

SENATE BILL 167

F2
HB 612/09 – W&M

1lr1084
CF HB 470

By: **Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones-Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey**

Introduced and read first time: January 24, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 9, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Higher Education – Tuition Charges – Maryland High School Students~~
3 ~~Public Institutions of Higher Education – Tuition Rates – Exemptions~~

4 FOR the purpose of extending the time period within which an honorably discharged
5 veteran must present certain evidence in order to qualify for a certain tuition
6 rate; establishing that certain individuals, ~~other than certain nonresident~~
7 ~~individuals~~, shall be exempt from paying ~~the nonresident tuition rate~~ certain
8 tuition rates at certain public institutions of higher education under certain
9 circumstances; requiring certain individuals to provide certain documentation
10 regarding certain Maryland income tax withholding ~~or filing at certain times~~;
11 requiring certain information collected as part of certain students' registration
12 to remain confidential; requiring community colleges and public senior higher
13 education institutions that admit certain students to keep a record of the
14 number of individuals paying resident tuition charges in accordance with this
15 Act and to report certain information to the Maryland Higher Education
16 Commission; requiring the Commission to submit a certain report to the
17 General Assembly each year; requiring the governing board of each public
18 institution of higher education to adopt certain policies; defining a certain term;
19 and generally relating to tuition ~~charges~~ rates for certain individuals attending
20 public institutions of higher education in the State.

21 BY repealing and reenacting, with amendments,
22 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Section 15–106.4(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section 15–106.8
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Education

15–106.4.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents the following documentation within [1 year] 4 YEARS after the veteran's discharge:

(i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and

(ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.

15-106.8.

(A) IN THIS SECTION, "INDIVIDUAL":

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).

~~(A) (B)~~ NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL, ~~OTHER THAN A STUDENT WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15),~~ SHALL BE EXEMPT FROM PAYING THE ~~NONRESIDENT OUT-OF-STATE~~ TUITION RATE AT A ~~PUBLIC INSTITUTION OF HIGHER EDUCATION REGARDLESS OF RESIDENCY~~ COMMUNITY COLLEGE IN THE STATE, IF THE INDIVIDUAL:

(1) ~~ATTENDED~~ BEGINNING WITH THE 2005-2006 SCHOOL YEAR, ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN ~~THIS~~ THE STATE FOR AT LEAST ~~2~~ 3 YEARS;

(2) ~~GRADUATED~~ BEGINNING WITH THE 2007-2008 SCHOOL YEAR, GRADUATED FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN ~~THIS~~ THE STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN ~~THIS~~ THE STATE;

(3) REGISTERS AS AN ENTERING STUDENT IN A ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~ COMMUNITY COLLEGE IN ~~THIS~~ THE STATE NOT EARLIER THAN THE 2011 FALL SEMESTER;

(4) PROVIDES TO THE ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~ COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) ~~WHILE~~ ANNUALLY FOR THE 3 YEARS WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

1 (III) ~~DURING~~ ANNUALLY DURING THE PERIOD OF
2 ATTENDANCE AT THE COMMUNITY COLLEGE ~~DURING THE YEAR PRIOR TO THE~~
3 ~~INDIVIDUAL GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL~~
4 ~~IN THIS STATE;~~

5 (5) IN THE CASE OF AN INDIVIDUAL WHO IS NOT A PERMANENT
6 RESIDENT, PROVIDES TO THE ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~
7 COMMUNITY COLLEGE AN AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE
8 AN APPLICATION TO BECOME A PERMANENT RESIDENT WITHIN 30 DAYS AFTER
9 THE INDIVIDUAL BECOMES ELIGIBLE TO DO SO; AND

10 (6) ~~MAKES OR HAS MADE AN APPLICATION TO ATTEND A PUBLIC~~
11 ~~INSTITUTION OF HIGHER EDUCATION~~ REGISTERS IN A COMMUNITY COLLEGE IN
12 THIS THE STATE NOT LATER THAN 3 4 YEARS AFTER GRADUATING FROM A
13 PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS THE STATE OR RECEIVING
14 THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS THE STATE.

15 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
16 INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE NONRESIDENT TUITION RATE
17 AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:

18 (1) ATTENDED A COMMUNITY COLLEGE UNDER THE
19 REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION;

20 (2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60
21 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

22 (3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION
23 INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5)
24 OF THIS SECTION;

25 (4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION
26 INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S
27 PARENT OR LEGAL GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR
28 HAS FILED A MARYLAND INCOME TAX RETURN;

29 (I) ~~WHILE~~ ANNUALLY WHILE THE INDIVIDUAL ATTENDED A
30 COMMUNITY COLLEGE IN THE STATE;

31 (II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN
32 GRADUATION FROM A COMMUNITY COLLEGE IN THE STATE AND REGISTRATION
33 AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

34 (III) ~~DURING~~ ANNUALLY DURING THE PERIOD OF
35 ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

1 (5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION
2 INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING
3 FROM A COMMUNITY COLLEGE IN THE STATE.

4 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN
5 INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE OUT-OF-COUNTY TUITION
6 RATE AT A COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL:

7 (1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS
8 SECTION; AND

9 (2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE
10 COUNTY IN WHICH:

11 (I) THE SECONDARY SCHOOL FROM WHICH THE
12 INDIVIDUAL GRADUATED IS LOCATED; OR

13 (II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE
14 EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY
15 SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

16 (E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A
17 STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.

18 ~~(B)~~ (F) (1) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER
19 EDUCATION INSTITUTION THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR
20 RESIDENT TUITION CHARGES UNDER THIS SECTION SHALL:

21 (I) KEEP A RECORD OF THE NUMBER OF INDIVIDUALS WHO
22 PAY RESIDENT TUITION CHARGES IN ACCORDANCE WITH THE REQUIREMENTS
23 UNDER SUBSECTION (B) OR (C) OF THIS SECTION; AND

24 (II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF
25 THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

26 (2) THE COMMISSION SHALL SUBMIT TO THE GENERAL
27 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
28 ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE
29 REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION.

1 **(G) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER**
2 **EDUCATION SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE**
3 **PROVISIONS OF THIS SECTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.