

SENATE BILL 537

F2
SB 546/18 – EHE

9lr1813
CF HB 262

By: **Senators Lam, Augustine, Beidle, Benson, Carter, Ellis, Feldman, Ferguson, Griffith, Guzzone, Hayes, Kagan, Kelley, King, Kramer, Lee, McCray, Nathan–Pulliam, Patterson, Peters, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, Young, and Zucker**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 11, 2019

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

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 15–106.8
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2018 Supplement)

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

17 **Article – Education**

18 15–106.8.

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 (a) In this section, “individual”:

2 (1) Includes an undocumented immigrant individual; and

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

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

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

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

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

20 (4) Provides to the [community college] **PUBLIC INSTITUTION OF**
21 **HIGHER EDUCATION** documentation that the individual or the individual’s parent or legal
22 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] **ANNUALLY FOR THE 3–YEAR PERIOD BEFORE THE ACADEMIC YEAR IN WHICH**
30 **THE TUITION RATE EXEMPTION WOULD APPLY**;

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

1 30 days after the individual becomes eligible to do so; **AND**

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

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

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

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] **MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.**

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 LEGAL**
5 **GUARDIAN OF THE CALENDAR YEAR PRIOR TO THE ACADEMIC YEAR IN WHICH THE**
6 **RATE WOULD APPLY;**

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

15 **(I) MEETS THE REQUIREMENTS OF PARAGRAPH (2) OF THIS**
16 **SUBSECTION; AND**

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

20 **(2) TO RETAIN TUITION STATUS UNDER THIS SUBSECTION, AN**
21 **INDIVIDUAL SHALL USE AN ADDRESS IN THE STATE ON THE MARYLAND INCOME TAX**
22 **RETURN OF THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN**
23 **ANNUALLY UNTIL THE INDIVIDUAL IS AWARDED A DEGREE FROM THE PUBLIC**
24 **INSTITUTION OF HIGHER EDUCATION.**

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

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

30 (i) Keep a record of the number of individuals who pay the tuition
31 rate in accordance with the requirements under [subsection (b), (c), or (d)] **SUBSECTIONS**
32 **(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, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.