SENATE BILL 167

By: Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey

Introduced and read first time: January 24, 2011
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 9, 2011

CHAPTER ______

AN ACT concerning

Higher Education—Tuition Charges—Maryland High School Students
Public Institutions of Higher Education—Tuition Rates—Exemptions

FOR the purpose of extending the time period within which an honorably discharged veteran must present certain evidence in order to qualify for a certain tuition rate; establishing that certain individuals, other than certain nonresident individuals, shall be exempt from paying the nonresident tuition rate certain tuition rates at certain public institutions of higher education under certain circumstances; requiring certain individuals to provide certain documentation regarding certain Maryland income tax withholding or filing at certain times; requiring certain information collected as part of certain students’ registration to remain confidential; requiring community colleges and public senior higher education institutions that admit certain students to keep a record of the number of individuals paying resident tuition charges in accordance with this Act and to report certain information to the Maryland Higher Education Commission; requiring the Commission to submit a certain report to the General Assembly each year; requiring the governing board of each public institution of higher education to adopt certain policies; defining a certain term; and generally relating to tuition charges rates for certain individuals attending public institutions of higher education in the State.

BY repealing and reenacting, with amendments,

Article – Education

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.
BY adding to
Article – Education
Section 15–106.8
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Education

15–106.4.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents the following documentation within [1 year] 4 YEARS after the veteran’s discharge:

(i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and

(ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or
(ii) Be a member of the Air Force Critical Specialty Code as
determined by the National Guard.

15–106.8.

(A) IN THIS SECTION, “INDIVIDUAL”:

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE

(A) (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
AN INDIVIDUAL, OTHER THAN A STUDENT WITHIN THE MEANING OF 8 U.S.C. §
1101(a)(15), SHALL BE EXEMPT FROM PAYING THE NONRESIDENT
OUT-OF-STATE TUITION RATE AT A PUBLIC INSTITUTION OF HIGHER
EDUCATION REGARDLESS OF RESIDENCY COMMUNITY COLLEGE IN THE STATE,
IF THE INDIVIDUAL:

(1) ATTENDED BEGINNING WITH THE 2005–2006 SCHOOL YEAR,
ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS THE STATE
FOR AT LEAST 2 3 YEARS;

(2) GRADUATED BEGINNING WITH THE 2007–2008 SCHOOL YEAR,
GRADUATED FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS THE
STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS
THE STATE;

(3) REGISTERS AS AN ENTERING STUDENT IN A PUBLIC
INSTITUTION OF HIGHER EDUCATION COMMUNITY COLLEGE IN THIS THE STATE
NOT EARLIER THAN THE 2011 FALL SEMESTER;

(4) PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER
EDUCATION COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL OR
THE INDIVIDUAL’S PARENT OR LEGAL GUARDIAN HAS HAD MARYLAND INCOME
TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) WHILE 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) DURING ANNUALLY DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE DURING THE YEAR PRIOR TO THE INDIVIDUAL GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS STATE;

(5) IN THE CASE OF AN INDIVIDUAL WHO IS NOT A PERMANENT RESIDENT, PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER EDUCATION COMMUNITY COLLEGE AN AFFIDAVIT STATEING 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) MAKES OR HAS MADE AN APPLICATION TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION Registers in a community college in this the State not later than 3 4 years after graduating from a public or nonpublic secondary school in this the State or receiving the equivalent of a high school diploma in this the State.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE NONRESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:

(1) ATTENDED A COMMUNITY COLLEGE UNDER THE REQUIREMENTS OF SUBSECTION (B) 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 HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) WHILE ANNUALLY WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A COMMUNITY COLLEGE IN THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

(III) DURING 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 a community college in the State.

(D) Notwithstanding any other provision of this article, an individual shall be exempt from paying the out-of-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) The secondary school from which the individual graduated is located; or

(II) 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) Information collected under this section as part of a student’s registration shall remain confidential.

(F) (1) A community college or public senior higher education institution that admits an individual who qualifies for resident tuition charges under this section shall:

(I) Keep a record of the number of individuals who pay resident tuition charges in accordance with the requirements under subsection (b) or (c) 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) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.