

House Bill 751

By: Representatives Jasperse of the 11<sup>th</sup>, Barr of the 103<sup>rd</sup>, Cheokas of the 138<sup>th</sup>, Nix of the 69<sup>th</sup>, and Evans of the 57<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to the Georgia Student Finance Authority, so as to provide a short title;  
3 to provide for the establishment and administration of the Pay As You Earn student loan  
4 program; to provide for the calculation and repayment of such loans; to provide for eligibility  
5 and disqualifications; to amend Code Section 48-7-27 of the Official Code of Georgia  
6 Annotated, relating to computation of taxable net income, so as to provide for a deduction;  
7 to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
11 relating to the Georgia Student Finance Authority, is amended by adding a new subpart to  
12 read as follows:

13 "Subpart 1214 20-3-494.15 This subpart shall be known and may be cited as the 'Pay As You Earn Education Program  
16 Act.'17 20-3-494.1.18 As used in this subpart, the term:19 (1) 'Beginning date of a postsecondary course of study' means the first day of  
20 postsecondary classes attended by a student for credit toward an associate degree or  
21 baccalaureate degree. In the case of a program that includes undergraduate studies and  
22 is designed for completion within five years, the first day of such classes for credit in  
23 such a program shall be the beginning date of a postsecondary course of study, whether  
24 the program leads to a baccalaureate degree or a first professional degree. Advanced  
25 placement classes or classes attended under a program of joint or dual enrollment in a  
26 high school and a postsecondary institution shall not establish the beginning date of a  
27 postsecondary course of study.28 (2) 'Cost of attendance' of a student means the cost of tuition and all applicable fees.29 (3) 'Eligible high school' has the same meaning as set forth in Code Section 20-3-519.30 (4) 'Eligible postsecondary institution' means:31 (A) A unit of the University System of Georgia that offers associate degrees,  
32 baccalaureate degrees, or first professional degree programs; or33 (B) An institution of higher education located in this state that offers associate degrees,  
34 baccalaureate degrees, or first professional degree programs; that is accredited by a  
35 regional accrediting agency recognized by the United States Department of Education;  
36 that is not a Bible school or college; that admits as regular students only persons who  
37 have a high school diploma, a general educational development (GED) diploma, or a

38 degree from an accredited postsecondary institution; and whose students are eligible to  
39 participate in the federal Pell Grant program.

40 (5) 'First professional degree' means a degree that qualifies a graduate to practice a  
41 profession and was earned through a first professional degree program.

42 (6) 'First professional degree program' means a professional degree program that meets  
43 the requirements established by the program regulations promulgated by the Georgia  
44 Student Finance Commission which, at a minimum, shall include, but not be limited to,  
45 the following:

46 (A) Accepts students after the completion of the sophomore or junior year; and

47 (B) Results in the award of a first professional degree.

48 (7) 'Pay As You Earn Education Program' or 'PAYE Education Program' means the  
49 student loan program established in this subpart.

50 (8) 'Pay As You Earn Education Program Loan' or 'PAYE Loan' means a student loan  
51 provided in accordance with the provisions of this subpart.

52 20-3-494.2.

53 (a) The authority is authorized to provide a program of direct loans to students who are  
54 legal residents of this state and who are not ineligible under Code Section 20-3-494.6 in  
55 accordance with the provisions of this subpart and regulations of the authority promulgated  
56 to implement this subpart.

57 (b) All public eligible postsecondary institutions shall participate in the Pay As You Earn  
58 Education Program and those private eligible postsecondary institutions that elect to do so  
59 may participate in the Pay As You Earn Education Program. Private eligible postsecondary  
60 institutions shall notify the authority of their desire to participate in the program in a  
61 manner determined by the authority.

62 (c) A student who desires to participate in the PAYE Education Program shall apply to the  
63 authority in a manner determined by the authority and shall demonstrate that such student:

- 64 (1) Is a graduate of an eligible high school;  
65 (2) Has been accepted to a public eligible postsecondary institution or a participating  
66 private postsecondary institution;  
67 (3) In the case of a graduate student, has received a bachelor's degree from an accredited  
68 college or university; and  
69 (4) Has not previously participated in the PAYE Education Program at any other eligible  
70 postsecondary institution.
- 71 (d) Participation in the program shall include at least 1 percent of the incoming freshman  
72 class each year at the participating eligible postsecondary institution. The participating  
73 eligible postsecondary institution shall determine the number of students in excess of  
74 1 percent that shall be allowed to participate in the program.
- 75 (e) A student accepted into the program shall agree in writing to the provisions of the  
76 program, including the repayment provisions of this subpart.

77 20-3-494.3.

- 78 (a) A student who is accepted to participate in the Pay As You Earn Education Program  
79 shall be required to pay \$1,000.00 each year toward the student's cost of attendance. The  
80 participating eligible postsecondary institution shall provide the remaining funds in the  
81 form of a payment plan based upon the future earnings of the student for a period of 15  
82 years after the student's graduation. The institution at which the student is enrolled shall  
83 forward to the authority annually a report for each student enrolled at such institution who  
84 is participating in the PAYE Education Program which shall contain the actual cost of  
85 attendance for such student and any credits toward such cost of attendance applied by the  
86 institution, including the student's payment of \$1,000.00 as provided in this subsection.  
87 Tuition equalization grant funds for the student and HOPE scholarship funds and all other  
88 scholarship funds received by the student and paid to the participating eligible

89 postsecondary institution shall be credited to the student's cost of attendance. The  
90 remaining sum shall be the amount of the loan to the student for each year.

91 (b) A student participating in the PAYE Education Program shall not be eligible for  
92 remedial courses at the eligible postsecondary institution. Any required remedial courses  
93 shall be completed before the student shall be eligible for participating in the PAYE  
94 Education Program.

95 (c) An undergraduate student participating in the program shall be required to obtain his  
96 or her bachelor's degree within four years of the beginning date of a postsecondary course  
97 of study or his or her first professional degree within five years of the beginning date of a  
98 postsecondary course of study.

99 20-3-494.4.

100 (a) In the case of an undergraduate student, upon receiving his or her bachelor's degree or  
101 first professional degree, and in the case of a graduate student, upon receiving his or her  
102 graduate degree, a student participating in the PAYE Education Program shall begin  
103 paying 3 percent of his or her federal annual adjusted gross income as shown by annual  
104 federal income tax returns to the eligible postgraduate institution from which the student  
105 received the degree under the PAYE Education Program. The authority shall by rule and  
106 regulation promulgate procedures for the payment of these funds.

107 (b) Such payments shall continue for a period of 15 years following the receipt by the  
108 student of his or her degree as provided in subsection (a) of this Code section; provided,  
109 however, that a student may alternatively elect to repay the actual total amount of funds  
110 loaned to the student under the program which shall be the cost of attendance less any other  
111 scholarships or grants credited to the student's cost of attendance plus 3 percent simple  
112 interest on such funds. If the student elects the alternative payment method, such payment  
113 shall be completed in not more than ten years following, in the case of an undergraduate

114 student, the receiving of his or her bachelor's degree or first professional degree, and in the  
115 case of a graduate student, the receiving of his or her graduate degree.

116 (c) Prior to receiving a bachelor's or first professional degree, if an undergraduate student  
117 ceases to be a student for three consecutive semesters or four consecutive quarters at the  
118 eligible postsecondary institution at which the student participated in the PAYE Education  
119 Program or, prior to receiving the graduate degree sought when enrolling in the program,  
120 a graduate student ceases to be a student for three consecutive semesters or four  
121 consecutive quarters at the eligible postsecondary institution at which the student  
122 participated in the PAYE Education Program, the loan under the PAYE Education Program  
123 shall become immediately due and the repayment program shall begin as provided in  
124 subsection (b) of this Code section.

125 20-3-494.5.

126 (a) A private eligible postsecondary institution that participates in the PAYE Education  
127 Program as provided in this subpart shall be allowed a tax credit of \$1,000.00 for each  
128 student enrolled in the institution who is participating in the PAYE Education Program  
129 each year. Such tax credit may be applied by the institution toward the institution's tax  
130 liabilities for state income taxes, sales taxes, and property taxes for the year in which such  
131 credit is allowed.

132 (b) The funds paid by a student in repaying the loan funds under this subpart shall be a  
133 permitted deduction from such student's federal adjusted gross income as defined in the  
134 United States Internal Revenue Code of 1986 in computing such student's Georgia taxable  
135 net income.

136 20-3-494.6.

137 A student shall not be eligible for any loan described in this subpart if the student:

- 138 (1) Is not a United States citizen or a permanent resident alien who meets the definition  
139 of an eligible noncitizen under federal Title IV requirements;
- 140 (2) Has not complied with United States Selective Service System requirements for  
141 registration, if such requirements are applicable to the student;
- 142 (3) Is in default on a federal Title IV educational loan or a State of Georgia educational  
143 loan, provided that a student who is otherwise eligible and has fully repaid the defaulted  
144 loan will be eligible to obtain a loan under this subpart for future academic terms but not  
145 retroactively;
- 146 (4) Owes a refund on a federal Title IV student financial aid program or a Georgia  
147 student financial aid program, provided that a student who is otherwise eligible and has  
148 fully paid the refund owed shall be eligible to obtain a loan under this subpart for future  
149 academic terms but not retroactively;
- 150 (5) Has been convicted of a felony offense involving marijuana, a controlled substance,  
151 or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24, provided that such  
152 ineligibility extends from the date of conviction to the completion of the next academic  
153 term;
- 154 (6) Is incarcerated; or
- 155 (7) Does not meet each qualification listed in this subpart and applicable to the student."

156

**SECTION 2.**

157 Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of  
158 taxable net income, is amended by striking "and" at the end of paragraph (14) of  
159 subsection (a), striking the period at the end of paragraph (15) of subsection (a) and inserting  
160 in lieu thereof "; and", and inserting a new paragraph in subsection (a) to read as follows:

161 "(16) The deduction provided for in Code Section 20-3-494.5."

162

**SECTION 3.**

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