION; OR

29 3. A FEE REQUIRED ONLY FOR ENROLLMENT IN A SPECIFIC  
30 DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THAT FEE IS NOT REQUIRED  
31 OF UNDERGRADUATE RESIDENT STUDENTS AT THE PUBLIC SENIOR HIGHER  
32 EDUCATION INSTITUTION FOR ENROLLMENT IN OTHER DEGREE PROGRAMS, FIELDS  
33 OF STUDY, OR COURSES.

34 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE ACADEMIC  
35 YEAR BEGINNING IN THE FALL OF 2006 ONLY, A GOVERNING BOARD MAY NOT  
36 APPROVE, AND A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY NOT

1 IMPOSE, AN INCREASE IN THE TUITION CHARGED FOR AN ACADEMIC YEAR TO A  
 2 RESIDENT UNDERGRADUATE STUDENT AT THE INSTITUTION OVER THE AMOUNT  
 3 CHARGED FOR TUITION AT THE INSTITUTION IN THE PRECEDING ACADEMIC YEAR.

4 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
 5 ~~contingent on the taking effect of legislation providing for the following~~  
 6 ~~supplementary appropriations in fiscal year 2007:~~

7 (1) ~~\$18,898,865 to the University System of Maryland; and~~

8 (2) ~~\$823,257 to Morgan State University.~~

9 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any  
 10 other provision of law, for the academic year beginning in the fall of 2006 only, the St.  
 11 Mary's College of Maryland Board of Trustees may not approve, and St. Mary's  
 12 College of Maryland may not impose, an increase in the tuition charged for the  
 13 academic year to a resident undergraduate student more than 4.8% over the amount  
 14 charged for tuition at St. Mary's College of Maryland in the preceding 2005-2006  
 15 academic year.

16 SECTION 3. AND BE IT FURTHER ENACTED, That:

17 (a) There is a Commission to Develop the Maryland Model for Funding Higher  
 18 Education.

19 (b) The Commission consists of the following members:

20 (1) Four members of the Senate of Maryland, appointed by the President  
 21 of the Senate;

22 (2) Four members of the House of Delegates, appointed by the Speaker of  
 23 the House;

24 (3) The Secretary of Higher Education;

25 (4) The Secretary of Budget and Management;

26 (5) The President of the University of Maryland, College Park, or a  
 27 designee of that President;

28 (6) The President of the University of Maryland University College or a  
 29 designee of that President;

30 (7) The President of the University of Maryland, Baltimore, or a  
 31 designee of that President;

32 (8) The President of Morgan State University or a designee of that  
 33 President;

34 (9) The President of Towson University or a designee of that President;

1 (10) The President of The Johns Hopkins University or a designee of that  
2 President;

3 (11) The President of the Maryland Independent College and University  
4 Association;

5 (12) The Chancellor of the University System of Maryland or a designee of  
6 the Chancellor;

7 (13) One community college president, appointed jointly by the President  
8 of the Senate and the Speaker of the House;

9 (14) The Executive Director of the Maryland Association of Community  
10 Colleges;

11 (15) Four members of the business community, appointed jointly by the  
12 President of the Senate and the Speaker of the House, from among the following  
13 organizations:

14 (i) The Technology Council of Maryland;

15 (ii) The Maryland Business Roundtable for Education;

16 (iii) The Maryland Chamber of Commerce;

17 (iv) The Greater Washington Board of Trades;

18 (v) The Greater Baltimore Committee; and

19 (vi) The President's Roundtable, Inc.; and

20 (16) Three members of the public, appointed jointly by the President of  
21 the Senate and the Speaker of the House, one of whom must have experience in  
22 business, finance, or management.

23 (c) The chairman of the Commission shall be appointed jointly by the  
24 President of the Senate and the Speaker of the House.

25 (d) The Commission shall review the report issued by Van de Water  
26 Consulting, Inc., hired by the Maryland Higher Education Commission to develop an  
27 effective statewide framework for higher education funding as recommended in the  
28 2004 Maryland State Plan for Postsecondary Education.

29 (e) The Commission shall review options and make recommendations relating  
30 to the establishment of a consistent and stable funding mechanism to ensure  
31 accessibility and affordability while at the same time promoting policies to achieve  
32 national eminence at all of Maryland's public institutions of higher education.

33 (f) The Commission shall report its findings and recommendations to the  
34 Governor and, in accordance with § 2-1246 of the State Government Article, to the  
35 General Assembly on or before December 31, 2007.

1 (g) The staff for the Commission shall be provided and coordinated by the  
2 Department of Legislative Services. The Department of Budget and Management, the  
3 Maryland Higher Education Commission, and the University System of Maryland  
4 shall also assign staff to assist the Commission.

5 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
6 take effect July 1, 2006, and shall remain effective for a period of 1 year and 10  
7 months and, at the end of May 1, 2008, with no further action required by the General  
8 Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.

9 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section ~~2~~ 4  
10 of this Act, this Act shall take effect ~~July~~ June 1, 2006.