

House Bill 120

By: Representatives Carpenter of the 4th, Washburn of the 141st, Gambill of the 15th, Nguyen of the 89th, Lopez of the 86th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide that students other than nonimmigrant aliens as defined in federal law shall be
3 classified as in-state for tuition purposes subject to certain conditions; to authorize the board
4 of regents and the State Board of the Technical College System of Georgia to consider
5 classifying noncitizen students for in-state tuition; to provide for a short title; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Georgia Resident In-State Tuition Act."

10 **SECTION 2.**

11 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
12 Code Section 20-3-66, relating to determination of in-state resident status of students for
13 tuition or fees, by revising subsection (d) as follows:

14 ~~"(d) Noncitizen students shall not be classified as in-state for tuition purposes unless the~~
15 ~~student is legally in this state and there is evidence to warrant consideration of in-state~~

16 ~~classification as determined by the board of regents. Lawful permanent residents, refugees,~~
17 ~~asylees, or other eligible noncitizens as defined by federal Title IV regulations may be~~
18 ~~extended the same consideration as citizens of the United States in determining whether~~
19 ~~they qualify for in-state classification. International students who reside in the United~~
20 ~~States under nonimmigrant status conditioned at least in part upon intent not to abandon~~
21 ~~a foreign domicile shall not be eligible for in-state classification.~~

22 (d) Except as provided in subsections (b) and (c) of this Code section, a student shall be
23 classified for in-state tuition purposes if he or she satisfies all of the following conditions:

24 (1) Is not seeking admission to any institution of the University System of Georgia
25 identified by the board of regents as a research university;

26 (2) Has graduated from a Georgia high school or obtained a valid Georgia general
27 educational development (GED) diploma;

28 (3) Has independently established and maintained domicile in this state since January 1,
29 2013, or is the dependent child of a parent who has established and maintained domicile
30 in this state since January 1, 2013;

31 (4) Has not reached the age of 30 years at the time of initial application for admission
32 to a postsecondary educational institution; and

33 (5) Is not a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101.

34 (e) The board of regents is authorized to classify for in-state for tuition purposes a
35 noncitizen student who is lawfully present in this state and who submits evidence to
36 warrant consideration of in-state classification.

37 (f) Nothing in this Code section shall be construed to require in-state tuition classification
38 for individuals not lawfully present in Georgia."

39 **SECTION 3.**

40 Said title is further amended in Code Section 20-4-21, relating to tuition fees, by adding a
41 new subsection to read as follows:

42 “(d)(1) Notwithstanding any other law to the contrary, the State Board of the Technical
43 College System of Georgia is authorized to classify a student for in-state tuition purposes
44 if he or she satisfies all of the following conditions:

45 (A) Has graduated from a Georgia high school or obtained a valid Georgia general
46 educational development (GED) diploma;

47 (B) Has independently established and maintained domicile in this state since January
48 1, 2013, or is the dependent child of a parent who has established and maintained
49 domicile in this state since January 1, 2013;

50 (C) Has not reached the age of 30 years at the time of initial application for admission
51 to a postsecondary educational institution; and

52 (D) Is not a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101.

53 (2) The State Board of the Technical College System of Georgia is authorized to classify
54 for in-state for tuition purposes a noncitizen student who is lawfully present in this state
55 and who submits evidence to warrant consideration of in-state classification.

56 (3) Nothing in this Code section shall be construed to require in-state tuition
57 classification for individuals not lawfully present in Georgia.”

58 **SECTION 4.**

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