

House Bill 229

By: Representatives Dollar of the 45th, Coomer of the 14th, Powell of the 32nd, Golick of the 40th, Jasperse of the 11th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
2 postsecondary education, so as to limit yearly tuition and student fee increases within the
3 university system; to provide for definitions; to provide for methods of tuition and student
4 fee calculation; to provide for exceptions, limitations, and waivers; to provide for related
5 matters; to provide for a contingent effective date; to provide for automatic repeal under
6 certain conditions; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
10 education, is amended by revising Article 3, which is reserved, as follows:

11 "ARTICLE 3

12 20-3-100.

13 As used in this article, the term:

14 (1) 'Rate of inflation' means the percentage change in the Consumer Price Index
15 compiled by the United States Department of Labor as measured from January 1 of the
16 current year compared to January 1 of the preceding year, expressed in decimal form and
17 rounded to the nearest one-thousandth of a percentage point.

18 (2) 'Student fee' means nonacademic charges to provide for the technology, activity,
19 athletic, health, or similar needs of the student body.

20 (3) 'Tuition' means charges for postsecondary academic instruction that are not student
21 fees.

22 20-3-101.

23 (a) No later than April 1 of each year, the Georgia Student Finance Commission shall
24 publish and certify to the board of regents and to the governing board of each institution
25 of the university system the rate of inflation to be used for calculating maximum allowable
26 tuition rates and student fees for the upcoming academic year in accordance with Code
27 Section 20-3-102.

28 (b) As provided in Code Section 20-3-102, the amount of tuition and student fees the
29 governing board of an institution of the university system charges to a student for an
30 academic year shall not exceed the total amount of tuition and student fees that such
31 governing board charged or would have charged to a similarly situated student for the
32 preceding academic year, as such amounts are adjusted to the rate of inflation published
33 and certified by the Georgia Student Finance Commission in accordance with subsection
34 (a) of this Code section. Students shall be considered similarly situated if they share the
35 same residency status, degree program, course load, course level, tuition exemption status,
36 and other circumstances affecting the tuition and student fees charged at such institution.

37 20-3-102.

38 (a)(1)(A) For purposes of this paragraph, the term 'average tuition' means the sum of
39 the tuition amounts for the previous academic year for all two-year institutions within
40 the university system divided by the total number of such institutions.

41 (B) For two-year institutions whose tuition for the previous academic year was equal
42 to or less than the average tuition, the dollar increase in tuition shall not exceed the
43 product of zero or the rate of inflation, whichever is greater, multiplied by such average
44 tuition. For two-year institutions whose tuition for the previous academic year was
45 greater than the average tuition, the percentage change in tuition shall not exceed the
46 rate of inflation or zero, whichever is greater.

47 (2)(A) For purposes of this paragraph, the term 'average student fee' means the sum of
48 the student fee amounts for the previous academic year for all two-year institutions
49 within the university system divided by the total number of such institutions.

50 (B) For two-year institutions whose total student fees for the previous academic year
51 were equal to or less than the average student fee, the dollar increase in student fees
52 shall not exceed the product of zero or the rate of inflation, whichever is greater,
53 multiplied by such average student fee. For two-year institutions whose total student
54 fees for the previous academic year were greater than the average student fee, the
55 percentage change in tuition shall not exceed the rate of inflation or zero, whichever is
56 greater. This subparagraph shall not apply to any student fees approved by the student
57 body to which such fees would be assessed.

58 (b)(1)(A) For purposes of this paragraph, the term 'average tuition' means the sum of
 59 the tuition amounts for the previous academic year for all four-year institutions within
 60 the university system divided by the total number of such institutions.

61 (B) For four-year institutions whose tuition for the previous academic year was equal
 62 to or less than the average tuition for all four-year institutions, the dollar increase in
 63 tuition shall not exceed the product of zero or the rate of inflation, whichever is greater,
 64 multiplied by such average tuition. For four-year institutions whose tuition for the
 65 previous academic year was greater than the average tuition, the percentage change in
 66 tuition shall not exceed the rate of inflation or zero, whichever is greater.

67 (2)(A) For purposes of this paragraph, the term 'average student fee' means the sum of
 68 the student fee amounts for the previous academic year for all four-year institutions
 69 within the university system divided by the total number of such institutions.

70 (B) For four-year institutions whose total student fees for the previous academic year
 71 were equal to or less than the average student fee, the dollar increase in student fees
 72 shall not exceed the product of zero or the rate of inflation, whichever is greater,
 73 multiplied by such average student fee. For four-year institutions whose total student
 74 fees for the previous academic year were greater than the average student fee, the
 75 percentage change in tuition shall not exceed the rate of inflation or zero, whichever is
 76 greater. This subparagraph shall not apply to any student fees approved by the student
 77 body to which such fees would be assessed.

78 20-3-103.

79 The requirements of this article pertaining to maximum tuition or student fees may be
 80 waived in any academic year for any institution within the university system if, prior to
 81 July 1 immediately preceding such academic year, the Senate Higher Education Committee
 82 and the Appropriations Subcommittee of the House Committee on Higher Education each
 83 agree by majority vote to waive such requirements. Such waiver may be granted in the
 84 event of recession, decline in state appropriations, change in institutional mission,
 85 consolidation, or any other circumstance which such committees deem appropriate."

86 **SECTION 2.**

87 (a) This Act shall become effective on January 1, 2018, only if an amendment to the
 88 Constitution is ratified at the November, 2017, general election authorizing the General
 89 Assembly to provide that annual tuition or student fee increases at institutions of the
 90 University System of Georgia shall not exceed the rate of inflation as measured by the
 91 Consumer Price Index.

92 (b) If such an amendment to the Constitution is not so ratified, then this Act shall not
93 become effective and shall stand repealed by operation of law on January 1, 2018.

94 **SECTION 3.**

95 All laws and parts of laws in conflict with this Act are repealed.