

Chapter 7

(House Bill 262 of the 2019 Regular Session)

AN ACT concerning

Higher Education – Tuition Rates – Exemptions

FOR the purpose of altering the circumstances under which certain individuals are exempt from paying the out-of-state tuition rate at certain institutions of higher education; altering the circumstances under which certain individuals are eligible to pay a certain tuition rate at certain institutions of higher education; requiring certain individuals to retain a certain tuition status until the individual is awarded a certain degree under certain circumstances; making certain stylistic changes; and generally relating to tuition rates at public institutions of higher education.

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

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

Article – Education

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).

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

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

(2) [Beginning with the 2007–2008 school year, graduated] **GRADUATED**

from a public or nonpublic secondary school in the State or received the equivalent of a high school diploma in the State;

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

(4) Provides to the [community college] **PUBLIC INSTITUTION OF HIGHER EDUCATION** documentation that the individual or the individual's parent or legal guardian has filed a Maryland income tax return[:

(i) 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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Registers at a public senior higher education institution in the State not later than 4 years after graduating from or achieving 60 credits at a community college in the State] **MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.**

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

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

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

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

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

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

(E) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN

INDIVIDUAL SHALL RETAIN THE INDIVIDUAL'S TUITION STATUS AT A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE IF THE INDIVIDUAL:

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

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

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

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Gubernatorial Veto Override, January 30, 2020.