

House Resolution 679

By: Representatives Fleming of the 117th, Burkhalter of the 50th, Keen of the 179th, Smith of the 113th, Hembree of the 67th, and others

A RESOLUTION

1 Creating the House Study Committee on University System Institution Foundations; and for
2 other purposes.

3 WHEREAS, the Board of Regents of the University System of Georgia (the "Board of
4 Regents") is the governing body that is responsible for the operation and oversight of the 34
5 University System of Georgia educational institutions (the "Institutions"); and

6 WHEREAS, many of the Institutions have affiliated independently incorporated 501(c)(3)
7 nonprofit organizations (the "Foundations") created for the purpose of stimulating voluntary
8 private support from alumni, friends, foundations, and corporations and to manage and
9 distribute resources to support the various missions of the Institutions; and

10 WHEREAS, the various boards of directors of the Foundations (the "Foundation Boards")
11 are bound by the terms, conditions, and restrictions of their governing articles and bylaws
12 and as established by donors of the Foundations; and

13 WHEREAS, the Foundation Boards are legally responsible for the performance and
14 oversight of all aspects of the Foundations, including compliance with Internal Revenue
15 Service regulations and state and federal laws; and

16 WHEREAS, the Foundations were established to support the Institutions for the betterment
17 of the State of Georgia; and

18 WHEREAS, there have been questions in other states about the relationship of organizations
19 similar to the Foundations and the governing bodies of the educational institutions of such
20 other states; and

21 WHEREAS, the Association of Governing Boards ("AGB") and the Council for the
22 Advancement and Support of Education ("CASE") established a national committee to study

1 the relationship between university foundations and the applicable university governing
2 bodies; and

3 WHEREAS, the study committee was comprised of nationally known individuals, including
4 university presidents, foundation presidents, a federal judge, and foundation trustees; and

5 WHEREAS, the AGB and CASE study committee worked two years to develop a national
6 model agreement entitled the "AGB-CASE Illustrative Memorandum of Understanding" (the
7 "Model MOU") which contains a proposed framework for agreements to clarify the
8 relationship between university foundations and the applicable university governing bodies;
9 and

10 WHEREAS, the Model MOU has been introduced in other states.

11 NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
12 it is in the best interests of the citizens of the State of Georgia that the relationship between
13 the Board of Regents and the Foundations be studied and that a legislative study committee
14 be established for such purpose and to evaluate any suggestions contained within the Model
15 MOU.

16 BE IT FURTHER RESOLVED that there is created the House Study Committee on
17 University System Institution Foundations to be composed of five members of the House of
18 Representatives to be appointed by the Speaker of the House of Representatives. The Speaker
19 shall designate a member of the committee as chairperson of the committee. The chairperson
20 shall call all meetings of the committee.

21 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
22 needs, issues, and problems mentioned above or related thereto and recommend any actions
23 or legislation which the committee deems necessary or appropriate. The committee may
24 conduct such meetings at such places and at such times as it may deem necessary or
25 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
26 accomplish the objectives and purposes of this resolution. The members of the committee
27 shall receive the allowances authorized for legislative members of interim legislative
28 committees but shall receive the same for not more than five days unless additional days are
29 authorized. The funds necessary to carry out the provisions of this resolution shall come from
30 the funds appropriated to the House of Representatives. In the event the committee makes
31 a report of its findings and recommendations, with suggestions for proposed legislation, if

- 1 any, such report shall be made on or before December 31, 2005. The committee shall stand
- 2 abolished on December 31, 2005.