

# HOUSE BILL 1536

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CF SB 546

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By: **Delegates Hixson, Ali, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Carr, Chang, Clippinger, Conaway, Cullison, Davis, Ebersole, Fennell, Fraser–Hidalgo, Frush, Gaines, Gibson, Gilchrist, Gutierrez, Hayes, Haynes, Healey, Hettleman, Hill, Holmes, C. Howard, Jackson, Jameson, Kelly, Knotts, Korman, Lam, J. Lewis, R. Lewis, Lierman, Lisanti, Luedtke, McIntosh, Moon, Morales, Mosby, Patterson, Pena–Melnik, Platt, Proctor, Queen, Reznik, Robinson, Rosenberg, Sanchez, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino–Smith, Waldstreicher, A. Washington, M. Washington, Wilkins, K. Young, and P. Young**

Introduced and read first time: February 9, 2018

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Tuition Rates – Exemptions**

3 FOR the purpose of altering the circumstances under which certain individuals are exempt  
4 from paying the out–of–state tuition rate at certain institutions of higher education;  
5 altering the circumstances under which certain individuals are eligible to pay a  
6 certain tuition rate at certain institutions of higher education; requiring certain  
7 individuals to remain eligible to pay certain tuition rates until the individual is  
8 awarded a certain degree under certain circumstances; making certain stylistic  
9 changes; and generally relating to tuition rates at public institutions of higher  
10 education.

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 15–106.8  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2017 Supplement)

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

18 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-106.8.

2 (a) In this section, "individual":

3 (1) Includes an undocumented immigrant individual; and

4 (2) Does not include a nonimmigrant alien within the meaning of 8 U.S.C.  
5 § 1101(a)(15).

6 (b) Notwithstanding any other provision of this article, an individual shall be  
7 exempt from paying the out-of-state tuition rate at [a community college] **A PUBLIC**  
8 **INSTITUTION OF HIGHER EDUCATION** in the State, **AND SHALL BE ELIGIBLE FOR THE**  
9 **TUITION RATES DESCRIBED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION**, if  
10 the individual:

11 (1) [Beginning with the 2005-2006 school year, attended] **ATTENDED** a  
12 public or nonpublic secondary school in the State for at least 3 years;

13 (2) [Beginning with the 2007-2008 school year, graduated] **GRADUATED**  
14 from a public or nonpublic secondary school in the State or received the equivalent of a high  
15 school diploma in the State;

16 (3) Registers as an entering student in [a community college] **A PUBLIC**  
17 **INSTITUTION OF HIGHER EDUCATION** in the State [not earlier than the 2011 fall  
18 semester] **NOT LATER THAN 6 YEARS AFTER GRADUATING FROM A PUBLIC OR**  
19 **NONPUBLIC SECONDARY SCHOOL IN THE STATE OR RECEIVING THE EQUIVALENT OF**  
20 **A HIGH SCHOOL DIPLOMA IN THE STATE;**

21 (4) [Provides to the community college documentation that the individual  
22 or the individual's parent or legal guardian has filed a Maryland income tax return:

23 (i) Annually for the 3 years while the individual attended a public  
24 or nonpublic secondary school in the State in accordance with item (1) of this subsection;

25 (ii) Annually during the period, if any, between graduation from a  
26 public or nonpublic secondary school in the State and registration at a community college  
27 in the State; and

28 (iii) Annually during the period of attendance at the community  
29 college;

30 (5) In the case of an individual who is not a permanent resident, provides  
31 to the [community college] **PUBLIC INSTITUTION OF HIGHER EDUCATION** an affidavit  
32 stating that the individual will file an application to become a permanent resident within  
33 30 days after the individual becomes eligible to do so; **AND**

1            ~~[(6)] (5)~~        In the case of an individual who is required to register with the  
2 Selective Service System, provides to the ~~[community college]~~ **PUBLIC INSTITUTION OF**  
3 **HIGHER EDUCATION** documentation that the individual has complied with the  
4 registration requirement~~]; and]~~.

5            ~~[(7)~~        Registers in a community college in the State not later than 4 years  
6 after graduating from a public or nonpublic secondary school in the State or receiving the  
7 equivalent of a high school diploma in the State.]

8            (c)        Notwithstanding any other provision of this article and subject to subsection  
9 ~~[(h)] (I)~~ of this section, an individual shall be eligible to pay a rate that is equivalent to the  
10 resident tuition rate at a public senior higher education institution, if the individual **MEETS**  
11 **THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION**[:

12            (1)        Attended a community college not earlier than the 2010 fall semester  
13 and met the requirements of subsection (b) of this section, except for the requirement set  
14 forth in subsection (b)(3) of this section;

15            (2)        Was awarded an associate's degree by or achieved 60 credits at a  
16 community college in the State;

17            (3)        Provides the public senior higher education institution a copy of the  
18 affidavit submitted under subsection (b)(5) of this section;

19            (4)        Provides to the public senior higher education institution  
20 documentation that the individual or the individual's parent or legal guardian has filed a  
21 Maryland income tax return:

22            (i)        Annually while the individual attended a community college in  
23 the State;

24            (ii)       Annually during the period, if any, between graduation from or  
25 achieving 60 credits at a community college in the State and registration at a public senior  
26 higher education institution in the State; and

27            (iii)      Annually during the period of attendance at the public senior  
28 higher education institution; and

29            (5)        Registers at a public senior higher education institution in the State  
30 not later than 4 years after graduating from or achieving 60 credits at a community college  
31 in the State].

32            (d)        Notwithstanding any other provision of this article, an individual shall be  
33 eligible to pay a rate that is equivalent to the in-county tuition rate at a community college  
34 in the State if the individual:

1 (1) Meets the requirements of subsection (b) of this section; and

2 (2) Attends a community college supported by the county in which:

3 (i) **AN ADDRESS IN THE COUNTY IS USED ON THE MARYLAND**  
4 **INCOME TAX RETURN OF THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR**  
5 **GUARDIAN OF THE CALENDAR YEAR PRIOR TO THE ACADEMIC YEAR IN WHICH THE**  
6 **RATE WOULD APPLY;**

7 (II) The secondary school from which the individual graduated is  
8 located; or

9 [(ii)] (III) In the case of an individual who received the equivalent of  
10 a high school diploma in the State, the secondary school most recently attended by the  
11 individual is located.

12 (E) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN**  
13 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION**  
14 **BETWEEN JUNE 5, 2012, AND MARCH 5, 2018, SHALL CONTINUE TO BE ELIGIBLE**  
15 **FOR THE TUITION RATES DESCRIBED UNDER SUBSECTIONS (C) AND (D) OF THIS**  
16 **SECTION UNTIL THE INDIVIDUAL IS AWARDED A DEGREE FROM A PUBLIC**  
17 **INSTITUTION OF HIGHER EDUCATION IN THE STATE IF:**

18 (1) **AN ADDRESS IN THE STATE WAS USED ON THE MARYLAND**  
19 **INCOME TAX RETURN OF THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR**  
20 **GUARDIAN FOR EACH YEAR THAT THE INDIVIDUAL ATTENDED THE PUBLIC**  
21 **INSTITUTION OF HIGHER EDUCATION; AND**

22 (2) **AN ADDRESS IN THE STATE CONTINUES TO BE USED ON THE**  
23 **MARYLAND INCOME TAX RETURN OF THE INDIVIDUAL OR THE INDIVIDUAL'S**  
24 **PARENT OR GUARDIAN ANNUALLY UNTIL THE INDIVIDUAL IS AWARDED A DEGREE**  
25 **FROM THE PUBLIC INSTITUTION OF HIGHER EDUCATION.**

26 [(e)] (F) Information collected under this section as part of a student's  
27 registration shall remain confidential.

28 [(f)] (G) (1) [A community college or public senior higher education  
29 institution] **A PUBLIC INSTITUTION OF HIGHER EDUCATION** that admits an individual  
30 who qualifies for the tuition rate under this section shall:

31 (i) Keep a record of the number of individuals who pay the tuition  
32 rate in accordance with the requirements under [subsection (b), (c), or (d)] **SUBSECTIONS**  
33 **(C) AND (D)** of this section; and

1                   (ii) Report the information required in item (i) of this paragraph to  
2 the Commission each year.

3                   (2) The Commission shall submit to the General Assembly, in accordance  
4 with § 2–1246 of the State Government Article, an annual report consisting of a compilation  
5 of the reports submitted to the Commission under paragraph (1) of this subsection.

6           **[(g)] (H)** The governing board of each public institution of higher education shall  
7 adopt appropriate policies to implement the provisions of this section.

8           **[(h)] (I)** The students that are receiving the tuition rate **DESCRIBED** in  
9 subsection (c) of this section may not be counted as in-State students for the purposes of  
10 determining the number of Maryland undergraduate students enrolled at a public senior  
11 higher education institution.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2018.