

ENROLLED BILL

-- Budget and Taxation/Appropriations --

Introduced by **Senators Hogan, Currie, Miller, Frosh, Hollinger, Middleton, McFadden, DeGrange, Giannetti, Klausmeier, and Dyson** **Dyson, Jones, Kasemeyer, Kramer, Lawlah, Munson, Ruben, Schrader, and Stoltzfus**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Higher Education - Tuition Affordability Act of 2006**

3 FOR the purpose of prohibiting, for a certain academic year, an increase in the tuition
4 that may be charged to a resident undergraduate student at certain public
5 senior higher education institutions in Maryland; ~~making this Act subject to a~~
6 ~~certain contingency~~; limiting, for a certain academic year, an increase in the
7 tuition that may be charged to a resident undergraduate student at a certain
8 public senior higher education institution; establishing a Commission to
9 Develop the Maryland Model for Funding Higher Education; providing for the
10 composition of the Commission; providing for the appointment of the chairman
11 of the Commission; requiring the Commission to review certain reports and
12 options and make certain recommendations relating to the establishment of a
13 consistent and stable funding mechanism to ensure accessibility and
14 affordability at certain public institutions of higher education in Maryland;
15 requiring the Commission to review options and make certain recommendations

1 relating to the appropriate level of funding for the State's Historically Black
 2 Institutions to ensure they are comparable and competitive with certain other
 3 public institutions of higher education; requiring the Commission to submit a
 4 certain report to the Governor and General Assembly on or before a certain date;
 5 providing for the staffing of the Commission; providing for the termination of a
 6 certain provision of this Act; and generally relating to tuition restrictions at
 7 certain public senior higher education institutions in the State.

8 BY adding to
 9 Article - Education
 10 Section 15-106.5
 11 Annotated Code of Maryland
 12 (2004 Replacement Volume and 2005 Supplement)

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

15 **Article - Education**

16 15-106.5.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 18 INDICATED.

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

22 (3) "GOVERNING BOARD" MEANS:

23 (I) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF
 24 MARYLAND; AND

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

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

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

33 (II) "TUITION" DOES NOT INCLUDE:

34 1. FEES THAT ARE REQUIRED OF ALL UNDERGRADUATE
 35 RESIDENT STUDENTS BY THE INSTITUTION AS A CONDITION OF ENROLLMENT

1 REGARDLESS OF THE STUDENT'S DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED
2 COURSES;

3 2. FEES DEDICATED TO SUPPORT AUXILIARY ENTERPRISES
4 AND OTHER SELF-FUNDED ACTIVITIES OF A PUBLIC SENIOR HIGHER EDUCATION
5 INSTITUTION; OR

6 3. A FEE REQUIRED ONLY FOR ENROLLMENT IN A SPECIFIC
7 DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THAT FEE IS NOT REQUIRED
8 OF UNDERGRADUATE RESIDENT STUDENTS AT THE PUBLIC SENIOR HIGHER
9 EDUCATION INSTITUTION FOR ENROLLMENT IN OTHER DEGREE PROGRAMS, FIELDS
10 OF STUDY, OR COURSES.

11 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE ACADEMIC
12 YEAR BEGINNING IN THE FALL OF 2006 ONLY, A GOVERNING BOARD MAY NOT
13 APPROVE, AND A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY NOT
14 IMPOSE, AN INCREASE IN THE TUITION CHARGED FOR AN ACADEMIC YEAR TO A
15 RESIDENT UNDERGRADUATE STUDENT AT THE INSTITUTION OVER THE AMOUNT
16 CHARGED FOR TUITION AT THE INSTITUTION IN THE PRECEDING ACADEMIC YEAR.

17 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
18 ~~contingent on:~~

19 (1) ~~the General Assembly restricting an appropriation in the fiscal year~~
20 ~~2007 budget bill, Chapter ____ (House Bill 150) of the Acts of the General Assembly of~~
21 ~~2006, so as to authorize the transfer of funds from its original purpose to be used only~~
22 ~~for the following purposes:~~

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

24 (ii) ~~\$823,257 to Morgan State University; and~~

25 (2) ~~the Governor effectuating the transfer of funds specified in~~
26 ~~subsection (1)(i) and (ii) of this section by approved budget amendment by August 1,~~
27 ~~2006.~~

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
29 ~~other provision of law, for the academic year beginning in the fall of 2006 only, the St.~~
30 ~~Mary's College of Maryland Board of Trustees may not approve, and St. Mary's~~
31 ~~College of Maryland may not impose, an increase in the tuition charged for the~~
32 ~~academic year to a resident undergraduate student more than 4.8% over the amount~~
33 ~~charged for tuition at St. Mary's College of Maryland in the preceding 2005-2006~~
34 ~~academic year.~~

35 ~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

36 (a) ~~There is a Commission to Develop the Maryland Model for Funding Higher~~
37 ~~Education.~~

38 (b) ~~The Commission consists of the following members:~~

- 1 (1) Four members of the Senate of Maryland, appointed by the President
2 of the Senate;
- 3 (2) Four members of the House of Delegates, appointed by the Speaker of
4 the House;
- 5 (3) The Secretary of Higher Education;
- 6 (4) The Secretary of Budget and Management;
- 7 (5) The President of the University of Maryland, College Park, or a
8 designee of that President;
- 9 (6) The President of the University of Maryland University College or a
10 designee of that President;
- 11 (7) The President of the University of Maryland, Baltimore, or a
12 designee of that President;
- 13 (8) The President of Morgan State University or a designee of that
14 President;
- 15 (9) The President of Towson University or a designee of that President;
- 16 (10) The President of The Johns Hopkins University or a designee of that
17 President;
- 18 (11) The President of the Maryland Independent College and University
19 Association;
- 20 (12) The Chancellor of the University System of Maryland or a designee of
21 the Chancellor;
- 22 (13) One community college president, appointed jointly by the President
23 of the Senate and the Speaker of the House;
- 24 (14) The Executive Director of the Maryland Association of Community
25 Colleges;
- 26 (15) Four members of the business community, appointed jointly by the
27 President of the Senate and the Speaker of the House, from among the following
28 organizations:
- 29 (i) The Technology Council of Maryland;
- 30 (ii) The Maryland Business Roundtable for Education;
- 31 (iii) The Maryland Chamber of Commerce;
- 32 (iv) The Greater Washington Board of Trades;

1 (v) The Greater Baltimore Committee; and

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

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

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

8 (d) The Commission shall review the report issued by Van de Water
9 Consulting, Inc., hired by the Maryland Higher Education Commission to develop an
10 effective statewide framework for higher education funding as recommended in the
11 2004 Maryland State Plan for Postsecondary Education.

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

16 (f) *The Commission shall review options and make recommendations relating*
17 *to the appropriate level of funding for the State's Historically Black Institutions to*
18 *ensure that they are comparable and competitive with other public institutions.*

19 ~~(g)~~ (g) The Commission shall report its findings and recommendations to
20 the Governor and, in accordance with § 2-1246 of the State Government Article, to
21 the General Assembly on or before December 31, 2007.

22 ~~(g)~~ (h) The staff for the Commission shall be provided and coordinated by
23 the Department of Legislative Services, The Department of Budget and Management,
24 the Maryland Higher Education Commission, and the University System of Maryland
25 shall also assign staff to assist the Commission.

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

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

