

**SENATE . . . . . No. 739**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Harriette L. Chandler***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure tuition equity for Massachusetts residents.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/25/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/30/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/4/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/8/2019</i>

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 739) of Harriette L. Chandler, Michael J. Moran, William N. Brownsberger, Marjorie C. Decker and other members of the General Court for legislation to ensure tuition equity for Massachusetts residents. Higher Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 668 OF 2017-2018.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act to ensure tuition equity for Massachusetts residents.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to ensure certain students continue to receive in state tuition, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 15A of the General Laws, as appearing in the 2016 Official  
2 Edition, is hereby amended by inserting after section 9B the following section:—

3 Section 9C(a) Notwithstanding any general or special law to the contrary, for the purpose  
4 of determining eligibility for in-state tuition rates and fees at state institutions of higher education  
5 in Massachusetts, any person admitted to such state institutions of higher education, other than a  
6 nonimmigrant alien within the meaning of paragraph 15 of subsection (a)(A) through (S) of 8  
7 U.S.C., section 1101 of the federal act, who has attended a high school in the commonwealth for

8 3 or more years and has graduated from a high school in the commonwealth or attained the  
9 equivalent thereof from an adult basic education program in the commonwealth, or is currently a  
10 student in a Massachusetts public higher education institution qualifying for in-state tuition under  
11 federal regulations, shall be eligible to pay in-state tuition rates and fees, at any state institution  
12 of higher education in the commonwealth. (b) Proof required of any such person demonstrating  
13 in-state tuition eligibility as determined by the Department of Higher Education may include, but  
14 not limited to,: (A) if eligible for the military selective service under the federal Military  
15 Selective Service Act, as amended by 50 U.S.C., App. 453, section 3, register for such; (B)  
16 provide the state institution of higher education in the commonwealth in which enrollment is  
17 sought with documentation of registration with the selective service, if applicable; (C) supply the  
18 state institution of higher education in which enrollment is sought with a valid social security  
19 number or a document reflecting issuance of an individual taxpayer identification number (ITIN)  
20 in lieu of a social security number; (D) file, in every year of enrollment, a Massachusetts income  
21 tax return pursuant to chapter 62 of the general laws; and (E) file at the time of enrollment, if that  
22 person is not a citizen of the United States or a legal permanent resident of the United States, an  
23 affidavit signed under the pains and penalties of perjury stating that the person has applied for  
24 citizenship or legal permanent residence or will apply for citizenship or legal permanent  
25 residence in accordance with federal statute and federal regulations within 120 days of eligibility  
26 for such status. (c) No person qualified for in-state tuition rates and fees under this chapter shall  
27 be denied in-state tuition and fees as a result of the granting of eligibility under this paragraph.  
28 (d) The Legislature finds that this is a state law within the meaning of 8 U.S.C. 1621(d).  
29 Provided further that the Department of Higher Education in collaboration with the public

30 institutions of higher education shall promulgate regulations to facilitate the in-state tuition  
31 eligibility process.

32 This act shall take effect upon passage.