

Senate Bill 82

By: Senators Jackson of the 2nd, Harbison of the 15th and Davenport of the 44th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia
2 Annotated, relating to HOPE scholarships and grants, so as to create a need based HOPE
3 scholarship and grant; to provide for definitions; to provide for eligibility; to provide for rules
4 and regulations; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
9 relating to HOPE scholarships and grants, is amended by adding a new paragraph to Code
10 Section 20-3-519, relating to definitions, to read as follows:

11 "(14.1) 'HOPE need recipient' means a student who:

12 (A)(i) Has met the applicable eligibility requirements to receive a HOPE scholarship
13 in accordance with Code Section 20-3-519.2 or a HOPE grant in accordance with
14 Code Section 20-3-519.5; and

15 (ii) Is not a Zell Miller Scholarship Scholar or Zell Miller Grant Scholar; and

16 (B)(i) Has been claimed by a parent as a dependent on federal or state income tax
17 returns for a period of 24 months immediately prior to the first day of classes for
18 which the scholarship or grant is to be awarded and where for such 24 month period
19 the total combined annual gross income of his or her parents is less than \$75,000.00;
20 or

21 (ii) Is solely responsible for his or her care, custody, and earnings; has not been
22 claimed by a parent as a dependent on the federal or state income tax returns for a
23 period of 24 months immediately prior to the first day of classes for which the
24 scholarship or grant is to be awarded; and has an annual gross income of less than
25 \$75,000.00 for such 24 month period."

26 **SECTION 2.**

27 Said part is further amended by adding a new subsection to Code Section 20-3-519.2, relating
 28 to eligibility requirements for a HOPE scholarship, to read as follows:

29 "(g) For each semester of eligibility, each HOPE need recipient shall be awarded an
 30 amount in addition to the HOPE award amount as follows:

31 (1) If attending an eligible public institution, an amount equal to such HOPE need
 32 recipient's amount of need as determined by the Georgia Student Finance Commission
 33 for attendance at such institution up to the difference between the HOPE award amount
 34 and the then current academic year standard undergraduate tuition amount at the
 35 institution to be paid; provided, however, that the commission's determination shall be
 36 based on an evaluation of the financial standing of each HOPE need recipient; and

37 (2) If attending an eligible private institution, an amount equal to such HOPE need
 38 recipient's amount of need as determined by the Georgia Student Finance Commission
 39 for attendance at such institution up to the difference between the HOPE award amount
 40 and the HOPE tuition payment; provided, however, that the commission's determination
 41 shall be based on an evaluation of the financial standing of each HOPE need recipient."

42 **SECTION 3.**

43 Said part is further amended by adding a new subsection to Code Section 20-3-519.5, relating
 44 to eligibility requirements for a HOPE grant, to read as follows:

45 "(d.2) For each semester or quarter following a semester or quarter that it is determined
 46 that a student is a HOPE need recipient, such student shall be awarded an amount in
 47 addition to the HOPE award amount equal to such student's amount of need as determined
 48 by the Georgia Student Finance Commission for attendance at the institution up to the
 49 difference between the HOPE award amount and the then current academic year standard
 50 undergraduate tuition amount at the institution to be paid; provided, however, that the
 51 commission's determination shall be based on an evaluation of the financial standing of
 52 such student. Eligibility to be a HOPE need recipient shall be determined on a semester
 53 or quarter basis and paid for the next semester or quarter in which such student is enrolled.
 54 Notwithstanding the foregoing, a HOPE need recipient shall also receive one semester or
 55 quarter of retroactive payment if such student was not eligible to be a HOPE need recipient
 56 because he or she had no cumulative grade point average."

57 **SECTION 4.**

58 Said part is further amended by revising subsection (d) of Code Section 20-3-519.11, relating
 59 to Georgia Student Finance Commission, examination of institutions, rules and regulations,
 60 and appropriation of funds, as follows:

61 "(d) Notwithstanding any provision of this part, the Georgia Student Finance Commission
62 is authorized to promulgate rules and regulations restricting eligibility for the scholarships
63 and grants described in this part or reducing the dollar amount of scholarships and grants
64 described in this part in accordance with the provisions of Code Section 50-27-13 and is
65 authorized to promulgate rules and regulations providing that HOPE need recipients shall
66 be those students who demonstrate the most need for the funding made available for such
67 need based scholarships under this part. In addition to other remedies available at law and
68 equity, the Georgia Student Finance Commission is authorized to enter into repayment
69 agreements with students that owe refunds to the Georgia Student Finance Commission of
70 any scholarship or grant described in this part. Except as prohibited by federal or other
71 state laws, individuals that owe refunds and fail to enter into repayment agreements with
72 the Georgia Student Finance Commission are, without judicial action, subject to
73 garnishment of their pay, loss of a professional license, offset of lottery winnings, and
74 offset of a state tax refund in accordance with rules and regulations promulgated by the
75 Georgia Student Finance Commission not inconsistent with the provisions of this part. As
76 used in this subsection, the term 'refund' shall mean scholarship and grant amounts paid to
77 or on behalf of students subsequently, in accordance with rules and regulations
78 promulgated by the Georgia Student Finance Commission, determined to be ineligible to
79 receive such funds."

80

SECTION 5.

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