

# SENATE BILL 167

F2

(11r1084)

## ENROLLED BILL

— Education, Health, and Environmental Affairs/Ways and Means —

Introduced by **Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones-Rodwell, Kelley, King, Manno, Montgomery, Pinsky, Pugh, Raskin, and Robey**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Higher Education – Tuition Charges – Maryland High School Students~~  
3 **Public Institutions of Higher Education – Tuition Rates – Exemptions**

4 FOR the purpose of extending the time period within which an honorably discharged  
5 veteran must present certain evidence in order to qualify for a certain tuition  
6 rate; establishing that certain individuals, ~~other than certain nonresident~~  
7 individuals, shall be exempt from paying the nonresident tuition rate certain  
8 tuition rates and shall be eligible to pay certain tuition rates at certain public  
9 institutions of higher education under certain circumstances; requiring certain  
10 individuals to provide certain documentation regarding certain Maryland  
11 income tax ~~withholding or filing at certain times; requiring certain individuals,~~  
12 as a condition of being exempt from paying the out-of-state tuition rate, to  
13 provide to a community college certain documentation of registration with the

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Selective Service System; requiring certain information collected as part of  
 2 certain students' registration to remain confidential; requiring community  
 3 colleges and public senior higher education institutions that admit certain  
 4 students to keep a record of the number of individuals paying ~~resident tuition~~  
 5 ~~charges~~ tuition rates in accordance with this Act and to report certain  
 6 information to the Maryland Higher Education Commission; requiring the  
 7 Commission to submit a certain report to the General Assembly each year;  
 8 requiring the governing board of each public institution of higher education to  
 9 adopt certain policies; *providing that certain students may not be counted as*  
 10 *in-State students for certain purposes*; defining a certain term; and generally  
 11 relating to tuition ~~charges~~ rates for certain individuals attending public  
 12 institutions of higher education in the State.

13 BY repealing and reenacting, with amendments,  
 14 Article – Education  
 15 Section 15–106.4(b)  
 16 Annotated Code of Maryland  
 17 (2008 Replacement Volume and 2010 Supplement)

18 BY adding to  
 19 Article – Education  
 20 Section 15–106.8  
 21 Annotated Code of Maryland  
 22 (2008 Replacement Volume and 2010 Supplement)

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

25 **Article – Education**

26 15–106.4.

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

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

33 (i) Is stationed in this State;

34 (ii) Resides in this State; or

35 (iii) Is domiciled in this State;

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

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

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

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

11                   (i) Provide a Critical Military Occupational Skill; or

12                   (ii) Be a member of the Air Force Critical Specialty Code as  
13 determined by the National Guard.

14 **15-106.8.**

15           **(A) IN THIS SECTION, "INDIVIDUAL":**

16                   **(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND**

17                   **(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE**  
18 **MEANING OF 8 U.S.C. § 1101(A)(15).**

19           ~~(A) (B)~~ **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,**  
20 **AN INDIVIDUAL, OTHER THAN A STUDENT WITHIN THE MEANING OF 8 U.S.C. §**  
21 **1101(A)(15), SHALL BE EXEMPT FROM PAYING THE NONRESIDENT**  
22 **OUT-OF-STATE TUITION RATE AT A PUBLIC INSTITUTION OF HIGHER**  
23 **EDUCATION REGARDLESS OF RESIDENCY COMMUNITY COLLEGE IN THE STATE,**  
24 **IF THE INDIVIDUAL:**

25                   **(1) ATTENDED BEGINNING WITH THE 2005-2006 SCHOOL YEAR,**  
26 **ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS THE STATE**  
27 **FOR AT LEAST ~~2~~ 3 YEARS;**

28                   **(2) GRADUATED BEGINNING WITH THE 2007-2008 SCHOOL YEAR,**  
29 **GRADUATED FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS THE**  
30 **STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS**  
31 **THE STATE;**

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

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

8           (I) WHILE ANNUALLY FOR THE 3 YEARS WHILE THE  
 9 INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE  
 10 STATE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION;

11           (II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN  
 12 GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE  
 13 STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

14           (III) DURING ANNUALLY DURING THE PERIOD OF  
 15 ATTENDANCE AT THE COMMUNITY COLLEGE DURING THE YEAR PRIOR TO THE  
 16 INDIVIDUAL GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL  
 17 IN THIS STATE;

18           (5) IN THE CASE OF AN INDIVIDUAL WHO IS NOT A PERMANENT  
 19 RESIDENT, PROVIDES TO THE ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~  
 20 COMMUNITY COLLEGE AN AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE  
 21 AN APPLICATION TO BECOME A PERMANENT RESIDENT WITHIN 30 DAYS AFTER  
 22 THE INDIVIDUAL BECOMES ELIGIBLE TO DO SO; ~~AND~~

23           (6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO  
 24 REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE  
 25 COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED  
 26 WITH THE REGISTRATION REQUIREMENT; AND

27           ~~(6) (7) MAKES OR HAS MADE AN APPLICATION TO ATTEND A~~  
 28 ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~ REGISTERS IN A COMMUNITY  
 29 COLLEGE IN THIS THE STATE NOT LATER THAN ~~3~~ 4 YEARS AFTER GRADUATING  
 30 FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN ~~THIS THE~~ STATE OR  
 31 RECEIVING THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN ~~THIS THE~~ STATE.

32           (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND  
 33 SUBJECT TO SUBSECTION (H) OF THIS SECTION, AN INDIVIDUAL SHALL BE  
 34 EXEMPT FROM PAYING THE NONRESIDENT ELIGIBLE TO PAY A RATE THAT IS  
 35 EQUIVALENT TO THE RESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER  
 36 EDUCATION INSTITUTION, IF THE INDIVIDUAL:

1           (1) ATTENDED A COMMUNITY COLLEGE ~~UNDER~~ NOT EARLIER  
2 THAN THE 2010 FALL SEMESTER AND MET THE REQUIREMENTS OF SUBSECTION  
3 (B) OF THIS SECTION, EXCEPT FOR THE REQUIREMENT SET FORTH IN  
4 SUBSECTION (B)(3) OF THIS SECTION;

5           (2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60  
6 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

7           (3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION  
8 INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5)  
9 OF THIS SECTION;

10          (4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION  
11 INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S  
12 PARENT OR LEGAL GUARDIAN HAS ~~HAD MARYLAND INCOME TAX WITHHELD OR~~  
13 ~~HAS~~ FILED A MARYLAND INCOME TAX RETURN;

14           (i) ~~WHILE~~ ANNUALLY WHILE THE INDIVIDUAL ATTENDED A  
15 COMMUNITY COLLEGE IN THE STATE;

16           (ii) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN  
17 GRADUATION FROM ~~OR ACHIEVING 60 CREDITS AT A~~ COMMUNITY COLLEGE IN  
18 THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION  
19 INSTITUTION IN THE STATE; AND

20           (iii) ~~DURING~~ ANNUALLY DURING THE PERIOD OF  
21 ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

22          (5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION  
23 INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING  
24 FROM ~~OR ACHIEVING 60 CREDITS AT A~~ COMMUNITY COLLEGE IN THE STATE.

25          (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN  
26 INDIVIDUAL SHALL BE ~~EXEMPT FROM PAYING THE OUT-OF-COUNTY~~ ELIGIBLE  
27 TO PAY A RATE THAT IS EQUIVALENT TO THE IN-COUNTY TUITION RATE AT A  
28 COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL:

29           (1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS  
30 SECTION; AND

31           (2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE  
32 COUNTY IN WHICH:

1                   (I) THE SECONDARY SCHOOL FROM WHICH THE  
 2 INDIVIDUAL GRADUATED IS LOCATED; OR

3                   (II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE  
 4 EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY  
 5 SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

6                   (E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A  
 7 STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.

8                   ~~(B)~~ (F) (1) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER  
 9 EDUCATION INSTITUTION THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR  
 10 ~~RESIDENT TUITION CHARGES~~ THE TUITION RATE UNDER THIS SECTION SHALL:

11                   (I) KEEP A RECORD OF THE NUMBER OF INDIVIDUALS WHO  
 12 PAY ~~RESIDENT TUITION CHARGES~~ THE TUITION RATE IN ACCORDANCE WITH  
 13 THE REQUIREMENTS UNDER SUBSECTION (B) ~~OR (C)~~, (C), OR (D) OF THIS  
 14 SECTION; AND

15                   (II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF  
 16 THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

17                   (2) THE COMMISSION SHALL SUBMIT TO THE GENERAL  
 18 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
 19 ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE  
 20 REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS  
 21 SUBSECTION.

22                   (G) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER  
 23 EDUCATION SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE  
 24 PROVISIONS OF THIS SECTION.

25                   (H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN  
 26 SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN-STATE  
 27 STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND  
 28 UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER  
 29 EDUCATION INSTITUTION.

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