

# HOUSE BILL 1508

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CF SB 1000

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By: Delegates Hixson, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Carr, Chang, Cullison, Ebersole, Fennell, Fraser-Hidalgo, Gaines, Gilchrist, Glenn, Gutierrez, Healey, Hettleman, Hill, C. Howard, Jackson, Kelly, Korman, Kramer, Krimm, Lafferty, Lam, Lewis, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morales, Morhaim, Mosby, Patterson, Pena-Melnyk, Platt, Proctor, Queen, Reznik, Robinson, Rosenberg, Sanchez, Tarlau, Turner, Valderrama, Valentino-Smith, Waldstreicher, A. Washington, M. Washington, Wilkins, K. Young, and P. Young

Introduced and read first time: February 10, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

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 community colleges; altering the  
5 circumstances under which certain individuals are eligible to pay a certain tuition  
6 rate at certain institutions of higher education; authorizing certain individuals to  
7 remain eligible to pay certain tuition rates until the individual is awarded a certain  
8 degree; and generally relating to tuition rates at community colleges and public  
9 senior higher education institutions.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 15–106.8  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2016 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.

19 (a) In this section, “individual”:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Includes an undocumented immigrant individual; and

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

4 (b) Notwithstanding any other provision of this article, an individual shall be  
5 exempt from paying the out-of-state tuition rate at a community college in the State, if the  
6 individual:

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

9 (2) Beginning with the 2007–2008 school year, graduated from a public or  
10 nonpublic secondary school in the State or received the equivalent of a high school diploma  
11 in the State;

12 (3) Registers as an entering student in a community college in the State  
13 not earlier than the 2011 fall semester;

14 (4) Provides to the community college documentation that the individual  
15 or the individual's parent or legal guardian has filed a Maryland income tax return[:

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

18 (ii) Annually during the period, if any, between graduation from a  
19 public or nonpublic secondary school in the State and registration at a community college  
20 in the State; and

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

24 (5) In the case of an individual who is not a permanent resident, provides  
25 to the community college an affidavit stating that the individual will file an application to  
26 become a permanent resident within 30 days after the individual becomes eligible to do so;

27 (6) In the case of an individual who is required to register with the  
28 Selective Service System, provides to the community college documentation that the  
29 individual has complied with the registration requirement; and

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

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

4 (1) [Attended a community college not earlier than the 2010 fall semester  
5 and met] **MEETS** the requirements of subsection [(b)] **(B)(1) AND (2)** of this section[,  
6 except for the requirement set forth in subsection (b)(3) of this section]; **AND**

7 [(2) Was awarded an associate's degree by or achieved 60 credits at a  
8 community college in the State;]

9 **(2) PROVIDES TO THE INSTITUTION THE DOCUMENTATION REQUIRED**  
10 **UNDER SUBSECTION (B)(4) THROUGH (6) OF THIS SECTION.**

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

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

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

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

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

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

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

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

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

31 (i) **AN ADDRESS IN THE COUNTY IS USED ON THE MARYLAND**  
32 **INCOME TAX RETURN OF THE STUDENT OR THE STUDENT'S PARENT OR GUARDIAN**

1 **OF THE CALENDAR YEAR PRIOR TO THE ACADEMIC YEAR IN WHICH THE RATE WOULD**  
2 **APPLY;**

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

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

8 **(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN**  
9 **INDIVIDUAL WHO HAS BEEN GRANTED FEDERAL DEFERRED ACTION FOR**  
10 **CHILDHOOD ARRIVALS (DACA) STATUS SHALL REMAIN ELIGIBLE TO PAY A RATE**  
11 **THAT IS EQUIVALENT TO THE RESIDENT TUITION RATE UNTIL THE INDIVIDUAL IS**  
12 **AWARDED:**

13 **(1) AN ASSOCIATE'S DEGREE FROM A COMMUNITY COLLEGE IN THE**  
14 **STATE; OR**

15 **(2) A BACHELOR'S DEGREE FROM A PUBLIC SENIOR HIGHER**  
16 **EDUCATION INSTITUTION IN THE STATE.**

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

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

22 (i) Keep a record of the number of individuals who pay the tuition  
23 rate in accordance with the requirements under subsection (b), (c), or (d) of this section; and

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

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

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

31 **[(h)] (I)** The students that are receiving the tuition rate in subsection (c) of this  
32 section may not be counted as in-State students for the purposes of determining the

1 number of Maryland undergraduate students enrolled at a public senior higher education  
2 institution.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2017.