

# HOUSE BILL 1536

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CF SB 546

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By: Delegates Hixson, Sanchez, 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-Melnyk, 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~~ P. Young, Kaiser, A. Miller, and Sample-Hughes

Introduced and read first time: February 9, 2018

Assigned to: Appropriations

Reassigned: Ways and Means, February 12, 2018

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

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## CHAPTER \_\_\_\_\_

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~~ retain a certain tuition  
8 status until the individual is awarded a certain degree under certain circumstances;  
9 making certain stylistic changes; and generally relating to tuition rates at public  
10 institutions of higher education.

11 BY repealing and reenacting, with amendments,

12 Article – Education

13 Section 15–106.8

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### 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.



1 Annotated Code of Maryland  
2 (2014 Replacement Volume and 2017 Supplement)

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

5 **Article – Education**

6 15–106.8.

7 (a) In this section, “individual”:

8 (1) Includes an undocumented immigrant individual; and

9 (2) Does not include a nonimmigrant alien within the meaning of 8 U.S.C.  
10 § 1101(a)(15).

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

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

18 (2) [Beginning with the 2007–2008 school year, graduated] **GRADUATED**  
19 from a public or nonpublic secondary school in the State or received the equivalent of a high  
20 school diploma in the State;

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

26 (4) ~~Provides to the community college~~ **PUBLIC INSTITUTION OF HIGHER**  
27 **EDUCATION** documentation that the individual or the individual’s parent or legal guardian  
28 has filed a Maryland income tax return~~;~~

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

31 ~~(ii) Annually during the period, if any, between graduation from a~~  
32 ~~public or nonpublic secondary school in the State and registration at a community college~~  
33 ~~in the State; and~~

1                   ~~(iii) Annually during the period of attendance at the community~~  
2 ~~college~~ **ANNUALLY FOR THE 3-YEAR PERIOD BEFORE THE ACADEMIC YEAR IN WHICH**  
3 **THE TUITION RATE EXEMPTION WOULD APPLY;**

4                   (5) In the case of an individual who is not a permanent resident, provides  
5 to the [community college] **PUBLIC INSTITUTION OF HIGHER EDUCATION** an affidavit  
6 stating that the individual will file an application to become a permanent resident within  
7 30 days after the individual becomes eligible to do so; **AND**

8                   ~~[(6)] (5)~~ In the case of an individual who is required to register with the  
9 Selective Service System, provides to the [community college] **PUBLIC INSTITUTION OF**  
10 **HIGHER EDUCATION** documentation that the individual has complied with the  
11 registration requirement[; and].

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

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

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

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

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

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

29                   (i) Annually while the individual attended a community college in  
30 the State;

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

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

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

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

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

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

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

15 (ii) **(II)** The secondary school from which the individual graduated is  
16 located; or

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

20 ~~(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN~~  
21 ~~INDIVIDUAL WHO MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION~~  
22 ~~BETWEEN JUNE 5, 2012, AND MARCH 5, 2018, SHALL CONTINUE TO BE ELIGIBLE~~  
23 ~~FOR THE TUITION RATES DESCRIBED UNDER SUBSECTIONS (C) AND (D) OF THIS~~  
24 ~~SECTION UNTIL THE INDIVIDUAL IS AWARDED A DEGREE FROM A PUBLIC~~  
25 ~~INSTITUTION OF HIGHER EDUCATION IN THE STATE IF:~~

26 ~~(1) AN ADDRESS IN THE STATE WAS USED ON THE MARYLAND~~  
27 ~~INCOME TAX RETURN OF THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR~~  
28 ~~GUARDIAN FOR EACH YEAR THAT THE INDIVIDUAL ATTENDED THE PUBLIC~~  
29 ~~INSTITUTION OF HIGHER EDUCATION; AND~~

30 ~~(2) AN ADDRESS IN THE STATE CONTINUES TO BE USED ON THE~~  
31 ~~MARYLAND INCOME TAX RETURN OF THE INDIVIDUAL OR THE INDIVIDUAL'S~~  
32 ~~PARENT OR GUARDIAN ANNUALLY UNTIL THE INDIVIDUAL IS AWARDED A DEGREE~~  
33 ~~FROM THE PUBLIC INSTITUTION OF HIGHER EDUCATION.~~

1           **(E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN**  
2 **INDIVIDUAL SHALL RETAIN THE INDIVIDUAL'S TUITION STATUS AT A PUBLIC**  
3 **INSTITUTION OF HIGHER EDUCATION IN THE STATE IF THE INDIVIDUAL:**

4                           **(I) MEETS THE REQUIREMENTS OF PARAGRAPH (2) OF THIS**  
5 **SUBSECTION; AND**

6                           **(II) ON OR AFTER JUNE 15, 2012, WAS EXEMPT FROM PAYING**  
7 **THE OUT-OF-STATE OR OUT-OF-COUNTY TUITION RATE AT A PUBLIC INSTITUTION**  
8 **OF HIGHER EDUCATION.**

9                           **(2) TO RETAIN TUITION STATUS UNDER THIS SUBSECTION, AN**  
10 **INDIVIDUAL SHALL USE AN ADDRESS IN THE STATE ON THE MARYLAND INCOME TAX**  
11 **RETURN OF THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR GUARDIAN**  
12 **ANNUALLY UNTIL THE INDIVIDUAL IS AWARDED A DEGREE FROM THE PUBLIC**  
13 **INSTITUTION OF HIGHER EDUCATION.**

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

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

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

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

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

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

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

33           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
34 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.