

HOUSE BILL 655

F2
SB 15/08 – EHE

11r0923

By: **Delegates McDonough, Dwyer, Impallaria, Kach, Kipke, and Krebs**
Introduced and read first time: February 9, 2011
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Citizen’s Tuition Protection Act**

3 FOR the purpose of altering certain powers and duties of the presidents and certain
4 governing bodies of certain public institutions of higher education relating to
5 the setting of tuition; prohibiting certain public institutions of higher education
6 from charging an undergraduate student who is a citizen of the United States a
7 tuition rate that is higher than the tuition rate charged an undergraduate
8 student who is not a citizen of the United States; requiring the governing body
9 of certain institutions of higher education to adopt certain policies; defining
10 certain terms; providing for the application of this Act; and generally relating to
11 tuition charged by a public institution of higher education.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 12–109(e)(7), 14–104(j)(1), 14–404(e)(1)(v), 16–103(j), and 16–505(g)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2010 Supplement)

17 BY adding to
18 Article – Education
19 Section 15–113
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2010 Supplement)

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

24 **Article – Education**

25 12–109.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (e) Subject to the authority and applicable regulations and policies of the
2 Board of Regents, each president shall:

3 (7) **[Set] EXCEPT AS PROVIDED IN § 15–113 OF THIS ARTICLE, SET**
4 tuition and fees;

5 14–104.

6 (j) The Board of Regents shall:

7 (1) **[Fix] EXCEPT AS PROVIDED IN § 15–113 OF THIS ARTICLE, FIX**
8 tuition and other fees paid by resident and nonresident students;

9 14–404.

10 (e) (1) The President shall develop an overall plan that is consistent with
11 the statewide plan for higher education and the Charter that:

12 (v) **[Ensures] EXCEPT AS PROVIDED IN § 15–113 OF THIS**
13 **ARTICLE, ENSURES** that access to the College by State residents is not diminished
14 because of increases in tuition and other fees occasioned by the College's designation
15 as a public honors college;

16 **15–113.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
18 **MEANINGS INDICATED.**

19 **(2) “GOVERNING BODY” MEANS A GOVERNING BOARD AS**
20 **DEFINED IN § 10–101 OF THIS ARTICLE AND A BOARD OF TRUSTEES OF A**
21 **COMMUNITY COLLEGE.**

22 **(3) “PUBLIC INSTITUTION OF HIGHER EDUCATION” MEANS:**

23 **(i) THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY**
24 **SYSTEM OF MARYLAND;**

25 **(ii) MORGAN STATE UNIVERSITY;**

26 **(iii) ST. MARY’S COLLEGE OF MARYLAND;**

27 **(iv) BALTIMORE CITY COMMUNITY COLLEGE; AND**

28 **(v) OTHER COMMUNITY COLLEGES LOCATED IN THE**
29 **STATE.**

1 **(4) (I) “TUITION” MEANS THE CHARGES APPROVED BY THE**
2 **GOVERNING BODY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT ARE**
3 **REQUIRED OF ALL UNDERGRADUATE STUDENTS BY AN INSTITUTION AS A**
4 **CONDITION OF ENROLLMENT.**

5 **(II) “TUITION” DOES NOT INCLUDE:**

6 **1. FEES THAT ARE REQUIRED OF ALL**
7 **UNDERGRADUATE STUDENTS BY THE INSTITUTION AS A CONDITION OF**
8 **ENROLLMENT REGARDLESS OF THE STUDENT’S DEGREE PROGRAM, FIELD OF**
9 **STUDY, OR SELECTED COURSES;**

10 **2. FEES DEDICATED TO SUPPORT AUXILIARY**
11 **ENTERPRISES AND OTHER SELF-FUNDED ACTIVITIES OF A CONSTITUENT**
12 **INSTITUTION; OR**

13 **3. FEES REQUIRED ONLY FOR ENROLLMENT IN A**
14 **SPECIFIC DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THOSE FEES**
15 **ARE NOT REQUIRED OF UNDERGRADUATE STUDENTS AT THE INSTITUTION FOR**
16 **ENROLLMENT IN OTHER DEGREE PROGRAMS, FIELDS OF STUDY, OR COURSES.**

17 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PUBLIC**
18 **INSTITUTION OF HIGHER EDUCATION MAY NOT CHARGE AN UNDERGRADUATE**
19 **STUDENT WHO IS A CITIZEN OF THE UNITED STATES A TUITION RATE THAT IS**
20 **HIGHER THAN THE TUITION RATE THAT IS CHARGED AN UNDERGRADUATE**
21 **STUDENT WHO IS NOT A CITIZEN OF THE UNITED STATES.**

22 **(C) THE GOVERNING BODY OF A PUBLIC INSTITUTION OF HIGHER**
23 **EDUCATION SHALL ADOPT POLICIES TO IMPLEMENT THE PROVISIONS OF THIS**
24 **SECTION.**

25 16-103.

26 **(j) [Each] EXCEPT AS PROVIDED IN § 15-113 OF THIS ARTICLE, EACH**
27 **board of trustees may charge students reasonable tuition and fees set by it with a view**
28 **to making college education available to all qualified individuals at low cost.**

29 16-505.

30 **(g) (1) [The] EXCEPT AS PROVIDED IN § 15-113 OF THIS ARTICLE,**
31 **THE Board of Trustees shall fix the tuition and fees to be paid by students and shall do**
32 **so with a view to making college education available at low cost.**

1 (2) (i) Except as otherwise provided in paragraph (4) of this
2 subsection **AND EXCEPT AS PROVIDED IN § 15-113 OF THIS ARTICLE**, the Board of
3 Trustees shall assess each student who is not a resident of this State, in addition to
4 the student tuition and fees paid by residents, an out-of-state fee at least equal to 60
5 percent of the amount of State support for the College per full-time equivalent
6 student.

7 (ii) The Board of Trustees may waive the out-of-state fee as
8 determined in subparagraph (i) of this paragraph for a student who is employed by a
9 business located in the City of Baltimore.

10 (iii) Any student attending the College who receives a tuition
11 waiver as provided by subparagraph (ii) of this paragraph shall not be included as an
12 in-State resident for computation of State aid to the College in accordance with §
13 16-512 of this subtitle.

14 (iv) The Board of Trustees may waive the out-of-state fee as
15 determined in subparagraph (i) of this paragraph for a student who resides in the
16 State but does not meet the in-State residency requirement for tuition purposes and
17 has moved to the State as an employee or a family member of an employee as part of
18 the Base Realignment and Closure process as announced by the United States
19 Department of Defense.

20 (v) Any student attending the College who receives a tuition
21 waiver under subparagraph (iv) of this paragraph shall be included as an in-State
22 resident for computation of State aid to the College in accordance with § 16-512 of this
23 subtitle.

24 (3) For purposes of this subsection, the number of full-time equivalent
25 students is the quotient of the number of student credit hours produced in the fiscal
26 year divided by 30.

27 (4) **[A] EXCEPT AS PROVIDED IN § 15-113 OF THIS ARTICLE**, A
28 student who is not a resident of the State shall be considered a resident for purposes of
29 assessing tuition and fees to the extent that such student would be eligible for
30 in-county status under the provisions of § 16-310(a)(3) or (f) of this title.

31 (5) **[The] EXCEPT AS PROVIDED IN § 15-113 OF THIS ARTICLE**,
32 **THE** Board of Trustees shall set tuition and fees for students who are residents of
33 counties in this State other than Baltimore City at the same rate as the tuition and
34 fees charged to students who reside in Baltimore City.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
36 the 2011-2012 academic year and each academic year thereafter.

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 July 1, 2011.