

## House Resolution 1245

By: Representatives Smith of the 113<sup>th</sup>, Jamieson of the 28<sup>th</sup>, Lewis of the 15<sup>th</sup>, and Rogers of the 26<sup>th</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to establish Georgia's Board of Higher  
 2 Education; to provide that the Board of Regents of the University System of Georgia shall  
 3 be replaced by the Board of Higher Education for the Higher Education System of Georgia  
 4 and that the board of higher education shall be composed of members who shall be elected  
 5 by a majority vote of the members of the General Assembly whose districts are embraced or  
 6 partly embraced within congressional districts; to provide for certain at-large members to the  
 7 board of higher education; to provide that the board of higher education shall have authority  
 8 to create community colleges; to provide for the appointment of a chief education officer for  
 9 the higher education system and vice presidents over certain divisions of the higher education  
 10 system; to provide for the Division of Research Universities, the Division of Degree  
 11 Colleges and Universities, the Division of Community Colleges, and the Division of  
 12 Technical and Education Support; to create advisors to the chief education officer; to provide  
 13 for advisory offices to include the Office of Emerging and Innovative Technology, the Office  
 14 of Private Colleges and Universities, and the Office of Primary and Secondary Education;  
 15 to provide for other matters relative to the foregoing; to provide for the submission of this  
 16 amendment for ratification or rejection; and for other purposes.

17 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

## 18 SECTION 1.

19 Article VIII, Section IV of the Constitution of Georgia is amended by revising Paragraph I  
 20 as follows:

21 "Paragraph I. Higher Education University System of Georgia; board of regents higher  
 22 education. (a) There shall be a Board of Higher Education Regents of for the University  
 23 Higher Education System of Georgia which shall consist of one member from each  
 24 congressional district in the state and five additional members from the state at large,  
 25 appointed by the Governor and confirmed by a two-thirds majority vote of the Senate;  
 26 provided, however, that when the number of members from the congressional districts  
 27 would result in an even number of members on said board, the governor shall be authorized

1 to appoint only four additional members from the state at large, to be confirmed by the  
2 Senate. ~~The Governor shall not be a member of said board. The members in office on~~  
3 ~~June 30, 1983, shall serve out the remainder of their respective terms. As each term of~~  
4 ~~office expires, the Governor shall appoint a successor as herein provided. A member of~~  
5 ~~the board of higher education from a congressional district shall be elected by a majority~~  
6 ~~vote of the members of the General Assembly whose districts are embraced or partly~~  
7 ~~embraced within such congressional district meeting in caucus. The members of the board~~  
8 ~~of regents in office on June 30, 2008, shall continue to serve until the expiration of their~~  
9 ~~terms; provided, however, that on July 1, 2009, they shall become advisory members to the~~  
10 ~~board of higher education and shall not have authority to vote on any matters before the~~  
11 ~~board of higher education, and their positions shall be deemed vacated for purposes of~~  
12 ~~appointing or electing board members pursuant to this Paragraph. Upon the expiration of~~  
13 ~~the terms of such advisory members, such positions shall not be filled. The initial election~~  
14 ~~or appointment of board members under this Paragraph shall be made on or following~~  
15 ~~January 1, 2009, and the terms of such initially appointed members shall begin on July 1,~~  
16 ~~2009. The General Assembly shall provide by law for the procedure for the election of~~  
17 ~~members and the order for filling vacancies on the board of higher education. All such~~  
18 ~~terms of members shall be for seven years. Members appointed by the Governor shall serve~~  
19 ~~for terms of four years and members elected by the General Assembly shall serve for terms~~  
20 ~~of three years; provided, however, that the initial members elected from Congressional~~  
21 ~~Districts 1 through 6 shall serve initial terms of two years.~~ Members shall serve until their  
22 successors are appointed or elected and qualified. In the event of a vacancy on the board  
23 by death, resignation, removal, or any reason other than the expiration of a member's term,  
24 ~~the Governor shall fill such vacancy; and the person so appointed shall serve until~~  
25 ~~confirmed by the Senate and, upon confirmation, such vacancy shall be filled in the same~~  
26 ~~manner as the original appointment or election; and the person so appointed or elected shall~~  
27 serve for the unexpired term of office.

28 (b) ~~The board of regents~~ board of higher education shall have the exclusive authority to  
29 create new public colleges, ~~junior colleges~~ community colleges, and universities in the  
30 State of Georgia, subject to approval by majority vote in the House of Representatives and  
31 the Senate. Such vote shall not be required to change the status of a college, institution, or  
32 university existing on the effective date of this Constitution. The government, control, and  
33 management of the ~~University~~ Higher Education System of Georgia and all of the  
34 institutions in said system shall be vested in the Board of ~~Regents of the University~~ Higher  
35 Education for the Higher Education System of Georgia.

36 (c) All appropriations made for the use of any or all institutions ~~in the university system~~  
37 under the authority of the board of higher education shall be paid in a manner prescribed

1 ~~by the General Assembly to the board of regents in a lump sum, with the power and~~  
 2 ~~authority in said board to allocate and distribute the same among the institutions under its~~  
 3 ~~control in such way and manner and in such amounts as will further an efficient and~~  
 4 economical administration of the ~~university~~ higher education system.

5 (d) The board of ~~regents~~ higher education may hold, purchase, lease, sell, convey, or  
 6 otherwise dispose of public property, execute conveyances thereon, and utilize the proceeds  
 7 arising therefrom; may exercise the power of eminent domain in the manner provided by  
 8 law; and shall have such other powers and duties as provided by law.

9 (e) The board of ~~regents~~ higher education may accept bequests, donations, grants, and  
 10 transfers of land, buildings, and other property for the use of the ~~University~~ Higher  
 11 Education System of Georgia.

12 (f) The qualifications, compensation, and removal from office of the members of the  
 13 board of ~~regents~~ higher education shall be as provided by law.

14 (g) The board of higher education shall appoint a chief education officer of the higher  
 15 education system who shall have executive management authority over the higher  
 16 education system and all divisions and offices of the higher education system. The board  
 17 shall appoint a vice president for each of the primary divisions of the higher education  
 18 system, excluding the Division of Research Universities. The divisions shall include the  
 19 Division of Research Universities, the Division of Degree Colleges and Universities, the  
 20 Division of Community Colleges, and the Division of Technical and Education Support.  
 21 The board shall also appoint advisors as deemed necessary and appropriate to provide  
 22 consultation to the chief education officer and who shall direct and manage advisory  
 23 offices. The advisory offices shall include the Office of Emerging and Innovative  
 24 Technology, the Office of Private Colleges and Universities, and the Office of Primary and  
 25 Secondary Education."

## 26 SECTION 2.

27 Article I, Section II, Paragraph VIII of the Constitution of Georgia is amended by revising  
 28 subparagraph (c) as follows:

29 "(c) The General Assembly may by law provide for the operation and regulation of a  
 30 lottery or lotteries by or on behalf of the state and for any matters relating to the purposes  
 31 or provisions of this subparagraph. Proceeds derived from the lottery or lotteries operated  
 32 by or on behalf of the state shall be used to pay the operating expenses of the lottery or  
 33 lotteries, including all prizes, without any appropriation required by law, and for  
 34 educational programs and purposes as hereinafter provided. Lottery proceeds shall not be  
 35 subject to Article VII, Section III, Paragraph II; Article III, Section IX, Paragraph VI(a);  
 36 or Article III, Section IX, Paragraph IV(c), except that the net proceeds after payment of

1 such operating expenses shall be subject to Article VII, Section III, Paragraph II. Net  
 2 proceeds after payment of such operating expenses shall be separately accounted for and  
 3 shall be specifically identified by the Governor in his annual budget presented to the  
 4 General Assembly as a separate budget category entitled 'Lottery Proceeds' and the  
 5 Governor shall make specific recommendations as to educational programs and educational  
 6 purposes to which said net proceeds shall be appropriated. In the General Appropriations  
 7 Act adopted by the General Assembly, the General Assembly shall appropriate all net  
 8 proceeds of the lottery or lotteries by such separate budget category to educational  
 9 programs and educational purposes. Such net proceeds shall be used to support  
 10 improvements and enhancements for educational programs and purposes and such net  
 11 proceeds shall be used to supplement, not supplant, non-lottery educational resources for  
 12 educational programs and purposes. The educational programs and educational purposes  
 13 for which proceeds may be so appropriated shall include only the following:

14 (1) Tuition grants, scholarships, or loans to citizens of this state to enable such citizens  
 15 to attend colleges and universities located within this state, regardless of whether such  
 16 colleges or universities are operated by the board of higher education as colleges,  
 17 universities, or community colleges ~~regents, or to attend institutions operated under the~~  
 18 ~~authority of the Department of Technical and Adult Education;~~

19 (2) Voluntary pre-kindergarten;

20 (3) One or more educational shortfall reserves in a total amount of not less than 10  
 21 percent of the net proceeds of the lottery for the preceding fiscal year;

22 (4) Costs of providing to teachers at accredited public institutions who teach levels K-12,  
 23 personnel at public postsecondary technical institutes under the authority of the  
 24 ~~Department of Technical and Adult Education~~ board of higher education, and professors  
 25 and instructors within the ~~University~~ Higher Education System of Georgia the necessary  
 26 training in the use and application of computers and advanced electronic instructional  
 27 technology to implement interactive learning environments in the classroom and to access  
 28 the state-wide distance learning network; and

29 (5) Capital outlay projects for educational facilities; provided, however, that no funds  
 30 shall be appropriated for the items listed in ~~paragraphs (4) and (5)~~ subparagraphs (c)(4)  
 31 and (c)(5) of this ~~subsection Paragraph~~ Paragraph until all persons eligible for and applying for  
 32 assistance as provided in ~~paragraph (1)~~ subparagraph (c)(1) of this ~~subsection Paragraph~~  
 33 Paragraph have received such assistance, all approved pre-kindergarten programs provided for in  
 34 ~~paragraph (2)~~ subparagraph (c)(2) of this ~~subsection Paragraph~~ Paragraph have been fully funded,  
 35 and the education shortfall reserve or reserves provided for in ~~paragraph (3)~~ subparagraph  
 36 (c)(3) of this ~~subsection Paragraph~~ Paragraph have been fully funded."

