

SENATE BILL 2569

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 49,  
relative to tuition at state institutions of higher  
education.

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

SECTION 1. Tennessee Code Annotated, Section 49-8-104, is amended by deleting subsection (a) and substituting instead:

(1) Except as provided in subsection (b), the board of regents and each state university board shall classify a student as an in-state student for the purposes of tuition only if the student is a Tennessee citizen.

(2) As used in this section:

(A) "Domicile" means a person's true, fixed, and permanent home and place of habitation. The person's domicile is the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee;

(B) "Tennessee Citizen" means a person who is a United States citizen and who is domiciled in the state; and

(C) "Tennessee Resident" means a person who maintains continuous physical presence and a dwelling place within the state. Absence from the state for short periods of time shall not affect the establishment of a residence.

SECTION 2. Tennessee Code Annotated, Section 49-8-104(b), is amended by deleting subdivision (2).

SECTION 3. Tennessee Code Annotated, Section 49-8-104, is amended by adding the following language as new subsection (c):

(c) Notwithstanding subsection (a), the board of regents and each state university board may classify students as out-of-state students, but not require them to pay out-of-state tuition under § 49-8-102 and rules promulgated by the board of regents or a state university board. This subsection (c) shall not be construed to allow an undocumented alien to receive in-state tuition.

SECTION 4. Tennessee Code Annotated, Section 49-9-105, is amended by deleting subsection (a) and substituting instead:

(1) Except as provided in subsection (b), the board of trustees of the University of Tennessee shall classify a student as an in-state student for the purposes of tuition only if the student is a Tennessee citizen.

(2) As used in this section:

(A) "Domicile" means a person's true, fixed, and permanent home and place of habitation. The person's domicile is the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee;

(B) "Tennessee Citizen" means a person who is a United States citizen and who is domiciled in the state.; and

(C) "Tennessee Resident" means a person who maintains continuous physical presence and a dwelling place within the state. Absence from the state for short periods of time shall not affect the establishment of a residence.

SECTION 5. Tennessee Code Annotated, Section 49-9-105(b), is amended by deleting subdivision (2).

SECTION 6. Tennessee Code Annotated, Section 49-9-105, is amended by adding the following language as new subsection (c):

(c) Notwithstanding subsection (a), the board of trustees of the University of Tennessee is authorized to classify students as out-of-state students, but not require them to pay out-of-state tuition under rules promulgated by the board. This subsection (c) shall not be construed to allow an undocumented alien to receive in-state tuition.

SECTION 7. Notwithstanding Sections 1 and 4 of this act, any student who, on the effective date of this act, would not be classified as in-state for tuition purposes pursuant to this act, but who is enrolled in a state institution of higher education and classified as in-state for tuition purposes shall be permitted to remain classified as in-state if the student maintains continuous enrollment at the institution or the student transfers to another state institution of higher education without a break in enrollment.

SECTION 8. The board of regents, each state university board, and the board of trustees of the University of Tennessee are authorized to promulgate rules for the institutions that they govern to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the classification of students for tuition purposes for the 2018-2019 academic year and academic years thereafter.