

# SENATE BILL 538

F2

1lr1869  
CF HB 1067

---

By: **Senator Guzzone**

Introduced and read first time: January 26, 2021

Assigned to: Budget and Taxation

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

---

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

1 AN ACT concerning

2 **Community College Tuition and Residency Waivers Colleges and Private**  
3 **Nonprofit Institutions of Higher Education – Funding**

4 FOR the purpose of ~~requiring the Governor, beginning in a certain fiscal year, to include in~~  
5 ~~the annual State budget for the Maryland Higher Education Commission a General~~  
6 ~~Fund appropriation of a certain amount to fund certain community college tuition~~  
7 ~~and residency waivers; requiring the Commission to distribute the appropriation to~~  
8 ~~each community college board of trustees based on the number of qualifying students~~  
9 ~~enrolled in each community college in proportion to the total number of qualifying~~  
10 ~~students, as determined by the Commission; requiring the Commission to adopt~~  
11 ~~certain regulations or guidelines; defining a certain term; requiring certain funding~~  
12 ~~be provided to certain institutions of higher education in certain fiscal years; and~~  
13 ~~generally relating to community college funding for State mandated tuition and~~  
14 ~~residency waivers and private nonprofit institutions of higher education funding.~~

15 BY repealing and reenacting, with amendments,

16 Article – Education

17 Section 16–305(c)(1)(i)12. and 13., 16–512(a)(1)(xiv), and 17–104(a)(1)(x) and (xi)

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2020 Supplement)

20 BY adding to

21 Article – Education

22 Section ~~16–322~~ 16–305(c)(1)(i)14. and 17–104(a)(1)(xii) and (xiii)

23 Annotated Code of Maryland

---

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.



(2018 Replacement Volume and 2020 Supplement)

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

Article – Education

~~16-322.~~

~~(A) IN THIS SECTION, “QUALIFYING STUDENT” MEANS A COMMUNITY COLLEGE STUDENT WHO RECEIVES A TUITION OR RESIDENCY WAIVER AS ONE OF THE FOLLOWING:~~

~~(1) A FOSTER CARE RECIPIENT OR AN UNACCOMPANIED HOMELESS YOUTH UNDER § 15-106.1 OF THIS ARTICLE;~~

~~(2) A UNITED STATES ARMED FORCES ACTIVE DUTY MEMBER, THE SPOUSE OR CHILD OF AN ARMED FORCES ACTIVE DUTY MEMBER, A UNITED STATES ARMED FORCES VETERAN WHO HAS BEEN HONORABLY DISCHARGED, OR A MEMBER OF THE NATIONAL GUARD UNDER § 15-106.4 OF THIS ARTICLE;~~

~~(3) THE SON OR DAUGHTER OF A STATE OR LOCAL PUBLIC SAFETY EMPLOYEE UNDER § 15-106.7 OF THIS ARTICLE;~~

~~(4) A SENIOR CITIZEN UNDER § 16-106(B) OF THIS TITLE;~~

~~(5) AN INDIVIDUAL WITH A DISABILITY UNDER § 16-106(C) OF THIS TITLE;~~

~~(6) A STUDENT ENROLLED IN AN EDUCATION PROGRAM LEADING TO LICENSURE IN NURSING UNDER § 16-310(A)(4) OF THIS SUBTITLE;~~

~~(7) A PUBLIC SCHOOL TEACHER UNDER § 16-310(A)(6) OF THIS SUBTITLE; OR~~

~~(8) A STUDENT ENROLLED IN AN INSTRUCTIONAL PROGRAM THAT THE COMMISSION DESIGNATES AS A HEALTH MANPOWER SHORTAGE PROGRAM UNDER § 16-310(D) OF THIS SUBTITLE.~~

~~(B) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL FOR THE COMMISSION AN APPROPRIATION OF \$10,000,000 TO FUND STATE MANDATED TUITION AND RESIDENCY WAIVERS FOR COMMUNITY COLLEGES.~~

~~(C) THE COMMISSION SHALL DISTRIBUTE THE APPROPRIATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO EACH BOARD OF TRUSTEES BASED ON THE NUMBER OF ENROLLED QUALIFYING STUDENTS AT EACH COMMUNITY COLLEGE IN PROPORTION TO THE TOTAL NUMBER OF ENROLLED QUALIFYING STUDENTS, AS DETERMINED BY THE COMMISSION.~~

~~(D) THE COMMISSION SHALL ADOPT ANY REGULATIONS OR GUIDELINES NECESSARY TO IMPLEMENT THIS SECTION.~~

16-305.

(c) (1) (i) Except as provided in subparagraphs (iii), (iv), and (v) of this paragraph, the total State operating fund per full-time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

12. In fiscal year 2022, not less than an amount equal to 27% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; [and]

13. In fiscal year 2023 [and each fiscal year thereafter], not less than an amount equal to 29% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; AND

14. IN FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 30% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR.

16-512.

(a) (1) The total State operating fund per full-time equivalent student appropriated to Baltimore City Community College for each fiscal year other than fiscal year 2013, as requested by the Governor shall be:

(xiv) In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to [68.5%] 69% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as

designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

17-104.

(a) (1) Except as provided in paragraphs (2), (3), (4), and (5) of this subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full-time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:

(x) In fiscal year 2020, an amount not less than 11.1% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year; [and]

(xi) In fiscal year 2022 [and each fiscal year thereafter], an amount not less than 15.5% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

**(XII) IN FISCAL YEAR 2023, AN AMOUNT NOT LESS THAN 15.75% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR; AND**

**(XIII) IN FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, AN AMOUNT NOT LESS THAN 16% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR.**

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.