

The Senate Higher Education Committee offered the following substitute to HB 311:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
2 postsecondary education, so as to provide that revenue collected from tuition in the university
3 system shall not lapse; to revise certain definitions; to provide a time period for the
4 application for grants and the termination of grant eligibility; to provide for related matters;
5 to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
8 education, is amended by revising Code Section 20-3-86, relating to nonlapsing revenue of
9 institutions in university system, as follows:

11 "20-3-86.

12 Revenue collected by any or all institutions in the university system from tuition,
13 departmental sales or services, continuing education fees, technology fees, or indirect cost
14 recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under
15 this Code section shall not exceed 3 percent of the tuition collected. This Code section
16 shall stand repealed on June 30, 2011."

SECTION 2.

17 Said chapter is further amended by revising Code Section 20-3-485, relating to definitions,
18 as follows:

20 "20-3-485.

21 As used in this subpart, the term:

- 22 (1) 'Approved school' means a school which is a unit of the University System of
23 Georgia or a branch of the Georgia Department of Technical and Adult Education or a
24 private independent nonprofit postsecondary institution eligible for HOPE Scholarships
25 or grants in accordance with the provisions of Code Sections 20-3-519 through
26 20-3-519.12.

1 (2) 'Eligible student' means a person who:

2 (A)(i) Is enrolled as a full-time or part-time student in an approved school;

3 (ii) Meets residency requirements to be classified as a legal resident of Georgia as
4 established pursuant to regulations of the authority and who remains a citizen of the
5 state while receiving funds under this subpart; and

6 (iii) Is a member of the Georgia National Guard as such term is defined in Code
7 Section 38-2-3 or a member of a reserve component of the armed forces of the United
8 States, which member has completed at least one qualifying term of service; ~~or~~

9 (B) Is a child:

10 (i) Whose parent was a member of the Georgia National Guard as such term is
11 defined in Code Section 38-2-3 or a member of a reserve component of the armed
12 forces of the United States, including a deceased member, which member completed
13 at least one qualifying term of service;

14 (ii) Who was born prior to such qualifying term of service or within nine months of
15 the beginning of such qualifying term of service; and

16 (iii) Is 25 years of age or younger who is enrolled as a full-time or part-time student
17 in an approved school;

18 (C) Is a spouse of a deceased member of the Georgia National Guard as such term is
19 defined in Code Section 38-2-3 who was killed or sustained a 100 percent disability in
20 a combat zone or as a result of injuries received in a combat zone, which member
21 completed at least one qualifying term of service; or

22 (D) Is a spouse of a deceased member of a reserve component of the armed forces of
23 the United States who was killed or sustained a 100 percent disability in a combat zone
24 or as a result of injuries received in a combat zone, which member completed at least
25 one qualifying term of service."

26 (3) 'Georgia HERO Scholarship' means a Georgia Helping Educate Reservists and their
27 Offspring Scholarship grant as provided for in Code Section 20-3-486.

28 (4) 'Parent' means the biological parent, adoptive parent, or legal guardian of a person
29 25 years of age or younger during the qualifying term of service.

30 (5) 'Qualifying term of service' means deployment overseas for active service on or after
31 ~~the effective date of this subpart~~ July 1, 2002, to a location or locations outside of the
32 United States and its territories designated by the United States Department of Defense
33 as a combat zone for a ~~consecutive~~ cumulative period of at least 181 days or, in the case
34 of an individual who is killed or receives a 100 percent disability as a result of injuries
35 received in such combat zone, any period of time on active service in such combat zone;
36 provided, however, that any person who fails to serve the full 181 consecutive days

1 because he or she was evacuated from the combat zone due to severe injuries shall be
2 deemed to have completed a qualifying term of service."

3 SECTION 3.

4 Said subpart is further amended by revising Code Section 20-3-486, relating to grants to
5 eligible students, as follows:

6 "20-3-486.

7 (a) There is granted to each eligible student under subparagraph (A) of paragraph (2) of
8 Code Section 20-3-485 attending an approved school a Georgia HERO Scholarship grant
9 for a maximum of four award years in the sum of \$2,000.00 per award year. No person
10 shall be eligible to receive grant assistance provided under this subsection in excess of
11 \$8,000.00. Applications for grants under this subsection must be made before July 1, 2009,
12 or within two years after the date the student returned from the combat zone in which the
13 student completed his or her qualifying term of service, whichever is later, and grant
14 eligibility shall terminate eight years after the date the student returned from the combat
15 zone in which the student completed his or her qualifying term of service.

16 (b) There is granted to each eligible student under subparagraph (B) of paragraph (2) of
17 Code Section 20-3-485 attending an approved school a Georgia HERO Scholarship grant
18 in the sum of \$2,000.00 per award year. Such student shall be eligible for one award year
19 for each period of 181 ~~consecutive~~ cumulative days that his or her parent was deployed
20 overseas on active service on or after ~~May 3, 2005~~ July 1, 2002, to a location or locations
21 outside of the United States and its territories designated by the United States Department
22 of Defense as a combat zone; provided, however, that a student whose parent was killed
23 or received a 100 percent disability as a result of injuries received in such combat zone
24 shall receive up to a maximum of four award years regardless of the time such student's
25 parent was on active service in such combat zone. No person shall be eligible to receive
26 grant assistance provided under this subsection in excess of \$8,000.00. Applications for
27 grants under this subsection must be made before July 1, 2009, or within two years after
28 the student becomes eligible, whichever is later, and grant eligibility shall terminate eight
29 years after the student becomes eligible.

30 (c) There is granted to each eligible student under subparagraph (C) or (D) of
31 paragraph (2) of Code Section 20-3-485 attending an approved school a Georgia HERO
32 Scholarship grant in the sum of \$2,000.00 per award year. Such student shall be eligible
33 for four award years. No person shall be eligible to receive grant assistance provided under
34 this subsection in excess of \$8,000.00. Applications for the initial grant under this
35 subsection must be made before July 1, 2009, or not later than two years following the

1 death of the spouse, whichever is later, and no grant shall be issued later than eight years
2 after the initial grant is issued.

3 ~~(c)~~ (d) Grant assistance to eligible students under this subpart shall be payable on a pro rata
4 basis based upon whether the student is enrolled full time or part time and the number of
5 semesters or quarters of enrollment. The payment of grants to eligible students under this
6 subpart shall be contingent upon the appropriation of funds by the General Assembly for
7 the purposes of this subpart in annual appropriations Acts of the General Assembly."

8 **SECTION 4.**

9 This Act shall become effective on July 1, 2007.

10 **SECTION 5.**

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