

CHAPTER 697

(House Bill 923)

AN ACT concerning

Higher Education – Community Colleges – BRAC – Exemption from Out-of-State and Out-of-County Fees

FOR the purpose of exempting certain employees and their family members as part of the Base Realignment and Closure (BRAC) process from paying a certain out-of-state or out-of-county fee at community colleges in the State; authorizing each board of community college trustees to waive a certain out-of-state fee and out-of-county or out-of-region fee for certain students; requiring that certain students be included as in-State residents for a certain computation of State aid; authorizing the Board of Trustees of Baltimore City Community College to waive a certain out-of-state fee for certain students; defining a certain term; and generally relating to an exemption from the out-of-state and out-of-county fees for BRAC employees and their family members.

BY repealing and reenacting, with amendments,

Article – Education
Section 16–310(a)(1) and (b)(1)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to

Article – Education
Section 16–310(a)(6) and (b)(4) and 16–505(g)(2)(iv) and (v)
Annotated Code of Maryland
(2008 Replacement Volume)

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

Article – Education

16–310.

(a) (1) Subject to paragraphs (2), (3), (4), [and] (5), **AND (6)** of this subsection and subsection (f) of this section, any student who attends a community college in this State and is not a resident of this State shall pay, in addition to the student tuition and fees payable by a county resident, an out-of-state fee, at least equal to:

(i) 60% of the county share per full-time equivalent student as determined under § 16-305 of this subtitle; and

(ii) The marginal cost component of the State share per full-time equivalent student as determined under § 16-305(c)(5) of this subtitle.

(6) (I) IN THIS PARAGRAPH, "BRAC" MEANS THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.

(II) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES MAY WAIVE THE OUT-OF-STATE FEE AS DETERMINED IN PARAGRAPH (1) OF THIS SUBSECTION FOR A STUDENT WHO RESIDES IN THE STATE BUT DOES NOT MEET THE IN-STATE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND HAS MOVED TO THE STATE AS AN EMPLOYEE OR A FAMILY MEMBER OF AN EMPLOYEE AS PART OF BRAC.

(III) ANY BRAC EMPLOYEE OR FAMILY MEMBER OF A BRAC EMPLOYEE ATTENDING A COMMUNITY COLLEGE IN THE STATE WHO SATISFIES THE REQUIREMENTS ESTABLISHED IN THIS PARAGRAPH SHALL BE INCLUDED AS AN IN-STATE RESIDENT FOR COMPUTATION OF THE STATE AID TO COMMUNITY COLLEGES IN ACCORDANCE WITH § 16-305 OF THIS SUBTITLE.

(b) (1) Subject to the provisions of paragraphs (2) [and], (3), AND (4) of this subsection and subsection (g) of this section, any student who attends a community college not supported by the county in which the student resides shall pay, in addition to the student tuition and fees payable by a resident of a county that supports the community college, an out-of-county or out-of-region fee at least equal to 60% of the county share per full-time equivalent student as determined under § 16-305 of this subtitle.

(4) (I) IN THIS PARAGRAPH, "BRAC" MEANS THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.

(II) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES MAY WAIVE THE OUT-OF-COUNTY FEE OR OUT-OF-REGION FEE AS DETERMINED IN PARAGRAPH (1) OF THIS SUBSECTION FOR A STUDENT WHO RESIDES IN THE ~~STATE~~ COUNTY BUT DOES NOT MEET THE IN-COUNTY RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND HAS MOVED TO THE STATE AS AN EMPLOYEE OR A FAMILY MEMBER ~~OR~~ OF AN EMPLOYEE AS PART OF BRAC.

(g) (2) (IV) THE BOARD OF TRUSTEES MAY WAIVE THE OUT-OF-STATE FEE AS DETERMINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A STUDENT WHO RESIDES IN THE STATE BUT DOES NOT MEET THE IN-STATE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND HAS MOVED TO THE STATE AS AN EMPLOYEE OR A FAMILY MEMBER OF AN EMPLOYEE AS PART OF THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.

(V) ANY STUDENT ATTENDING THE COLLEGE WHO RECEIVES A TUITION WAIVER UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH SHALL BE INCLUDED AS AN IN-STATE RESIDENT FOR COMPUTATION OF STATE AID TO THE COLLEGE IN ACCORDANCE WITH § 16-512 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, May 19, 2009.