

House Bill 977

By: Representatives Ramsey of the 72nd, Hatchett of the 150th, Ehrhart of the 36th, Williamson of the 115th, Golick of the 40th, and others

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"ARTICLE 3

20-3-100.

As used in this article, the term:

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

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

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

20-3-101.

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

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

20-3-102.

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

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

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

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

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

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

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

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

20-3-103.

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

SECTION 2.

(a) This Act shall become effective on January 1, 2017, only if an amendment to the Constitution is ratified at the November, 2016, general election authorizing the General Assembly to provide that annual tuition or student fee increases at institutions of the University System of Georgia shall not exceed the rate of inflation as measured by the 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, 2017.

94 **SECTION 3.**

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