

HOUSE BILL 2130

By Crawford

AN ACT to amend Tennessee Code Annotated, Title 8 and
Title 49, relative to higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by
adding the following as a new section:

(a) An act of the general assembly enacted after January 1, 2020, that mandates
a discount or waiver of the tuition or fees charged at public institutions of higher
education in this state is unenforceable against an institution affected by the act in any
fiscal year for which the general assembly fails to appropriate a sum sufficient to fully
fund the discount or waiver program at the institution.

(b) If the general assembly fails to appropriate a sum sufficient to fully fund a
discount or waiver program created by an act of the general assembly enacted after
January 1, 2020, at a public institution of higher education in any fiscal year, then that
institution is not required to make the discount or waiver available to students in the
academic year for which the institution did not receive sufficient funding.

(c) This section does not affect:

(1) An act of the general assembly that mandates a discount or waiver of
the tuition or fees charged at public institutions of higher education that was
enacted on or before January 1, 2020; or

(2) Any scholarship, grant, or financial aid program.

(d) The 111th general assembly recognizes that Article II, § 12 of the Constitution
of Tennessee prevents this or any other general assembly from statutorily binding a
future general assembly. Therefore, this general assembly acknowledges that this

section is legally binding only for the duration of the 111th general assembly. However, each future general assembly is discouraged from enacting legislation after January 1, 2021, that mandates a discount or waiver of the tuition or fees charged at public institutions of higher education unless the general assembly annually appropriates a sum sufficient to fully fund the discount or waiver program at each affected institution.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "state-mandated discount or waiver program" means a discount or waiver of the tuition or fees charged at public institutions of higher education in this state, as required by an act of the general assembly.

(b) Each public institution of higher education shall annually report:

(1) The costs to the institution of providing each state-mandated discount or waiver program;

(2) The number of students at the institution participating in each state-mandated discount or waiver program; and

(3) The information described in subdivisions (b)(1) and (b)(2) projected over the next ten (10) fiscal years.

(c) The report must be submitted to the Tennessee higher education commission, the office of legislative budget analysis, and the chairs of the education committees of the senate and the house of representatives by March 1, 2021, and by each March 1 thereafter. A copy of the report must be filed with the legislative reference and law library and with the speaker of the house of representatives under § 3-1-123.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.