

# HOUSE BILL 406

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1lr1567

(PRE-FILED)

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By: **Delegate P. Young**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Nonresident Tuition – Exemption for Spouses and**  
3 **Dependents of Honorably Discharged Veterans**

4 FOR the purpose of exempting a spouse or financially dependent child of an honorably  
5 discharged veteran of the United States armed forces from paying nonresident  
6 tuition at certain institutions of higher education in the State under certain  
7 circumstances; clarifying that the exemption for certain honorably discharged  
8 veterans of the United States armed forces from paying nonresident tuition at  
9 certain institutions applies to a veteran honorably discharged at any time; specifying  
10 that a certain spouse or financially dependent child who is exempt from paying  
11 nonresident tuition at certain institutions will continue to be exempt under certain  
12 circumstances; repealing a requirement that certain public institutions of higher  
13 education comply with certain federal law; defining a certain term; making  
14 conforming changes; and generally relating to nonresident tuition exemptions for  
15 spouses and financially dependent children of honorably discharged veterans at  
16 public institutions of higher education.

17 BY repealing and reenacting, with amendments,  
18 Article – Education  
19 Section 15–106.4  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume and 2020 Supplement)

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

24 **Article – Education**

25 15–106.4.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) IN THIS SECTION, “NONRESIDENT TUITION” MEANS OUT-OF-STATE AND**  
2 **OUT-OF-COUNTY TUITION.**

3           **[(a)] (B)** This section applies to the following individuals:

4                   (1) An active duty member of the United States armed forces;

5                   (2) The spouse of an active duty member of the United States armed forces;

6                   (3) A financially dependent child of an active duty member of the United  
7 States armed forces;

8                   (4) An honorably discharged veteran of the United States armed forces;

9 **[or]**

10                   **(5) THE SPOUSE OF AN HONORABLY DISCHARGED VETERAN OF THE**  
11 **UNITED STATES ARMED FORCES WHO USES GI BENEFITS OF THE VETERAN;**

12                   **(6) A FINANCIALLY DEPENDENT CHILD OF AN HONORABLY**  
13 **DISCHARGED VETERAN OF THE UNITED STATES ARMED FORCES WHO USES GI**  
14 **BENEFITS OF THE VETERAN; OR**

15                   **[(5)] (7)** A member of the National Guard as defined in § 13-405(a)(3) of  
16 the Public Safety Article.

17           **[(b)] (C)** Notwithstanding any other provision of this article, an individual  
18 described in subsection **[(a)] (B)** of this section who attends a public institution of higher  
19 education in the State is exempt from paying nonresident tuition at a public institution of  
20 higher education in this State if:

21                   (1) The active duty member described in subsection **[(a)] (B)(1)** of this  
22 section:

23                           (i) Is stationed in this State;

24                           (ii) Resides in this State; or

25                           (iii) Is domiciled in this State;

26                   (2) The spouse or financially dependent child described in **[subsection (a)]**  
27 **SUBSECTION (B)(2) AND (3)** of this section presents documentation that, during the time  
28 period in which the active duty member met the requirements of paragraph (1) of this  
29 subsection, the individual:

30                           (i) Enrolled as an entering student in a public institution of higher

1 education in the State; or

2 (ii) Was accepted to attend a public institution of higher education  
3 in the State;

4 (3) The honorably discharged veteran described in subsection [(a)] **(B)(4)**  
5 of this section presents documentation that the individual:

6 (i) Was **AT ANY TIME** honorably discharged from the United States  
7 armed forces; and

8 (ii) 1. Resides in this State; or

9 2. Is domiciled in this State; or

10 (4) **THE SPOUSE OR FINANCIALLY DEPENDENT CHILD DESCRIBED IN**  
11 **SUBSECTION (B)(5) AND (6) OF THIS SECTION PRESENTS DOCUMENTATION THAT,**  
12 **DURING THE TIME PERIOD IN WHICH THE HONORABLY DISCHARGED VETERAN MET**  
13 **THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION, THE INDIVIDUAL:**

14 **(I) ENROLLED AS AN ENTERING STUDENT IN A PUBLIC**  
15 **INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR**

16 **(II) WAS ACCEPTED TO ATTEND A PUBLIC INSTITUTION OF**  
17 **HIGHER EDUCATION IN THE STATE;**

18 **(5)** The National Guard member described in subsection [(a)] **(B)(7)** of this  
19 section is a member of the Maryland National Guard and joined or subsequently serves in  
20 the Maryland National Guard to:

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

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

24 **[(c)] (D)** Notwithstanding any other provision of this article, a spouse or  
25 financially dependent child of an active duty member **OR HONORABLY DISCHARGED**  
26 **VETERAN** who is exempt from paying nonresident tuition under subsection [(b)] **(C)** of this  
27 section shall continue to be exempt from paying nonresident tuition:

28 (1) If the spouse or financially dependent child:

29 (i) Enrolls as an entering student in a public institution of higher  
30 education in the State;

31 (ii) Remains continuously enrolled at the public institution of higher

1 education; and

2 (iii) Remains domiciled in the State during enrollment; and

3 (2) Regardless of whether the active duty member **OR HONORABLY**  
4 **DISCHARGED VETERAN** still meets the requirements of subsection [(b)(1)] **(C)** of this  
5 section.

6 [(d) Each public institution of higher education shall comply with federal law  
7 relating to nonresident tuition for veterans and veterans' dependents.]

8 (e) The Commission shall adopt regulations in accordance with Title 10, Subtitle  
9 1 of the State Government Article to implement the provisions of this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2021.