House Bill 997
By: Representatives Carpenter of the 4th, Cantrell of the 22nd, Frye of the 118th, and Bonner of the 72nd

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide that students other than nonimmigrant aliens as defined in federal law shall be classified as in-state for tuition purposes subject to certain conditions; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Georgia Resident In-State Tuition Act."

SECTION 2.
Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Code Section 20-3-66, relating to determination of in-state resident status of students for tuition or fees, by revising subsection (d) as follows:

"(d) Noncitizen students shall not be classified as in-state for tuition purposes unless the student is legally in this state and there is evidence to warrant consideration of in-state classification as determined by the board of regents. Lawful permanent residents, refugees, asylees, or other eligible noncitizens as defined by federal Title IV regulations may be extended the same consideration as citizens of the United States in determining whether they qualify for in-state classification. International students who reside in the United States under nonimmigrant status conditioned at least in part upon intent not to abandon a foreign domicile shall not be eligible for in-state classification."

(d)(1) Except as provided in subsections (b) and (c) of this Code section, a student other than a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101 shall be classified for in-state tuition purposes if he or she satisfies all of the following conditions:

(A) Has graduated from a Georgia high school or obtained a Georgia general educational development (GED) diploma;
(B) Has established and maintained domicile in the State of Georgia for four years immediately preceding the first day of classes for the term;
(C) Has been physically present in the United States since on or before his or her twelfth birthday; and
(D) Has not reached the age of 30 years at the time of enrollment application.”

SECTION 3.

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

"(d)(1) Notwithstanding any other law to the contrary, a student other than a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101 shall be classified for in-state tuition purposes if he or she satisfies all of the following conditions:
(A) Has graduated from a Georgia high school or obtained a Georgia general educational development (GED) diploma;
(B) Has established and maintained domicile in the State of Georgia for four years immediately preceding the first day of classes for the term;
(C) Has been physically present in the United States since on or before his or her twelfth birthday; and
(D) Has not reached the age of 30 years at the time of enrollment application.”

SECTION 4.

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