House Bill 1156

By: Representative Smith of the 113th

A BILL TO BE ENTITLED

AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to create Georgia´s Board of Higher Education and the Higher Education System of Georgia; to provide that the Board of Regents of the University System of Georgia shall be replaced by the Board of Higher Education of the Higher Education System of Georgia; to provide for the transfer of vocational, technical, and adult education to the Board of Higher Education; to abolish the State Board of Technical and Adult Education and the Department of Technical and Adult Education and vest their responsibilities in the Board of Higher Education; to provide for a chief education officer of the Higher Education System; to remove the office of the chancellor with the board of regents and replace the position with the chief education officer; to establish divisions of the Higher Education System to include four major divisions, the Division of Research Universities, Division of Degree Colleges, Division of Community Colleges, and the Division of Technical and Educational support; to provide for advisory offices to provide consultation to the chief education officer to include the office of Emerging and Innovative Technology, Office of Primary and Secondary Education, and the Office of Private Colleges and Universities; to provide for vice presidents of certain divisions; to transfer duties of the State Board of Education in obtaining matching funds to the Board of Higher Education; to amend the Official Code of Georgia Annotated to change references to reflect such changes; to transfer the public library activities to the division of technical and education support of the Higher Education system of Georgia; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The Official Code of Georgia Annotated is amended by replacing "Chancellor" with "Chief Education Officer," "chancellor" with "chief education officer," and "vice-chancellors" with "vice presidents" wherever the former terms occur in:

(1) Code Section 20-2-552, relating to creation, members, officers, and staff pertaining to the Georgia Education Authority (Schools);

(2) Code Section 20-3-73, relating to director of agricultural matters;

(3) Code Section 20-3-84, relating to the Center for Trade and Technology Transfer;

(4) Code Section 20-3-152, relating to creation, members, officers, and staff pertaining to the Georgia Education Authority (University);

(5) Code Section 20-3-633, relating to creation and board of directors pertaining to the Georgia Higher Education Savings Plan;

(6) Code Section 20-6-21, relating to Georgia members of Education Commission of the States;

(7) Code Section 20-14-3, relating to membership, officers, and meetings pertaining to the Education Coordinating Council;

(8) Code Section 24-7-25, relating to proof of nonjudicial records or books of other states territories or possessions;

(9) Code Section 38-4-33, relating to the Department of Veterans Service and various state educational bodies to cooperate with;

(10) Code Section 45-7-7, relating to compensation and allowances of certain officials not to be changed without giving public notice;

(11) Code Section 45-20-2, relating to definitions pertaining to personnel administration;

(12) Code Section 47-21-21, relating to the creation of the Board of Regents Retiree Health Benefit Fund;

(13) Code Section 50-5-69, relating to purchases without competitive bidding and central bid registry;

(14) Code Section 50-5-196, relating to governing board, establishment, and members pertaining to the "Georgia Distance Learning and Telemedicine Act of 1992";

(15) Code Section 50-12-131, relating to the membership, terms, and qualifications of the Georgia Commission on the Holocaust;

(16) Code Section 50-19-2, relating to the unlawful operation of a vehicle owned or leased by the state or any branch, department, agency, commission, board, or authority of the state unless decal or seal affixed to the front door; and

(17) Code Section 50-30-5, relating to the board of directors and director of institute pertaining to the Georgia Institute for Community Business Development.

SECTION 2.

Code Section 2-10-53 of the Official Code of Georgia Annotated, relating to powers and duties of the commissioner of agriculture, is amended by replacing "University System" with "Higher Education System" wherever the former term occurs.

SECTION 3.

Code Section 3-8-4 of the Official Code of Georgia Annotated, relating to the sale of alcohol by continuing education centers, is amended by replacing "University System" with "Higher Education System" wherever the former term occurs.

SECTION 4.

Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, is amended by replacing "University System" with "Higher Education System" wherever the former term occurs in:

(1) Code Section 7-1-94, relating to evidential value of results of examinations or investigations; and

(2) Code Section 7-3-6, relating to exemptions from Chapter 3 of Title 7 pertaining to industrial loans.

SECTION 5.

Title 3 of the Official Code of Georgia Annotated, relating to housing generally, is amended by replacing "University System" with "Higher Education System" wherever the former term occurs in:

(1) Code Section 8-3-3, relating to definitions pertaining to housing generally; and

(2) Code Section 8-3-17, relating to the powers of authorities and the board of regents as to dormitories.

SECTION 6.

Code Section 8-3-17 of the Official Code of Georgia Annotated, relating to the powers of authorities and the board of regents as to dormitories, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" and by replacing "board of regents" with "board of Higher Education" wherever the former terms occur.

SECTION 7.

Code Section 9-10-151 of the Official Code of Georgia Annotated, relating to grounds for continuance, attendance at a board of regents or education meeting, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" whenever the former term occurs.

SECTION 8.

Code Section 10-1-16 of the Official Code of Georgia Annotated, relating to inapplicability of this article to educational entities and student loan transactions, is amended by replacing "University System" with "Higher Education System" wherever the former term occurs.

SECTION 9.

Code Section 10-10-1 of the Official Code of Georgia Annotated, relating to definitions pertaining to the seed-capital fund, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" and by replacing "University System" with "Higher Education System" wherever the former terms occur.

SECTION 10.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" and by replacing "University System" with "Higher Education System" wherever the former terms occur:

(1) Code Section 12-3-52, relating to archeological exploration, excavation, or surveying;

(2) Code Section 12-5-1, relating to the establishment of the water resources center;

(3) Code Section 12-5-210, relating to development and utilization of coastal and offshore waters, lands, and resources;

(4) Code Section 12-8-22, relating to definitions pertaining to solid waste management;

(5) Code Section 12-8-23, relating to powers and duties of the Board of Natural Resources;

(6) Code Section 12-8-24.1, relating to certification of municipal solid waste disposal facility operators; and

(7) Code Section 12-11-10, relating to coordinated job training and placement services for Georgia Youth Conservation Corps.

SECTION 11.

Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" wherever the former term occurs in:

(1) Code Section 14-2-641, relating to the effect of failure to present securities for redemption, surrender, cancellation, or payment;

(2) Code Section 14-2-1440, relating to deposit of assets with the Office of Treasury and Fiscal Services; and

(3) Code Section 14-3-1440, relating to the deposit of assets with the Office of Treasury and fiscal Services.

SECTION 12.

Code Section 16-11-35 of the Official Code of Georgia Annotated, relating to the removal from campus or facility of unit of university system or school, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" and by replacing "University System" with "Higher Education System" wherever the former terms occur.

SECTION 13.

Code Section 17-8-29 of the Official Code of Georgia Annotated, relating to grounds for granting of continuances, party or party's counsel in attendance at a meeting of the board of regents, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" wherever the former terms occur.

SECTION 14.

Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia," by replacing "Board of regents" with "Board of Higher Education," by replacing "board of regents" with "board of higher education," by replacing "University System" with "Higher Education System," by replacing "University system" with "Higher education system," and by replacing "university system" with "higher education system" wherever the former terms occur in:

(1) Code Section 20-1-3, relating to eligibility of teachers receiving retirement benefits from the board of regents to be members of the teachers retirement system;

(2) Code Section 20-1-4, relating to the power of the board of regents to establish supplemental pension and retirement allowances;

(3) Code Section 20-1-22, relating to definitions for the "Drug-free Postsecondary Education Act of 1990";

(4) Code Section 20-1-26, relating to promulgation of administrative procedures for implementation;

(5) Code Section 20-2-161.1, relating to enrollment in postsecondary courses;

(6) Code Section 20-2-168, relating to the distribution of federal funds;

(7) Code Section 20-2-212, relating to salary schedules;

(8) Code Section 20-2-270, relating to the establishment of a state-wide network;

(9) Code Section 20-2-272, relating to agency board of control, members, powers, and duties;

(10) Code Section 20-2-305, relating to county and regional libraries;

(11) Code Section 20-2-306, relating to honors program and residential high school program;

(12) Code Section 20-2-314, relating to the development of rape prevention, personal safety education, and teen dating violence prevention programs;

(13) Code Section 20-2-315, relating to gender discrimination prohibited and authorization of separate gender teams;

(14) Code Section 20-2-552, relating to creation of the Georgia Education Authority (Schools);

(15) Code Section 20-2-930, relating to professional liability insurance coverage for teachers and other school personnel;

(16) Code Section 20-2-984, relating to the Professional Standards Commission, authority to create standards and procedures for certifying educational personnel;

(17) Code Section 20-3-1, relating to definitions pertaining to postsecondary education;

(18) Code Section 20-3-20, relating to creation of the board of regents;

(19) Code Section 20-3-21, relating to composition and powers and duties of the board of regents;

(20) Code Section 20-3-22, relating to terms of office for the board of regents;

(21) Code Section 20-3-23, relating to vacancy on the board of regents;

(22) Code Section 20-3-24, relating to chairman of the board of regents;

(23) Code Section 20-3-25, relating to appointment and duties of the secretary of the board of regents;

(24) Code Section 20-3-26, relating to duty of members of the board of regents to attend meetings;

(25) Code Section 20-3-27, relating to inspection of institutions by committees;

(26) Code Section 20-3-28, relating to per diem allowances and travel expenses of members of the board of regents;

(27) Code Section 20-3-29, relating to separate appropriation for expense;

(28) Code Section 20-3-30, relating to procedural rules and regulations;

(29) Code Section 20-3-31, relating to general powers of the board of regents;

(30) Code Section 20-3-31.1, relating to powers of board of regents as to programs for senior citizens to attend classes in the university system;

(31) Code Section 20-3-32, relating to powers as to institutions, departments, courses, and degrees of the university system;

(32) Code Section 20-3-33, relating to investment of trust funds in real estate or improvements;

(33) Code Section 20-3-34, relating to fiscal year;

(34) Code Section 20-3-35, relating to annual reports to the governor;

(35) Code Section 20-3-36, relating to applicability of sovereign immunity doctrine;

(36) Code Section 20-3-37, relating to contracts with hospitals for clinics and training medical students;

(37) Code Section 20-3-38, relating to agricultural extension work;

(38) Code Section 20-3-39, relating to reassignment of responsibilities for the operation and management of public libraries;

(39) Code Section 20-3-50, relating to institutions in the university system;

(40) Code Section 20-3-51, relating to board of regents to govern the university system;

(41) Code Section 20-3-53, relating to the authority to allocate appropriations among institutions;

(42) Code Section 20-3-54, relating to use of funds donated for a particular institution;

(43) Code Section 20-3-55, relating to payment of appropriations, bond of official receiving funds;

(44) Code Section 20-3-56, relating to trust funds or property vested in regents on behalf of a particular institution;

(45) Code Section 20-3-57, relating to property of institutions vested in regents separately;

(46) Code Section 20-3-58, relating to condemnation of private or public property for the university system;

(47) Code Section 20-3-59, relating to the power of local school boards to add facilities to the university system;

(48) Code Section 20-3-60, relating to times when properties of the university system may be sold, leased, or otherwise disposed of;

(49) Code Section 20-3-61, relating to how conveyances are executed;

(50) Code Section 20-3-62, relating to use of proceeds from conveyances;

(51) Code Section 20-3-63, relating to refunding state obligations held by regents and the authority to issue bonds;

(52) Code Section 20-3-64, relating to issuing state bonds to redeem obligations of the university system;

(53) Code Section 20-3-66, relating to determination of resident status of students for tuition or fees;

(54) Code Section 20-3-67, relating to powers of the board of regents over the university system and institutions over students not limited by lowering age of majority;

(55) Code Section 20-3-71, relating to nuclear facility liability insurance for schools under the board of regents;

(56) Code Section 20-3-72, relating to arrest powers of campus policemen and security personnel;

(57) Code Section 20-3-73, relating to director of agricultural matters;

(58) Code Section 20-3-76, relating to advisory board of the College of Veterinary Medicine;

(59) Code Section 20-3-77, relating to coordination of education encouraging development of small business;

(60) Code Section 20-3-77.1, relating to training programs for professors and instructors in computers and advanced electronic instructional technology;

(61) Code Section 20-3-78, relating to the corporate nature of athletic associations;

(62) Code Section 20-3-80, relating to agreements as to the use of state property by athletic associations;

(63) Code Section 20-3-82, relating to Georgia Eminent Scholars Endowment Trust Fund;

(64) Code Section 20-3-83, relating to deductions for contributions or dues to interdisciplinary charitable associations;

(65) Code Section 20-3-84, relating to the Center for Trade and Technology Transfer board of directors;

(66) Code Section 20-3-85, relating to study examining postsecondary text availability in alternative formats;

(67) Code Section 20-3-86, relating to non-lapsing revenue of institutions in university system;

(68) Code Section 20-3-87, relating to requirement to join professional association as a condition of enrollment prohibited;

(69) Code Section 20-3-91, relating to legislative findings and intent related to student organization responsibility for drug abuse;

(70) Code Section 20-3-92, relating to definitions related to student organization responsibility for drug abuse;

(71) Code Section 20-3-93, relating to circumstances requiring withdrawal of student organization recognition;

(72) Code Section 20-3-94, relating to implementation of administrative procedures;

(73) Code Section 20-3-95, relating to appeal to the board of regents;

(74) Code Section 20-3-96, relating to final appeal to superior court;

(75) Code Section 20-3-133, relating to payments from the board of regents to local operating authorities;

(76) Code Section 20-3-134, relating to board of regents to fix policies and standards for junior colleges;

(77) Code Section 20-3-151, relating to definitions related to the Georgia Education Authority (University);

(78) Code Section 20-3-152, relating to creation of the authority;

(79) Code Section 20-3-153, relating to powers of the authority;

(80) Code Section 20-3-163, relating to credit of the state not pledged;

(81) Code Section 20-3-166, relating to sinking fund;

(82) Code Section 20-3-167, relating to remedies of bondholders, receivers, or indenture trustees;

(83) Code Section 20-3-173, relating to interests of bondholders protected;

(84) Code Section 20-3-176, relating to fixing, collecting, and assigning rentals and charges for use of projects;

(85) Code Section 20-3-178, relating to accounts and audits;

(86) Code Section 20-3-179, relating to power of the board of regents to issue revenue bonds not affected;

(87) Code Section 20-3-201, relating to definitions pertaining to the Private Colleges and Universities Authority;

(88) Code Section 20-3-234, relating to functions and composition of the board of commissioners for the Georgia Student Finance Commission;

(89) Code Section 20-3-391, relating to state student incentive grant program authorized;

(90) Code Section 20-3-410, relating to legislative findings as to tuition equalization grants at private colleges and universities;

(91) Code Section 20-3-411, relating to definitions pertaining to tuition equalization grants at private colleges and universities;

(92) Code Section 20-3-420, relating to legislative purpose pertaining to the North Georgia College military scholarships;

(93) Code Section 20-3-470, relating to board of regents´ opportunity assistance program for graduate and professional degree students;

(94) Code Section 20-3-485, relating to definitions pertaining to the Georgia HERO Scholarship;

(95) Code Section 20-3-500, relating to authorization of the board of regents to grant scholarships;

(96) Code Section 20-3-501, relating to duties of the board of regents regarding the scholarship program;

(97) Code Section 20-3-502, relating to funds for scholarships;

(98) Code Section 20-3-519, relating to definitions pertaining to the HOPE scholarships and grants;

(100) Code Section 20-3-519.2, relating to eligibility requirements for HOPE scholarship at a public postsecondary institution;

(101) Code Section 20-3-519.5, relating to eligibility requirements for a HOPE grant at a branch of the Georgia Department of Technical and Adult Education;

(102) Code Section 20-3-519.8, relating to HOPE teacher's scholarships;

(103) Code Section 20-3-519.12, relating to eligibility for Promise II teacher´s scholarship;

(104) Code Section 20-3-520, relating to construction and operation authorized for the Eugene Talmadge Memorial Hospital;

(105) Code Section 20-3-521, relating to funds for construction and equipping the Eugene Talmadge Memorial Hospital;

(106) Code Section 20-3-561, relating to management of the Georgia Military College vested in the board of trustees;

(107) Code Section 20-3-603, relating to definitions pertaining to the "College Opportunity Act";

(108) Code Section 20-3-605, relating to advance tuition payment contract authorized;

(109) Code Section 20-3-607, relating to termination of advance tuition payment contracts;

(110) Code Section 20-3-633, relating to creation of the board of directors for the Georgia Higher Education Savings Plan;

(111) Code Section 20-4-11, relating to powers of the State Board of Technical and Adult Education;

(112) Code Section 20-4-14, relating to the Department of Technical and Adult Education established;

(113) Code Section 20-4-20, relating to authority of the board of regents of the University System of Georgia unabridged;

(114) Code Section 20-4-36, relating to cooperation with study to identify problems in obtaining alternative formats for textbooks used by students with disabilities;

(115) Code Section 20-4-43, relating to agreements for local facilities and employees;

(116) Code Section 20-5-1.1, relating to defining board of regents;

(117) Code Section 20-5-3, relating to disbursement of funds;

(118) Code Section 20-5-5, relating to internet safety policies in public libraries;

(119) Code Section 20-5-45, relating to the directors of the library systems;

(120) Code Section 20-5-47, relating to a written constitution for county and regional public libraries;

(121) Code Section 20-5-48, relating to ownership of library property;

(122) Code Section 20-5-51, relating to dissolution of or withdrawal from a library system;

(123) Code Section 20-5-60, relating to "state library agency" defined;

(124) Code Section 20-5-64, relating to the appointment of compact administrator and deputy administrators;

(125) Code Section 20-5-65, relating to notices of withdrawal from the compact;

(126) Code Section 20-6-21, relating to Georgia members of Education Commission of the States;

(127) Code Section 20-8-4, relating to exemption of university system campus policemen;

(128) Code Section 20-8-6, relating to reports of criminal gang activity on or adjacent to campus;

(129) Code Section 20-9-1, relating to rules and regulations as to eye protective devices;

(130) Code Section 20-10-1, relating to board of regents to conduct farmers´ institutes;

(131) Code Section 20-11-5, relating to appropriations for the Georgia Tech Research Institute;

(132) Code Section 20-11-7, relating to change of the name to Georgia Tech Research Institute;

(133) Code Section 20-12-1, relating to definitions pertaining to marine resources extension centers and institute for oceanographic studies;

(134) Code Section 20-12-2, relating to development of marine resources extension centers and institute for oceanographic studies;

(135) Code Section 20-12-3, relating to powers of the board of regents;

(136) Code Section 20-12-4, relating to cooperation with other states;

(137) Code Section 20-12-5, relating to leasing projects;

(138) Code Section 20-12-6, relating to rentals and other charges; contracts as to use of projects;

(139) Code Section 20-12-7, relating to rules and regulations for projects;

(140) Code Section 20-12-8, relating to annual reports pertaining to marine resources extension centers and the institute for oceanographic studies;

(141) Code Section 20-13-1, relating to the establishment of the Georgia Public Telecommunications Commission;

(142) Code Section 20-13-5, relating to functions and responsibilities of the Georgia Public Telecommunications Commission;

(143) Code Section 20-13-8, relating to licensure;

(144) Code Section 20-13-9, relating to content of instructional television;

(145) Code Section 20-13-10, relating to personnel and status as state employees;

(146) Code Section 20-14-3, relating to membership of the education coordinating council;

(147) Code Section 20-14-8, relating to general powers and duties of the Education Coordinating Council;

(148) Code Section 20-14-20, relating to definitions pertaining to education accountability assessment programs;

(149) Code Section 20-14-27, relating to required reports;

(150) Code Section 20-14-50, relating to creation and adoption of performance measures;

(151) Code Section 20-15-3, relating to establishment and appointment of members of the Georgia Medical Center Authority;

(152) Code Section 20-15-4, relating to purpose of the Georgia Medical Center Authority;

(153) Code Section 20-16-2, relating to definitions pertaining to the Georgia Higher Education Facilities Authority;

(154) Code Section 20-16-3, relating to the creation of the Georgia Higher Education Facilities Authority; and

(155) Code Section 20-16-4, relating to powers of the Georgia Higher Education Facilities Authority.

SECTION 15.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising subsection (a) of Code Section 20-2-161.2, relating to the Youth Apprenticeship Program, as follows:

"20-2-161.2.

(a) Any eleventh or twelfth grade pupil or pupil aged 16 or over in any public school in this state may enroll in a Youth Apprenticeship Program which is offered at that public school and which is approved for secondary credit by the department. Such pupil shall be granted release time from the public school to work as an apprentice for any business enterprise which is approved by the department as a qualified employer under the educational apprenticeship program. A pupil shall receive secondary credit for such apprenticeship only under the conditions established by the department. The department is authorized to establish a Youth Apprenticeship Program and to promulgate such policies, standards, procedures, criteria, and administrative requirements as may be necessary to implement the program by rules and regulations. The department shall consult the Department of Labor and the ~~Department of Technical and Adult Education~~ Board of Higher Education in developing such policies and procedures. The department´s certified educational apprenticeship plan shall include but not be limited to the following:

(1) A detailed training plan between employer and apprentice that identifies specific work tasks that will develop workplace competency;

(2) A minimum of 144 classroom hours of related academic instruction and training;

(3) A minimum of 2,000 hours of on-the-job training;

(4) A progressive wage schedule established by the participating employer;

(5) On-site evaluation of the pupil´s performance;

(6) Training remediation as necessary at the school site;

(7) A broad range of skills but shall be focused on manufacturing and engineering technology, administration and office technology, and health care;

(8) Development of materials by the business, industry, and labor community in conjunction with the department to promote the awareness of apprenticeships for high school students and encourage recruitment; and

(9) Structural linkage between secondary and postsecondary components of the program leading to the awarding of a high school diploma and postsecondary certification of occupational skills.

The apprenticeship program shall include on-site training only in positions that have been certified by the Department of Labor as highly skilled jobs in business and industry.″

SECTION 16.

Said title is further amended by revising subsection (b) of Code Section 20-2-270, relating to establishment of state-wide network of regional educational service agencies, as follows:

″(b) The State Board of Education shall establish the service area of each regional educational service agency as a geographically defined area of the state. All local school systems~~, Department of Technical and Adult Education facilities and institutions, University~~ and Higher Education System of Georgia facilities and institutions that are located in the designated geographical area shall be members of that regional educational service agency.″

SECTION 17.

Said title is further amended by revising subsections (a), (b), and (c) of Code Section 20-2-320, relating to the Education Information Steering Committee, identification of data to implement Quality Basic Education Program, and state-wide comprehensive educational information network, as follows:

″(a) The Governor shall appoint a steering committee, which shall be named the Education Information Steering Committee, composed of representatives from the Department of Education, ~~the Department of Technical and Adult Education,~~ the Board of ~~Regents of the University System of Georgia~~ Higher Education, the office of the Governor, the Office of Planning and Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the Department of Early Care and Learning, the Professional Standards Commission, the Office of Student Achievement, the Georgia Public Telecommunications

Commission, the ~~Legislative~~ Senate Budget Office, the House Budget Office, and local school systems. The steering committee shall identify the data required to implement the Quality Basic Education Program on a fiscally sound basis and the data required to evaluate the effectiveness of the components of public education in Georgia. The steering committee shall identify data that shall be required from local units of administration for the implementation of this article. Further, the steering committee shall develop a design for a state-wide comprehensive educational information system which will provide for the accurate, seamless, and timely flow of information from local and regional education agencies~~,~~ and units of the ~~University~~ Higher Education System of Georgia~~, and technical schools and colleges to the state~~. The design shall include hardware, software, data, collection methods and times, training, maintenance, communications, security of data, and installation specifications and any other relevant specifications needed for the successful implementation of this system. The state-wide comprehensive educational information system shall not use a student´s social security number or an employee´s social security number in violation of state or federal law to identify a student or employee. The steering committee shall present such recommendations to the Education Coordinating Council. Upon approval of the boards of the respective education agencies, such boards shall issue appropriate requests for proposals to implement a state-wide comprehensive educational information system, subject to appropriation by the General Assembly. The boards of the respective education agencies, at the direction of the Education Coordinating Council and working through the steering committee, shall initiate contracts with appropriate vendors and local units of administration for the procurement of services, purchase of hardware and software, and for any other purpose as directed by the Education Coordinating Council, consistent with appropriation by the General Assembly.

(b) The State Board of Education, ~~the Board of Technical and Adult Education,~~ the Board of ~~Regents of the University~~ Higher Education of the Higher Education System of Georgia, and the Department of Early Care and Learning shall require an individual student record for each student enrolled which at a minimum includes the data specifications recommended by the steering committee and approved by the Education Coordinating Council. The Professional Standards Commission shall maintain an individual data record for each certificated person employed in a public school.

(c) For the purpose of this article, authorized educational agencies shall be the Department of Education; the Department of Early Care and Learning; the Board of ~~Regents of the University~~ Higher Education for the Higher Education System of Georgia; ~~the Department of Technical and Adult Education;~~ the Education Coordinating Council; the Professional Standards Commission; the Office of Student Achievement; the education policy and research components of the office of the Governor; the Office of Planning and Budget; the

~~Legislative~~ Senate Budget Office; the House Budget Office; the House Research Office; and the Senate Research Office. Any information collected over the state-wide comprehensive educational information system, including individual student records and individual personnel records, shall be accessible by authorized educational agencies, provided that any information which is planned for collection over the system but which is temporarily being collected by other means shall also be accessible by authorized educational agencies and provided, further, that adequate security provisions are employed to protect the privacy of individuals. All data maintained for this system shall be used for educational purposes only. In no case shall information be released by an authorized educational agency which would violate the privacy rights of any individual student or employee. Information released by an authorized educational agency in violation of the privacy rights of any individual student or employee shall subject the authorized educational agency to all penalties under applicable state and federal law. Any information collected over the state-wide comprehensive educational information system which is not stored in an individual student or personnel record format shall be made available to the Governor and the House and Senate Appropriations, Education, and Higher Education committees, except information otherwise prohibited by statute. Data which are included in an individual student record or individual personnel record format shall be extracted from such records and made available in nonindividual record format for use by the Governor, committees of the General Assembly, and agencies other than authorized educational agencies.″

SECTION 18.

Said title is further amended by revising Code Section 20-3-1, relating to definitions for post secondary education, as follows:

″20-3-1.

As used in this chapter, the term:

(1) 'Board of ~~regents~~ higher education' or 'board' means the Board of ~~Regents~~ Higher Education of the ~~University~~ Higher Education System of Georgia.

(2) '~~University~~ Higher education system' or 'system' means the ~~University~~ Higher Education System of Georgia.″

SECTION 19.

Said title is further amended by repealing and reserving Code Section 20-3-20, relating to change of the name of the "Trustees of the University of Georgia," as follows:

″20-3-20.

~~(a) The board of regents is created.~~

~~(b) The name of the corporation established prior to January 1, 1932, and existing under the name and style, 'Trustees of the University of Georgia,' is changed to 'Regents of the University System of Georgia.'~~ Reserved.″

SECTION 20.

Said title is further amended by revising Code Section 20-3-21, relating to composition, powers, and duties of the board of regents generally, as follows:

″20-3-21.

~~The board of regents shall be composed of one member from each congressional district in the state and five additional members from the state at large, who shall be appointed by the Governor and confirmed by the Senate.~~ The board of higher education shall consist of one member from each congressional district in the state and five additional members from the state at large. The five at-large members shall be appointed by the Governor and confirmed by the Senate; provided, however, that the number of members to be appointed by the Governor shall be reduced to four, at such time as the number of congressional districts shall cause an even number of members on the board. All appointments made by the governor shall be confirmed by a two thirds majority vote of the members of the Senate. The members in office on June 30, 2008, shall continue to serve until the expiration of their terms provided; however, that on July 1, 2009, they shall become advisory members to the board of higher education and shall not have authority to vote on any matters before the board and their positions shall be deemed vacated for purposes of appointing or electing board members pursuant to this Code section. The initial election or appointment of board members shall be made on or following January 1, 2009, and the terms of such initially appointed members shall begin on July 1, 2009. A member of the board from a congressional district shall be elected by a majority vote of the members of the General Assembly whose districts are embraced or partly embraced within such congressional district meeting in caucus as such congressional district vacancy on the board shall come due. All members elected by the General Assembly on or following January 1, 2009, shall serve three year terms; provided, however, that the initial members elected from Congressional Districts 1 through 6 shall serve initial terms of two years. Members appointed by the Governor and confirmed by the Senate on or following January 1, 2009, shall serve four year terms. A member may be reappointed to the board in accordance with this Code section. The General Assembly shall adopt procedures for the election of members and for filling vacancies on the board. Members shall serve until their successors are appointed or elected and qualified. In the event of a vacancy on the board by death, resignation, removal, or any reason other than the expiration of a member´s term, such vacancy shall be filled in the same manner as the original appointment or election; and the

person so appointed or elected shall serve for the unexpired term of office. The Governor shall not be a member of the board. The board shall have all the powers and duties now or hereafter provided by law. The board shall be subject to all provisions of law not inconsistent with this part."

SECTION 21.

Said title is further amended by revising Code Section 20-3-50, relating to the institutions in the university system, as follows:

"20-3-50.

(a) The ~~university~~ higher education system shall consist of four major divisions:

(1) The Division of Research Universities which shall supervise and manage the major public research universities in Georgia and designated research programs, including the University of Georgia and all of its branches, the Georgia Tech Research Institute as provided for in Chapter 11 of this title, and marine resources extension centers and the Oceanographic Research Center as provided for in Chapter 12 of this title;

(2) The Division of Four-year Degree Colleges and Universities which shall supervise and manage the colleges and universities other than the major research universities and which are primarily responsible for offering four-year college education degree programs;

(3) The Division of Community Colleges which shall consist of schools and colleges whose core function is to provide occupational education and vocational training including two and four year degree programs and adult educational programs as provided for in Chapter 4 of this title; such community colleges shall include all schools previously designated junior colleges as provided for in Article 4 of Chapter 3 of this title, and those schools and programs formerly under the authority of Department of Adult and Technical Education;

(5) The Division of Technical Education Support which shall consist of offices providing support to all divisions of the college and university system and shall include supervision of the state public libraries provided for in Article 1 of Chapter 5 of this title.

(b) Each division provided for in this Code section, excluding the Division of Research Universities, shall be managed by a vice-president who shall be appointed by a two-thirds majority of the full board.

(c) The higher education system shall also consist of three major advisory offices:

(1) The Office of Emerging and Innovative Technology which shall advise and consult with the chief education officer, vice-presidents, and others as directed by the chief education officer, on all matters pertaining to emerging and innovative technology and intellectual property and shall act as a liaison to other agencies and private individuals

and entities in order to facilitate communication and cooperation on issues of emerging and innovative technologies;

(2) The Office of Private Colleges and Universities which shall advise and consult with the chief education officer, vice-presidents, and others as directed by the chief education officer, on all matters pertaining to private colleges and universities in Georgia and which shall act as a liaison to such private schools in matters pertaining to cooperation and communication with private colleges and universities; and

(3) The Office of Primary and Secondary Education which shall advise and consult with the chief education officer, vice-presidents, and others as directed by the chief education officer, on all matters pertaining to schools under the authority of the Board of Education and local school boards and which shall act as a liaison to such primary and secondary schools and the school boards so as to facilitate cooperation and communication on issues pertaining to primary and secondary schools.″

SECTION 22.

Said title is further amended by revising paragraph (1) of Code Section 20-3-485, relating to definitions regarding the Georgia HERO Scholarship, as follows:

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

SECTION 23.

Said title is further amended by revising paragraph (7) through (9) of Code Section 20-3-519, relating to definitions regarding HOPE scholarships and grants, as follows:

″(7) 'Eligible postsecondary institution' means a school which is:

(A) A unit of the ~~University~~ Higher Education System of Georgia~~;~~

~~(B) A branch of the Georgia Department of Technical and Adult Education~~ or an affiliated institution which is controlled by a local board of education;

~~(C)~~(B) A private independent nonprofit postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph (A) of paragraph (2) of Code Section 20-3-411; or

~~(D)~~(C) A private proprietary postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph (C) of paragraph (2) of Code Section 20-3-411.

(8) 'Eligible private postsecondary institution' means an eligible postsecondary institution which meets the criteria set out in subparagraph (B) or (C) ~~or (D)~~ of paragraph (7) of this Code section.

(9) 'Eligible public postsecondary institution' means an eligible postsecondary institution which meets the criteria set out in subparagraph (A) ~~or (B)~~ of paragraph (7) of this Code section."

SECTION 24.

Said title is further amended by revising subsection (a) of Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship at a public postsecondary institution and scholarship amount, as follows:

"20-3-519.2.

(a) To be eligible for a HOPE scholarship, an entering freshman student seeking an associate or baccalaureate degree at an eligible public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy ~~of the board of regents~~ and the in-state tuition guidelines set by the ~~department of Technical and Adult Education~~ Board of Higher Education;

(2) Meet achievement standards by:

(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1993 or thereafter and meeting the requirements set out in the applicable subsection and paragraph of Code Section 20-2-157; or

(B) In the case of a student who is otherwise qualified but:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received the general educational development (GED) diploma awarded by the Georgia Department of Technical and Adult Education after June 30, 1993, or the Board of Higher Education of the Higher Education after July 1, 2008, provided that such student shall only be eligible for a HOPE scholarship pursuant to subsection (e) of this Code section;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to

receive a retroactive HOPE scholarship for such student´s freshman year to be paid at the end of the freshman year; or

(iii) Graduated from a high school which is not an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student´s freshman year to be paid at the end of the freshman year; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status.

(b) To be eligible for a HOPE scholarship, a sophomore student seeking an associate or baccalaureate degree at an eligible public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy ~~of the board of regents~~ and the in-state tuition guidelines set by the ~~Department of Technical and Adult Education~~ board of higher education;

(2) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution:

(i) At the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours if such student is a full-time student; or

(ii) At the end of three consecutive quarters or semesters if such student is a part-time student and has maintained part-time student status for three consecutive quarters or semesters; and

(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status.

(c) To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate or first professional degree at a public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy ~~of the board of regents~~ and the in-state tuition guidelines set by the ~~Department of Technical and Adult Education~~ Board of Higher Education;

(2) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 90 quarter hours or 60 semester hours; and

(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.

(d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or a first professional degree at a public postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia;

(2) Meet achievement standards by meeting the following criteria:

(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 135 quarter hours or 90 semester hours; and

(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and

(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.

(e)(1)(A) A full-time student who fails to maintain a cumulative grade point average of at least 3.0 at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours may attend the next 45 quarter or 30 semester hours without a HOPE scholarship. An otherwise eligible full-time student who regains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in

which the full-time student has attempted 90 or 135 quarter hours or 60 or 90 semester hours may requalify for a HOPE scholarship.

(B) An otherwise eligible part-time student who regains or attains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the part-time student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may attain or requalify for a HOPE scholarship.

(2) In addition to other requirements, and regardless of quarter hours or semester hours of coursework attempted, a student who fails to possess a cumulative grade point average of at least 3.0 at the end of each spring quarter or semester or at the end of three consecutive quarters or semesters for a part-time student pursuant to paragraph (2) of subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such time as the student regains or attains a cumulative grade point average of at least 3.0 at one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30, 60, or 90 semester hour grade point average checkpoints, at which time the student will regain or attain eligibility if other terms and conditions in this Code section are also satisfied.

(f) For students eligible for a HOPE scholarship under this Code section, no minimum number of hours of enrollment is required.

(g)(1) Except as set out in paragraph (2) of this subsection, a student may receive the HOPE scholarship until the first of these events:

(A) The student has earned a baccalaureate degree; or

(B) The student has attempted at any postsecondary institution a total of 190 quarter hours or 127 semester hours.

(2) A student enrolled in an undergraduate or first professional degree program designed to be more than 190 quarter hours or 127 semester hours in length is eligible to receive the HOPE scholarship for the lesser of:

(A) A total of 225 attempted quarter hours or 150 attempted semester hours; or

(B) The number of hours required for graduation if the student has a cumulative grade point average of at least 3.0 after the term in which the student attempted 190 quarter hours or 127 semester hours.

(h)(1) Subject to the amounts appropriated by the General Assembly and provisions relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE scholarship awarded under this Code section shall include tuition, approved mandatory fees, and a book allowance not to exceed $100.00 per quarter or $150.00 per semester, except as otherwise provided for in paragraphs (2) and (3) of this subsection.

(2) Effective beginning with the fall quarter or semester commencing after July 1, 2004, the amount of mandatory fees paid shall be equal to such amount or amounts that were paid on January 1, 2004, except as otherwise provided for in Code Section 50-27-13.

(3) Paragraph (2) of this subsection shall not apply to an eligible public postsecondary institution established by law on or after January 1, 2004. For any eligible public postsecondary institution established on or after January 1, 2004, the amount of the mandatory fees paid shall be equal to such amount or amounts initially approved for that new eligible public postsecondary institution for its first year of operation by action of the board of higher education ~~regents or the Department of Technical and Adult Education, as applicable,~~ except as otherwise provided for in Code Section 50-27-13."

SECTION 25.

Said title is further amended by revising Code Section 20-3-519.3, relating to eligibility requirements for a HOPE scholarship at a private postsecondary institution and scholarship amount, as follows:

"(a) To be eligible for a HOPE scholarship, an entering freshman student seeking an associate or baccalaureate degree at an eligible private postsecondary institution shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission;

(2) Meet achievement standards by:

(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1996 or thereafter and meeting the requirements set out in the applicable paragraph of subsection (b) of Code Section 20-2-157; or

(B) In the case of a student who is otherwise qualified but:

(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received the general educational development (GED) diploma awarded by the Georgia Department of Technical and Adult Education after June 30, 1993, or the Board of Higher Education of the Higher Education System of Georgia after July 1, 2008, provided that such student shall only be eligible for a HOPE scholarship pursuant to subsection (e) of this Code section;

(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45

quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student´s freshman year to be paid at the end of the freshman year; or

(iii) Graduated from a high school which is not an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student´s freshman year to be paid at the end of the freshman year; and

(3) Meet enrollment standards by:

(A) Being admitted, enrolled, and classified as an undergraduate student in a matriculated status; and

(B) Being registered for and attending classes as at least a half-time student for 14 days or more after the last day of the institution´s drop and add period.″

SECTION 26.

Said title is further amended by revising subsection (a) of Code Section 20-3-519.5, relating to eligibility requirements for a HOPE grant at a branch of the Georgia Department of Technical and Adult Education and limitation on hours of eligibility, as follows:

″(a) To be eligible for a HOPE grant, a student seeking a diploma or certificate at a ~~branch of the Georgia Department of Technical and Adult Education or a~~ unit of the ~~University~~ Higher Education System of Georgia shall:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy ~~of the board of regents~~ and the in-state tuition guidelines set by the ~~Department of Technical and Adult Education~~ board of higher education; and

(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status in a program of study leading to a certificate or diploma and maintaining satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled.″

SECTION 27.

Said title is further amended by revising Code Section 20-3-519.6, relating to HOPE GED vouchers, as follows:

"20-3-519.6.

(a) Subject to the amounts appropriated by the General Assembly and provisions relating to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE GED voucher in the amount of $500.00 shall be awarded once to each student receiving a general educational development (GED) diploma awarded by the Georgia Department of Technical and Adult Education after June 30, 1993, or the Board of Higher Education of the Higher Education System of Georgia after July 1, 2008, shall be valid at any eligible postsecondary institution in Georgia for 24 months from the date of issuance.

(b) An otherwise eligible student receiving a HOPE GED voucher under this Code section is eligible for a HOPE scholarship as a sophomore, junior, or senior student."

SECTION 28.

Said title is further amended by revising Code Section 20-3-561, relating to management of the Georgia Military College vested in the board of trustees, as follows:

"20-3-561.

The government, control, and management of the Georgia Military College shall be vested in the Board of Trustees of the Georgia Military College. The Georgia Military College shall receive any designated funds appropriated by the General Assembly through the Board of ~~Regents of the University System of Georgia or the Department of Technical and Adult Education~~ Higher Education of the Higher Education System of Georgia. In the budgeting and expenditure of such designated funds, the Board of Trustees of the Georgia Military College shall provide annually to the Board of ~~Regents of the University System of Georgia or the Department of Technical and Adult Education~~ Higher Education of the Higher Education System of Georgia copies of budgetary requests submitted by the Georgia Military College to the Office of Planning and Budget and copies of audit reports concerning the expenditure of such funds. Nothing in this Code section shall be construed to diminish the authority of the elected Board of Trustees of the Georgia Military College over budgetary management and expenditure of such designated funds in compliance with other provisions of state law."

SECTION 29.

Said title is further amended by revising Article 2 and Article 3 of Chapter 4, relating to vocational, technical, and adult education, as follows:

″ARTICLE 2

20-4-10.

(a) ~~There is established a State Board of Technical and Adult Education consisting of not fewer than one member from each congressional district and nine at-large members who shall be appointed by the Governor and confirmed by the Senate for five-year terms. Board members in office on June 30, 2000, shall serve out the remainder of their respective terms. Upon expiration of those terms, the Governor shall appoint seven successors to two-year terms, six successors to three-year terms, and six successors to five-year terms. All subsequent appointments shall be for regular five-year terms. Members shall represent business, industry, or economic development. The board shall elect from its members a chairperson, vice chairperson, and such other officers as are considered necessary, each to serve for two-year terms. Officers may be elected to succeed themselves. Members shall serve until their successors are appointed; however, in the event of a vacancy on the board because of death, resignation, or removal for any reason other than expiration of a member´s term, the Governor shall fill such vacancy in the same manner as the original appointment and the person so appointed shall serve for the unexpired term of office.~~ On July 1, 2009, the State Board of Technical and Adult Education shall be abolished. The members of the board in office on July 1, 2009, shall become advisory members to the Board of Higher Education for the Higher Education System of Georgia. Such advisory members shall not have authority to vote on any matters before the board of higher education and upon expiration of their term of office the position shall not be filled.

(b) As used in this article, the term:

(1) ~~'state board'~~ 'Board of higher education' or 'board' means the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia; and

(2) 'Division' or 'division' means the Division of Community Colleges under the authority and supervision of the board and chief education officer of the higher education system as established in Code Section 20-4-14.

20-4-11.

The ~~State Board of Technical and Adult Education~~ board of higher education shall be empowered to:

(1) Provide for a comprehensive program of literacy, career, occupational, and technical education for adults and out-of-school youths. Such program shall promote the economic well-being of Georgia citizens by providing high quality postsecondary technical and adult literacy education programs, services, and activities which are easily accessible by

all segments of the adult population who need and can benefit from training, retraining, or upgrade training for employment and which is highly responsive to individuals needing to achieve basic, general, and specialized literacy. Such program shall also provide a system of schools which is a full partner in the economic development and expansion of the state´s economic base and represents a significant asset in the attraction of new business and industry to the state and the expansion of existing business and industry in the state;

(2) Establish and promulgate standards, rules, regulations, and policies for the orderly and efficient operation of ~~the Department of Technical and Adult Education and of~~ postsecondary technical schools, programs, and institutions, including those which it operates and those operated by local and area boards of education, and for the orderly and efficient provision of adult literacy education programs:

(A) Such standards, rules, regulations, and policies may include but not be limited to developing criteria for the recruitment, employment and retention of faculty and staff; recruitment of students and student admissions; program approval, salaries and salary supplements, tuition, and fees; eligibility of public and private providers of adult literacy education programs for state and federal funds, levels of funding for such providers and associated levels of required provider matching funds; long and short-term planning to include facilities, program standards, and outcome competencies; establishing provisions for appropriate recognition of program achievement below the baccalaureate level; soliciting resources from the private sector; industry and education partnerships; research and data collection; representing postsecondary technical and adult literacy education in all forums; and such other functions necessary to assure an effective and efficient state-wide system of postsecondary technical schools and adult literacy education with leadership at the state level; and

(B) For adult literacy programs, the ~~state~~ board shall establish:

(i) One set of standards for public adult literacy providers and another set of standards for private adult literacy providers. The public standards shall be more comprehensive and detailed than the private standards; and

(ii) Standards and requirements for the attainment of a high school equivalency certificate which shall be comparable to the high school graduation requirements set by the State Board of Education for public school programs and which shall also be at least equal to the requirements established for a general educational development (GED) diploma. The ~~State Board of Technical and Adult Education~~ board of higher education shall also adopt and administer an instrument to measure the level of achievement required to obtain a high school equivalency certificate;

(3) Select and employ a ~~commissioner of technical and adult education~~ vice peresident of community colleges and fix his or her compensation, duties, and responsibilities consistent with the provisions of this article. The ~~commissioner~~ vice president of community colleges shall report to the chief education officer of the Higher Education System of Georgia and shall:

(A) Exercise the overall supervision and direction of ~~the Department of Technical and Adult Education~~ technical and vocational education and shall serve at the pleasure of the ~~State Board of Technical and Adult Education~~ Board of Higher Education. The ~~State Board of Technical and Adult Education~~ board may assign and delegate to the ~~commissioner~~ chief education officer such responsibilities, powers, and duties as the ~~State Board of Technical and Adult Education may deem~~ board deems proper and appropriate, including the authority to execute on behalf of the ~~State Board of Technical and Adult Education~~ board of higher education legal documents and other filings; and

(B) Be responsible for implementing the policies of the Board of Higher Education and for the day-to-day operations of ~~the Department of Technical and Adult Education~~ this state´s technical and vocational schools. The ~~commissioner~~ vice president shall develop job descriptions for the necessary administrative, programmatic, liaison, and clerical personnel and shall, at his discretion, hire staff necessary for the operation of ~~the Department of Technical and Adult Education~~ technical and vocational schools;

(4) Establish an Adult Literacy Advisory Committee to advise and assist the ~~state~~ board in developing goals, objectives, policies, methods, and standards for the delivery of adult literacy programs. This committee will further assist the ~~state~~ board by communicating and facilitating the adoption of such goals, objectives, policies, methods, and standards by the organizations and groups which its members represent. Each member of this committee shall be reimbursed for actual expenses incurred in performing his or her duties as provided in Code Section 20-4-12 for ~~state~~ board members;

(5) Establish local boards of directors for postsecondary technical schools which the ~~state~~ board of higher education operates to assist the ~~state~~ board in carrying out its mission. The purpose of such local boards shall be to facilitate the delivery of programs, services, and activities as directed by the ~~state~~ board of higher education. The ~~state~~ board shall establish the number of members of each local board and the terms of office thereof, provided that all members of any local board shall represent the geographic area which the institution serves as defined by the ~~state~~ board of higher education; provided, further, that all members shall represent business, industry, or economic development. The ~~state~~ board of higher education shall be empowered to establish and approve all bylaws and actions of all local boards of directors. Each local board of directors shall meet at least eight times per year. Each member of such local boards of directors shall be reimbursed

for expenses incurred in performing his or her duties as provided in Code Section ~~20-4-12~~ 20-3-28 for ~~state~~ members of the board ~~members~~ of higher education;

(6) Establish service delivery areas as required to carry out the ~~state~~ board´s mission in delivering, supervising, funding, administering, coordinating, and monitoring adult literacy education;

(7) Establish a local adult literacy advisory committee for each service delivery area which it establishes. The purpose of each such committee shall be to identify and recommend goals, objectives, target groups, programs, curricula, and delivery methods for adult literacy programs; to develop and recommend associated short and long-range plans; to recommend a fiscal agent; and to perform other activities as may be directed by the ~~state~~ board to provide for the most effective and efficient delivery of adult literacy programs in the local committee´s service delivery area. The ~~state~~ board shall establish the number of members of each local committee and the terms of office thereof, provided that all members of any local committee shall represent the area defined by the ~~state~~ board to be the adult literacy service delivery area; provided, further, that the membership of each local committee shall include local civic leaders and representatives of adult literacy providers, business, and industry. The ~~state~~ board shall be empowered to establish and approve all bylaws and actions of all local committees. Each local committee shall meet at least four times per year. Each member of such local committee shall be reimbursed for expenses incurred in performing his or her duties as provided in Code Section ~~20-4-12~~ 20-3-28 for ~~state~~ board members;

(8) Establish a plan whereby employees of the ~~Department of Technical and Adult Education~~ Higher Education System of Georgia may, through payroll deductions, make voluntary contributions to the Georgia Fund for Technical and Adult Education, Inc., provided that such plan shall:

(A) Be consistent with the requirements of subsection (b) of Code Section 45-20-53, Code Section 45-20-54, Code Section 45-20-55, and Code Section 45-20-56; and

(B) Not interfere with the right of employees ~~of the Department of Technical and Adult Education~~ to make voluntary contributions to other charitable organizations pursuant to the provisions of Article 3 of Chapter 20 of Title 45;

(9) Prescribe criteria, policies, and standards deemed necessary for the effective implementation of a program financed wholly or partially from appropriations from the Lottery for Education Account and established for the purpose of providing teachers the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network. Such program shall include the

expenditure of funds appropriated for such purpose to defray the costs associated with repairing and maintaining advanced electronic instructional technology;

(10) Approve a request by a postsecondary technical school or institution governed under this chapter to be named a technical college upon the approval and granting of occupational degree-granting status ~~by the State Board of Technical and Adult Education~~ by the board and upon receiving accreditation by the Commission on Colleges of the Southern Association of Schools, the Council on Occupational Education, or any other appropriate accrediting agency approved by the United States Secretary of Education~~. The use of the name technical college shall not alter the governance of the technical school or institution as established under this chapter nor shall it abridge the authority of the Board of Regents of the University System of Georgia under the Constitution of this state~~; and

(11) Submit an annual request for funding to the Office of Planning and Budget as prescribed in Code Sections 45-12-78 and 45-12-79. Such submission shall reflect a request for funds pursuant to an enrollment driven formula that reflects funds for direct instructional costs to include salaries and instructional supplies and equipment, funds for indirect support, maintenance and operation, staff and professional development, and media services. Such funding shall be subject to appropriation by the General Assembly.

20-4-12.

~~The members of the State Board of Technical and Adult Education who are in state employment shall serve without compensation but, subject to fund availability, shall be reimbursed by the state department in which employed for all necessary expenses that may be incurred in the performance of their duties under this article in accordance with state travel regulations promulgated by the State Accounting Office in the same manner that employees of the state merit system are reimbursed. For those State Board of Technical and Adult Education members who are not in state employment, the expense and mileage allowance shall be the same as that authorized for the General Assembly and shall be payable, subject to fund availability, by the State Board of Technical and Adult Education~~ Reserved.

20-4-13.

~~The State Board of Technical and Adult Education shall meet monthly; provided, however, that the board may suspend up to two such meetings per year depending upon the press of business. Additional meetings may be called by the chairperson or at the request of three or more of the members. The State Board of Technical and Adult Education shall adopt procedures for the conduct of its activities~~ Reserved.

20-4-14.

(a) There is established a ~~Department of Technical and Adult Education~~ division of the Higher Education System of Georgia which shall be designated the Division of Community Colleges managed by the vice president of the division of community colleges under the authority of the board and supervision of the chief education officer of the higher education system.

~~(b)~~ The ~~department~~ Board of Higher Education shall exercise state level leadership, management, and operational control over schools, programs, and services authorized in this article and Article 3 of this chapter. The board is authorized to delegate all duties, powers, and responsibilities as deemed proper and necessary to the chief education officer of the Higher Education System and vice president of the division of community colleges.

~~(c)~~(b) In pursuit of the goals of this chapter, the board ~~The Department of Technical and Adult Education~~ shall be empowered to:

(1) Approve occupational programs below the baccalaureate level; ~~provided, however, any courses to be transferable to units of the University System of Georgia shall be approved by the Board of Regents of the University System of Georgia;~~

(2) Receive and hold title to property, equipment, money, and materials;

(3) Operate instructional services projects, also known as student live work projects, in those occupational areas which require specific skills or competency mastery that can best be obtained or demonstrated in a laboratory environment with clients, real items, or projects, including, but not limited to, carpentry, child care, aviation, welding, and automotive repair, and, in connection with such projects:

(A) Receive, retain, and utilize donations, fees, and moneys generated as a result of the sale of such services or projects;

(B) Retain any unexpended student live work funds from year to year;

(C) Expend retained student live work funds for any student live work project or for the benefit of instructional programs at the technical institute; and

(D) Acquire, improve, and sell real or personal property in connection with student live work projects~~, provided that all acquisitions and sales of real property in connection with student live work projects shall be approved by the state board~~;

(4) Solicit and receive funds from the general public, corporate underwriters, and foundations;

(5) Contract with other state, federal, or local public or private schools and other entities, individuals, or other legal entities for the provision of programmatic or administrative services or activities the ~~department~~ board deems necessary; and

(6) Administer and supervise programs in accordance with standards, rules, regulations, and policies of the ~~State Board of Technical and Adult Education~~ board.

20-4-15.

(a) For the purposes of this article, 'literacy' means a degree of proficiency in reading, writing, and other communication skills; in computation; and in reasoning that enables an individual to adapt to technological and other changes in society, compete in the job market, develop a sense of self-worth, and participate in the democratic process.

(b) The ~~State Board of Technical and Adult Education~~ division shall establish adult literacy programs which provide for the attainment of reading, writing, and computational skills at the basic, general, and specialized levels of literacy. The ~~state board~~ division shall determine the specific competencies concerning the skills and knowledge needed for each of the three levels of literacy; provided, however, that competencies at the specialized level contain the skills needed to qualify for a high school equivalency certificate.

(c) There is established an office of adult literacy which shall report directly to the ~~commissioner~~ division. The office of adult literacy shall provide programs for the effective and efficient education of all Georgia adults eligible under the provisions of this Code section, including persons with disabilities and those for whom English is a second language. Subject to the availability of funding, all levels of literacy programs defined by this article shall be provided in each service delivery area to any eligible individual who requests them. With the ultimate goal of the elimination of illiteracy in the state, priority shall be given to providing all eligible adults with the opportunity to attain a general level of literacy.

(d) Individuals shall be eligible for adult literacy services who comply with other eligibility and attendance requirements as adopted by the ~~state~~ board or division and who:

(1) Are high school graduates or have high school equivalency certificates and who are deficient in one or more areas of competency offered by adult literacy programs; provided, however, that no person shall be eligible for a high school equivalency certificate who has a high school diploma; or

(2) Are at least 16 years of age and are not high school graduates but who are capable of attaining basic literacy skills as determined by policies established by the ~~state~~ board or division; provided, however, that an individual who is 16 or 17 years of age who has not graduated from high school shall present documented evidence that his or her school system has been notified that he or she has withdrawn from school.

20-4-16.

(a) Any other Code section of this article to the contrary notwithstanding, the ~~State Board of Technical and Adult Education~~ division shall annually determine the amount of funds needed to provide adult literacy and postsecondary technical education programs for businesses, industries, adults, and out-of-school youths and provide a report to the board.

The board shall annually request that the Governor recommend that the General Assembly make such appropriations as are needed.

(b) Any other Code section of this article to the contrary notwithstanding, the ~~Department of Technical and Adult Education~~ division is authorized to provide funds, appropriated by the General Assembly for this purpose, to local units of administration, as defined in Code Section 20-2-242, and to other state, regional, local, and private agencies to be used for adult literacy, career, occupational, and technical education programs.

(c) Adult literacy providers eligible to receive funds from the ~~state board~~ division shall consist of those public and private entities which meet applicable public or private standards as determined by the ~~board~~ division. Such providers may include, but are not limited to, public and private schools, postsecondary technical schools, public and private colleges and universities, public libraries, community education programs, or businesses and industries. All public providers must meet public standards pursuant to Code Section 20-4-11 to be eligible to receive funds from the ~~state~~ board. Private providers may choose to meet either private or public standards pursuant to Code Section 20-4-11 and shall be eligible to receive funds from the ~~state board~~ division in accordance with the standards which they meet.

20-4-17.

(a) The Department of Education is designated as the sole state agency to receive federal funds allotted to Georgia under acts of Congress appropriating federal funds for career, occupational, or technical education; provided, however, those funds appropriated for the operation and management of postsecondary technical, adult, and industrial programs shall be placed under the jurisdiction and control of the ~~Department of Technical and Adult Education~~ board of higher education; provided, further, a proportionate share of those federal funds appropriated for planning, evaluation, program improvement, and other administrative and discretionary purposes shall be placed under the jurisdiction and control of such board. ~~Those personnel positions authorized for fiscal year 1986 for the operation and management of postsecondary technical schools and adult centers, as well as a proportionate share of those positions authorized for fiscal year 1986 for planning, evaluation, program improvement, and other administrative and discretionary purposes, shall be transferred to the Department of Technical and Adult Education. Such employees shall retain all existing rights under the Employees´ Retirement System of Georgia, the Teachers Retirement System of Georgia, and the state merit system.~~

(b) The ~~Department of Technical and Adult Education~~ board of higher education is designated as the sole state agency to receive federal funds allotted to Georgia under acts of Congress appropriating federal funds for adult literacy education programs. ~~Those~~

~~personnel positions authorized for fiscal year 1988 solely for the management, coordination, planning, evaluation, administration, and program improvement of adult literacy education programs, and associated office equipment and furniture, shall be transferred to the Department of Technical and Adult Education. All officials and employees in such positions are also transferred to the Department of Technical and Adult Education and shall retain all existing rights under the Employees´ Retirement System of Georgia, the Teachers Retirement System of Georgia, and the state merit system.~~

20-4-18.

~~Subject to the provisions of Code Section 20-4-20, any~~ Any other Code section of this article to the contrary notwithstanding, all decisions regarding the delivery of adult literacy and postsecondary technical education programs and services to business, industry, and individuals who are 16 years of age or older and who have completed or left the public schools, to include the awarding of high school equivalency certificates, shall be made by the ~~Department of Technical and Adult Education~~ board. Commensurate with this authority, the ~~department~~ board shall exercise state level management and operational control over adult literacy education programs, postsecondary technical schools, and adult vocational centers.

20-4-19.

The adult literacy education programs operated by the Department of Corrections shall conform to the standards, regulations, policies, and procedures of the ~~State Board of Technical and Adult Education~~ board; provided, however, that the Department of Corrections shall give priority to complying with the standards, regulations, policies, and procedures promulgated by the American Correctional Association and the Correctional Education Association where any conflicts shall arise.

20-4-20.

~~Nothing in this article shall abridge the authority of the Board of Regents of the University System of Georgia to establish or operate colleges or of local boards of education to operate schools~~ Reserved.

20-4-21.

(a) Any postsecondary technical school operated by a local board of education, an area postsecondary technical education board, or the ~~Department of Technical and Adult Education~~ board of higher education shall be authorized to charge tuition fees in

conformity with the rules and regulations promulgated by the ~~State Board of Technical and Adult Education~~ board of higher education.

(b) Tuition fees charged by postsecondary technical schools operated by local boards of education, area postsecondary technical education boards, and the ~~Department of Technical and Adult Education~~ board of higher education shall not be used to supplant existing state or local funding but shall be used for budgeted improvements not funded from existing state and local sources.

(c) The ~~Department of Technical and Adult Education~~ board of higher education shall not withhold from any postsecondary technical school which charges tuition fees as authorized by this Code section any funds which would otherwise be payable by the ~~Department of Technical and Adult Education~~ board of higher education to such school by contract, grant, or otherwise.

20-4-22.

Any other Code section of this article to the contrary notwithstanding, the ~~Department of Technical and Adult Education~~ board of higher education shall assume the management, operation, and control of the quick start program. ~~The Department of Education shall transfer to the Department of Technical and Adult Education all~~ All existing staff, equipment, funds, property, and support functions and facilities shall be transferred to the board of higher education ~~currently under its control to accomplish this requirement~~, as set forth in this article.

20-4-23.

Upon a postsecondary technical school´s conversion to state management, any unexpended nonstate funds that have been collected by, appropriated for, or otherwise earmarked for use by said postsecondary technical school operated by a local board of education or an area board shall remain with that school until expended for the intended purpose.

20-4-24.

Except where prohibited by federal law~~, rules, or regulations~~ or rules, regulations, or policies of the ~~State Board of Technical and Adult Education~~ board of higher education, local units of administration shall be authorized to utilize personnel funded under this article to administer and coordinate community education programs and activities as well as to execute their assigned duties and responsibilities related to adult literacy education.

20-4-25.

~~Newly hired professional personnel employed for the first time by the Department of Technical and Adult Education on or after July 1, 1985, and all full-time nonprofessional personnel employed for the first time after July 1, 1987, by postsecondary technical schools governed by the department shall become members of the Teachers Retirement System of Georgia as a condition of employment, if otherwise eligible under laws, rules, and regulations, unless such personnel elect membership in the Employees´ Retirement System of Georgia and are otherwise eligible under laws, rules, and regulations. Once such election is made by such personnel, the election is irrevocable during the tenure of employment with the Department of Technical and Adult Education or any postsecondary technical school governed thereby. Newly hired employees not eligible for membership in the Teachers Retirement System of Georgia or the Employees´ Retirement System of Georgia shall become members of the Public School Employees Retirement System as a condition of employment, if otherwise eligible. The State Board of Technical and Adult Education shall provide by regulation for informing prospective employees of the option provided for by this Code section so that such personnel may choose membership in the Teachers Retirement System of Georgia or the Employees´ Retirement System of Georgia or the Public School Employees Retirement System at the time of their employment~~ Reserved.

20-4-26.

~~All full-time employees of a postsecondary technical school formerly operated by a local board of education or area postsecondary technical education board as of July 1, 1987, or the date which the department assumes governance of the postsecondary technical school shall elect either to continue membership in the Teachers Retirement System of Georgia or to become members of the Employees´ Retirement System of Georgia. Once such election is made by such personnel, the election is irrevocable during the tenure of employment with the Department of Technical and Adult Education or any postsecondary technical school governed thereby. All employees who are members of the Public School Employees Retirement System may elect to continue their membership in the Public School Employees Retirement System or to become members of the Teachers Retirement System of Georgia or the Employees´ Retirement System of Georgia, if otherwise eligible under laws, rules, or regulations~~ Reserved.

20-4-27.

Employees of postsecondary technical schools governed by the ~~department~~ board of higher education shall serve in the unclassified service of the state merit system as defined by

Code Section 45-20-6, provided that employees who serve in the classified service of the state merit system as defined by Code Section 45-20-6 may elect to remain in the classified service, and be governed by the provisions thereof; provided, further, that such employees who choose to be promoted to unclassified positions or who request to transfer to different positions or locations shall become members of the unclassified service.

20-4-28.

Employees of postsecondary technical schools governed by the ~~department~~ board of higher education who ~~are~~ were appointed after July 1, 1987, or after the date on which the ~~department assumes~~ Department of Technical and Adult Education assumed governance of the postsecondary technical schools shall have their compensation established in conformity with ~~state~~ board policy in accordance with the ~~state~~ board compensation plan in effect at the time of employment. Such employees shall receive benefits in effect at the time of employment available to state employees employed by the ~~department~~ board. The benefits and compensation for any employee may be amended, increased, or decreased at any time as the ~~department~~ board deems appropriate.

20-4-29.

~~Employees of postsecondary technical schools formerly operated by a local board of education, or area postsecondary technical education board, shall as of July 1, 1987, or the date on which the department assumes governance of the postsecondary technical school make a choice as follows as to which salary and which benefit plan shall govern their employment:~~

~~(1) The salary earned as of July 1, 1987, or the date on which the department assumes governance of the postsecondary technical school, whichever is later, and the benefit plan in effect as of the same date, provided that such benefits can be obtained for comparable or less cost by the department. If such benefits cannot be obtained for comparable or less cost, such employees shall receive the benefits available to state employees employed by the department. The future salaries of employees making this choice shall be governed by policies established by the state board. Employees making this choice shall have no rights to salary increases accruing from past or future conditions or changes to their former compensation plans administered by local boards of education or area postsecondary technical education boards;~~

~~(2) The salary earned as of July 1, 1987, or the date on which the department assumes governance of the postsecondary technical school, whichever is later, and the benefits available to state employees employed by the department as of the same date, provided that the department may increase the salaries of employees to conform with the state~~

~~board compensation plan in effect as of July 1, 1987, or the date on which the department assumes governance of the postsecondary technical school. Employees making this choice shall have their compensation administered in conformity with state board policy in accordance with the state board compensation plan; or~~

~~(3) Employees of postsecondary technical schools formerly operated by local boards of education or area postsecondary technical education boards who choose to be promoted or who request to transfer to different positions or locations shall be placed under the state board compensation plan and shall receive benefits as provided by paragraph (2) of this Code section~~ Reserved.

20-4-30.

Employees in the classified service of the state merit system who are employed by postsecondary technical schools governed by the ~~department~~ board of higher education who ~~elect to~~ become members of the unclassified service shall have their compensation established in conformity with ~~state~~ board policy in accordance with the ~~state~~ board compensation plan in effect at the time ~~of such election~~ he or she becomes a member of the unclassified service.

20-4-31.

~~(a) An employee of a postsecondary technical school governed by the department may be granted an amount of initial accrued sick and annual leave; provided, however, that the amount granted does not exceed the amount accrued as of July 1, 1987, or the date on which the department assumes governance of the postsecondary technical school, whichever is later; provided, further, that the employee has not received payment from the former employer for the leave; provided, further, that the amount does not exceed the amount which would have been accrued in the employment of the department; provided, further, that the employee agrees not to leave employment voluntarily for a period of at least 12 months from July 1, 1987, or the date on which the department assumes governance of the postsecondary technical school, whichever is later; provided, further, any leave granted under this subsection shall be subject to the same limitations as leave accrued while employed by the department, including forfeiture.~~

~~(b) An employee of a local unit of administration, as defined in Code Section 20-2-242, who serves as a full-time staff person in technical or adult education and who, without any break in service, has previously become or hereafter becomes an employee of the Department of Technical and Adult Education as a result of this article shall be granted an amount of initial accrued sick leave which shall not exceed 45 days or the amount accrued as of the date of becoming an employee of the department, whichever is less; provided,~~

~~further, that the employee has not received payment from the former employer for the sick leave; provided, further, that the amount of initial sick leave granted shall not exceed the amount which would have been accrued in the employ of the department; provided, further, that the employee agrees not to leave employment voluntarily for a period of at least 12 months from the date of becoming an employee of the department; and provided, further, that any sick leave granted under this subsection shall be subject to the same limitations as sick leave accrued while employed by the department, including forfeiture~~ Reserved.

20-4-32.

Employees of postsecondary technical schools governed by the ~~department~~ board of higher education shall accrue sick leave as provided for by the rules and regulations of the ~~State Personnel Board~~ board.

20-4-33.

Employees of postsecondary technical schools governed by the ~~department~~ board of higher education shall receive days off with pay, the total of which in any year shall not exceed the total of the number of state holidays provided by Code Section 1-4-1 and the number of annual leave days authorized by the rules and regulations of the ~~State Personnel Board~~ board. The ~~state~~ board may, by policy, establish conditions regulating such days off with pay. Such employees shall accrue annual leave as provided for by the rules and regulations of the ~~State Personnel Board~~ board. For the purpose of determining the number of annual leave days authorized to be accrued by the rules and regulations of the ~~State Personnel Board~~ board, years of experience in the employment of local boards of education or area postsecondary technical education boards shall be counted as years of experience in the employment of postsecondary technical schools governed by the ~~department~~ board.

~~20-4-34.~~

~~All employees who were formerly employed by the State Board of Postsecondary Vocational Education and who have become employees of the Department of Technical and Adult Education under this article shall continue to have all rights and benefits of employment, including retirement benefits, that they had when employed by the State Board of Postsecondary Vocational Education.~~ Reserved.

~~20-4-35.~~

~~The State Board of Technical and Adult Education shall develop and implement a policy which provides for an orderly and fair process to be used in the event any reduction in force becomes necessary. The reduction in force policy shall provide that:~~

~~(1) Presidents of state technical institutes shall devise a plan for a reduction in force for their respective institutions;~~

~~(2) Any reduction in force within an institution shall be limited to that institution;~~

~~(3) The institute president shall decide the competitive area and competitive group to which any reduction in force is applicable;~~

~~(4) All individuals within a competitive group will participate in the reduction in force process, regardless of whether they are in the classified or unclassified service, tenured or nontenured;~~

~~(5) The State Board of Technical and Adult Education shall prescribe the basis for determining retention credits which shall be uniform among all state technical institutes;~~

~~(6) Plans describing the process by which a reduction in force would be conducted within each state technical institute shall be approved by the State Board of Technical and Adult Education; and~~

~~(7) Any employee of a state technical institute who believes the approved plan for that institution was not followed shall have the right to appeal to the State Board of Technical and Adult Education, and the decision of the board shall be final.~~ Reserved.

~~20-4-36.~~

~~The Department of Technical and Adult Education shall cooperate with the Board of Regents of the University System of Georgia in the study of practical problems involved in obtaining and producing textbooks and other instructional materials in alternative formats for students with disabilities. In cooperation with the board of regents, students with disabilities, organizations and advocates for persons with disabilities, publishers, federal and state agencies concerned with opportunities for persons with disabilities, technical colleges that are unaffiliated with the Department of Technical and Adult Education, university and college presses, counterparts in other states, and other interested persons, the Department of Technical and Adult Education shall work toward the establishment of a system or clearing-house for sharing postsecondary texts in alternative formats while protecting the intellectual property rights of publishers. The Department of Technical and Adult Education shall report annually to the Governor and General Assembly regarding progress toward this goal.~~ Reserved.

ARTICLE 3

20-4-40.

There is established a supplemental program to provide special quick start training to meet the employment training needs of new and expanding industry as well as certain existing industries which may qualify under rules established by the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia. The program shall be governed by the ~~State Board of Technical and Adult Education~~ board of higher education.

20-4-41.

The programs of technical training under this article shall be supplementary to those offered by postsecondary technical schools and shall be operated on a state-wide basis to assist any area to become more competitive in industrial and economic development; provided, however, no program may be made available to any area except as prescribed by the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia. The program prescribed in this article shall be concerned only with training for skilled and semiskilled operations, including supervisory personnel associated with such operations, and shall terminate when training needs have been met; provided, however, that basic academic education may be included as a part of the training program when such is necessary to ensure success of trainees in the occupational training program.

20-4-42.

The ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia shall administer the program under this article and shall provide for technical and engineering services, publicity for the program, instructional services, in-plant training analysis, rental of instructional facilities with necessary utilities, central warehousing and transportation of equipment and supplies, other necessary services, overall program direction, and an adequate staff to carry out an effective training program.

20-4-43.

(a) Training programs under this article may be carried out on the basis of training agreements between local boards of education having postsecondary technical schools and the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia. Under such agreements, the local board of education may

make available its postsecondary technical school facilities or temporary rented facilities and shall pay all instructional salaries in accordance with the salary schedule established by the ~~state~~ board of higher education in agreement with the local board of education without consideration of the salary schedule adopted for regular instructional personnel, provided that teachers and others employed in such training programs shall be classified as temporary employees ~~and shall not be eligible for participation in the Teachers Retirement System~~. All expenses incurred by a local board of education under such agreement in providing the services prescribed by this article shall be reimbursed by the state from funds provided for this purpose.

(b) Training programs under this article may also be carried out pursuant to annual contracts or agreements between the ~~State Board of Technical and Adult Education~~ board of higher education and private industrial or business firms under rules and regulations adopted by the ~~State Board of Technical and Adult Education~~ board of higher education for such purpose. Any such training program carried out pursuant to any such contract shall be assigned to a state postsecondary technical school, an area postsecondary technical school, or the technical or vocational education division of a junior college ~~operated in accordance with a joint agreement between the State Board of Technical and Adult Education and the board of regents at the time a site is selected for such training program~~.

(c) Each training program under this article shall be based on a specific training needs analysis and included in a training plan which defines training and services to be provided.

20-4-44.

The ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia may prescribe qualifications for persons employed in the program under this article without consideration of qualifications prescribed for personnel employed in regular instructional programs.

20-4-45.

The ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia shall be authorized to procure equipment necessary to carry out an adequate training program under this article. Such equipment shall be maintained in a warehouse reserve and shall become available to any area of the state where a training program creates a need but shall be returned to the warehouse reserve when no longer needed in a training program. In furtherance of this provision, equipment having long delivery dates may be purchased in advance of an actual need upon the determination by the ~~Department of Technical and Adult Education~~ board of higher education that a need for such equipment could reasonably be expected in the program.

The ~~department~~ board of higher education is authorized to provide for the transportation of instructional equipment and to employ equipment riggers, warehousemen, and other personnel needed to carry out this provision. Title to all equipment purchased under this article shall be vested in the ~~State Board of Technical and Adult Education~~ board of higher education.

20-4-46.

The ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia shall have the authority to promulgate any and all standards, rules, and regulations necessary to carry out the objectives and purposes of this article.

20-4-47.

To assist in carrying out this article, the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia is authorized to accept grants of money, materials, services, or property of any kind from a federal agency, private agency, corporation, or individual.″

SECTION 30.

To amend Article 1 of Chapter 5 of Title 20 of the Official Code of Georgia Annotated, relating to state public libraries activities, by revising Code Section 20-5-2, relating to powers and duties of the board of regents and director of University of Georgia Libraries, as follows:

″20-5-2.

(a) The ~~board of regents~~ Division of Technical and Education Support of the Higher Education System of Georgia shall give aid, advice, and counsel to all libraries and to communities which may propose to establish libraries as to the best means of establishing and administering them, the selection of books, cataloging, and other details of library management and shall exercise supervision over all public libraries and endeavor to improve libraries already established. The ~~board of regents~~ division of technical and education support may also conduct a book-lending and information service for the benefit of the citizens of the state, free of cost except postage. The ~~board of regents~~ division of technical and education support is also authorized to purchase books, periodicals, and other instructional materials for such purposes. The ~~board of regents~~ division of technical and education support may also employ necessary professional and clerical staff to carry on the

work as stated in this Code section and may pay their necessary traveling expenses while engaged in such work.

(b) The ~~board of regents~~ division of technical and education support shall have authority to accept gifts of books, money, or other property from any public or private source, including the federal government and shall have authority to perform any and all functions necessary to carry out the intention and purposes of this article.

(c) The State Library Commission is abolished, and the functions and services exercised and performed by it under this chapter shall be exercised and performed by the ~~board of regents~~ division of technical and education support.

(d) The collection of books, periodicals, documents, and other library materials held by the ~~board of regents~~ board of higher education is designated as the State Library.

(e) Each department and institution within the executive branch of state government shall make a report to the director of the ~~University of~~ Georgia Higher Education Libraries on or before December 1 of each year containing a list by title of all public documents published or issued by such department or institution during the preceding state fiscal year. The report shall also contain a statement noting the frequency of publication of each such public document. The director of the ~~University of~~ Georgia Higher Education Libraries may disseminate copies of the lists, or such parts thereof, in such form as the director of ~~University of~~ Georgia Higher Education Libraries, in his or her discretion, deems shall best serve the public interest. For purposes of this article, 'public documents' shall mean the books, magazines, journals, pamphlets, reports, bulletins, and other publications of any agency, department, board, bureau, commission, or other institution of the executive branch of state government but specifically shall not include the reports of the Supreme Court and the Court of Appeals, the journals of the House and the Senate, or the session laws enacted by the General Assembly and shall not include forms published by any agency, department, board, bureau, commission, or other institution of the executive branch of state government.

(f) Each department and institution within the executive branch of state government shall submit to the director of the ~~University of~~ Georgia Higher Education Libraries at least five copies of each of the public documents which such departments and institutions publish, within one month of its date of publication, unless the director ~~of the University of Georgia Libraries~~ requests additional copies of any such public documents, up to a maximum of 60 copies, in which case the number of copies requested shall be submitted.

(g) The Governor and all of the officers who are or may be required to make reports to the General Assembly shall furnish the director of the ~~University of~~ Georgia Higher Education Libraries with at least five copies of each of such reports and additional copies upon request of the director of the University of Georgia Libraries.

(h) The Department of Administrative Services, the Georgia Correctional Industries Administration, the Board of ~~Regents~~ Higher Education of the ~~University~~ Higher Education System of Georgia, and any other agency of state government which prints public documents shall furnish to the director of the ~~University of~~ Georgia Higher Education Libraries on a monthly basis a record of all public documents which have been printed or scheduled for printing by that agency during the preceding month.

(i) The director of the ~~University of~~ Georgia Higher Education Libraries shall have the authority to supply copies of public documents to any state institution, public library, or public school in this state or to any other institution of learning which maintains a library, if such copies are available. Such copies may be furnished for a reasonable cost or free of charge or for the cost of postage or shipping, as the director ~~of the University of Georgia Libraries~~ deems appropriate.

(j) The director of the ~~University of~~ Georgia Higher Education Libraries shall have the authority to act as the exchange agent of this state for the purpose of a regular exchange between this state and other states of public documents. The several state departments and institutions are required to deposit with the director ~~of the University of Georgia Libraries~~ for that purpose up to 50 copies of each of their public documents, as may be specified by the director ~~of the University of Georgia Libraries~~.

(k) The director of the ~~University of~~ Georgia Higher Education Libraries may transfer books and other library holdings to the Division of Archives and History, the Board of ~~Regents~~ Higher Education of the ~~University~~ Higher Education System of Georgia, the State Law Library, or other public libraries. Books and other library holdings which are obsolete, defective, worn out, or surplus, or otherwise in the discretion of the director of the ~~University of~~ Georgia Higher Education Libraries are not required, may be sold, destroyed, or otherwise disposed of by the director ~~of the University of Georgia Libraries~~, without the need to comply with the provisions of Article 5 of Chapter 13 of Title 45 relating to the disposition of surplus state books.

(l) The director of the ~~University of~~ Georgia Higher Education Libraries shall have the authority to employ the necessary personnel, including documents librarians and other professional personnel, to carry out the powers and duties set forth in this Code section.

(m) Any person or agency required by the provisions of this Code section to submit to the director of the ~~University of~~ Georgia Higher Education Libraries copies of documents shall also submit such documents in such electronic form as the director shall specify, if such electronic form is readily available.″

SECTION 31.

To amend Article 1 of Chapter 5 of Title 20 of the Official Code of Georgia Annotated, relating to state public libraries activities, by revising Code Section 20-5-4, relating to annual reports by public libraries, as follows:

"20-5-4.

All public libraries in the state shall submit reports annually to the ~~board of regents~~ Division of Technical and Education Support of the Higher Education System of Georgia."

SECTION 32.

Said title is further amended by revising subsection (a) of Code Section 20-14-3, relating to membership of the Education Coordinating Council, officers, and meetings, as follows:

"(a) The council shall consist of the Governor, the State School Superintendent, the chairperson of the State Board of Education, the ~~chancellor of the University System of Georgia~~ chief education officer of the Higher Education System of Georgia, the chairperson of the Board of Higher Education of the Higher Education ~~University~~ System of Georgia, ~~the commissioner of technical and adult education, the chairperson of the State Board of Technical and Adult Education~~ the vice president of the division of research universities, the vice president of the division of four-year colleges and universities, and the vice president of the division of community colleges, the executive secretary of the Professional Standards Commission, the chairperson of the Professional Standards Commission, and the director of the Department of Early Care and Learning. The council shall also include, as nonvoting advisory members, the chief advisory officers for the office of emerging and innovative technology, the office of private colleges and universities, and the office of primary and secondary education."

SECTION 33.

Said title is further amended by revising paragraph (15) of Code Section 20-14-8, relating to general powers and duties of the Education Coordinating Council, as follows:

"(15) To mediate disputes among the Department of Education, the College and University System of Georgia, ~~the Department of Technical and Adult Education,~~ the Professional Standards Commission, the Department of Early Care and Learning, and the Office of Student Achievement in matters regarding accountability or education system seamlessness."

SECTION 34.

Said title is further amended by revising paragraph (3) of subsection (a) of Code Section 20-14-27, relating to reports required of the Office of Student Achievement, as follows:

″(3) An annual report regarding postsecondary education shall be submitted no later than December 1 of each year, commencing December 1, 2002. The postsecondary education report shall be an evaluation of the progress made on performance indicators identified and defined by the office and approved by the council for all universities, colleges, institutes, and schools in the ~~University~~ Higher Education System of Georgia~~ and under the governance of the Department of Technical and Adult Education~~. The postsecondary education report shall include information concerning results of the state´s investment in each university, college, institute, and school; and″

SECTION 35.

Said title is further amended by revising Code Section 20-14-50, relating to creation of the postsecondary accountability assessment program, adoption of performance measures, report cards, and audit, as follows:

″20-14-50.

(a) The office shall create and the council shall adopt the rules and policies that support a postsecondary accountability assessment program that is primarily performance based.

(b) The office shall develop and the council shall adopt performance measures and indicators that provide the basis for an accountability report card annually on the ~~University~~ Higher Education System of Georgia~~ and the Department of Technical and Adult Education~~.

~~(c) The office and the board of regents shall identify, define, and develop such performance indicators and measures by December 1, 2001. The first report card on universities and colleges shall be implemented and produced by the office by December 1, 2002~~.

~~(d) The office and the State Board of Technical and Adult Education shall identify, define, and develop such performance indicators and measures by December 1, 2001. The office shall implement and produce the first report card on the department, institutes, and schools by December 1, 2002.~~

~~(e)~~(c) After December 1, 2002, the office shall audit those postsecondary institutions, schools, colleges, or programs as necessary in implementing the education accountability system described in this part.″

SECTION 36.

Said title is further amended by revising Code Section 20-16-3, relating to the creation of the Georgia Higher Education Facilities Authority, appointment of members, terms of office, and officers, as follows:

(a) There is created a body corporate and politic to be known as the Georgia Higher Education Facilities Authority, which shall be deemed to be an instrumentality of this state and a public corporation; and by that name, style, and title such body may contract and be contracted with, bring and defend actions, and implead and be impleaded. The authority shall consist of five members, as follows: ~~three appointees~~ one appointee of the Governor, ~~one appointee~~ two appointees of the Speaker of the House of Representatives who ~~is a member~~ are members of the board of ~~technical and adult~~ higher education, and ~~one appointee~~ two appointees of the President ~~Pro Tempore~~ of the Senate who ~~is a member of the board of regents~~ are members of the board of higher education. The initial term of office of the Governor´s ~~appointees~~ appointee shall end on June 30, ~~2007~~ 2009. The initial term of office of the Speaker of the House of Representatives´ ~~appointee~~ appointees shall end on June 30, ~~2008~~ 2010. The initial term of office of the President ~~Pro Tempore~~ of the Senate´s ~~appointee~~ appointees shall end on June 30, ~~2009~~ 2011. After the expiration of these initial terms of office, the terms of office of all succeeding members shall be for three years. If, at the end of any term of office of any member, a successor thereto has not been appointed, the member whose term of office has expired shall continue to hold office until his or her successor is so appointed.

(b) The authority shall elect one of its members as chairperson and another as vice chairperson and a secretary and treasurer, who need not necessarily be a member of the authority. The majority of the members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority, except as otherwise provided in this chapter. The members of the authority shall be entitled to and shall be reimbursed for their reasonable travel and expenses necessarily incurred in the performance of their duties and shall receive the same per diem as do members of the General Assembly. The authority may hire staff or may have staff assigned from within the ~~university~~ higher education system ~~or from the Department of Technical and Adult Education~~ for the purposes of carrying out the duties and responsibilities contained in this chapter, with compensation paid from resources available to the authority or the board of ~~regents or the board of technical and adult education~~ higher education, as such ~~boards~~ board and the authority may agree. The authority shall make bylaws for its own government. It shall have perpetual existence. Any change in name or composition of the authority shall in no way affect the vested rights of any person under the provisions of this chapter or impair the obligations of any contracts existing under this chapter.

(c) The authority is assigned to the Georgia State Financing and Investment Commission for administrative purposes only as prescribed in Code Section 50-4-3.

(d) No member of the authority shall transact any business, as such term is defined in Code Section 45-10-20, with the state~~,~~ or the ~~University~~ Higher Education System of Georgia or any of its institutions~~, or the Department of Technical and Adult Education or any of its institutions~~."

SECTION 37.

Code Section 3-8-6 of the Official Code of Georgia Annotated, relating to technical institutes, service of alcoholic beverages, and regulation and tax, is amended by revising subsection (a) as follows:

"(a) As used in this Code section, the term 'technical institute' means any technical instructional facility which is operated by ~~a unit of the Department of Technical and Adult Education~~ the division of community colleges under the authority of the Higher Education System of Georgia and which has a business conference center capable of accommodating 200 people or more incident to its operation."

SECTION 38.

Chapter 11 of Title 12 of the Official Code of Georgia Annotated, relating to the Georgia Youth Conservation Corps, is amended by revising Code Section 12-11-10, relating to coordinated job training and placement services, as follows:

"12-11-10.

Whenever available and appropriate, job training and placement services and education opportunities provided through other federal, state, and local programs such as through the Department of Education, the Department of Labor, ~~the Department of Technical and Adult Education,~~ and the Board of ~~Regents~~ Colleges and Universities of the College and University System of Georgia shall be coordinated with projects and programs developed under this chapter to assist eligible corps members. Coordinated services may include, but are not limited to, remedial and postsecondary education, job placement assistance, adult literacy training, job search skills, and job application skills. Whenever possible, eligible corps members without a high school diploma shall receive coordinated services that provide an opportunity to obtain an equivalent high school diploma."

SECTION 39.

Code Section 28-5-121 of the Official Code of Georgia Annotated, relating to definitions pertaining to the Fair and Open Grants Act of 1993, is amended by replacing "board of regents" with "board of higher education" wherever the former term occurs.

SECTION 40.

Title 29 of the Official Code of Georgia Annotated, relating to guardians and wards, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia"the former term occurs in:

(1) Code Section 29-3-32, relating to investment of funds; and

(2) Code Section 29-5-32, relating to investment of estate funds by conservator.

SECTION 41.

Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" and by replacing "board of regents" with "board of higher education" wherever the former terms occur in:

(1) Code Section 30-3-3, relating to applicable standards and specifications; and

(2) Code Section 30-3-7, relating to administration and enforcement pertaining to the use of public facilities by persons with disabilities.

SECTION 42.

Code Section 31-5A-4 of the Official Code of Georgia Annotated, relating to the Department of Community Health´s powers, duties, functions, and responsibilities, is amended by replacing "board of regents" with "board of higher education" wherever the former term occurs.

SECTION 43.

Code Section 31-30-7 of the Official Code of Georgia Annotated, relating to referral of veterans for medical and financial assistance, is amended by replacing "university system" with "higher education system" wherever the former term occurs.

SECTION 44.

Code Section 32-5-22 of the Official Code of Georgia Annotated, relating to other expenditures from fund, is amended by replacing "university system" with "higher education system" wherever the former term occurs.

SECTION 45.

Code Section 34-15-40 of the Official Code of Georgia Annotated, relating to definitions pertaining to vending facilities on state property, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" wherever the former term occurs.

SECTION 46.

Code Section 35-2-33 of the Official Code of Georgia Annotated, relating to additional duties of the uniform division of the Georgia State Patrol, is amended by replacing "university system" with "higher education system" wherever the former term occurs.

SECTION 47.

Chapter 5 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Public Safety Training Center, is amended by revising Code Section 35-5-6, relating to the effect of chapter on powers of Board of Corrections, State Board of Pardons and Paroles, and Department of Technical and Adult Education, as follows:

"35-5-6.

Nothing in this chapter shall be considered as altering current state laws establishing the powers and authority of the Board of Corrections or the State Board of Pardons and Paroles. Furthermore, nothing in this chapter shall prevent the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia from providing any course of instruction including, but not limited to, instructional courses, certified training, advanced instruction, or classes for or pertaining to public safety first responders and emergency medical personnel."

SECTION 48.

Title 36 of the Official Code of Georgia Annotated, relating to local governments, is amended by replacing "board of regents" with "board of colleges and universities" and by replacing "university system" with "college and university system" wherever the former terms occur in:

(1) Code Section 36-41-3, relating to definitions pertaining to urban residential finance authorities for large municipalities;

(2) Code Section 36-69-2, relating to 'local emergency' defined;

(3) Code Section 36-69-3, relating to extraterritorial cooperation and assistance to local law enforcement agencies or fire departments;.

(4) Code Section 36-69-4, relating to powers and duties of employees of political subdivision or institution with the University System of Georgia who are rendering aid;

(5) Code Section 36-69-5, relating to responsibility for expenses and compensation of employees;

(6) Code Section 36-69-6, relating to applicability of privileges, immunities, exemptions, and benefits;

(7) Code Section 36-69-7, relating to liability for acts or omissions of responding agency employees;

(8) Code Section 36-69-8, relating to construction of chapter;

(9) Code Section 36-69A-5, relating to preservation of sovereign immunity; and

(10) Code Section 36-81-8, relating to annual local government finances reports and local independent authority indebtedness reports.

SECTION 49.

Code Section 37-1-20 of the Official Code of Georgia Annotated, relating to the creation of the Division of Mental Health, Mental Retardation, and Substance Abuse, is amended by replacing "university system" with "higher education system" wherever the former term occurs.

SECTION 50.

Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to persons not to be licensed, minimum ages for licensees, school attendance requirements, and driving training requirements, is amended by revising paragraph (4) of subsection (a.1) as follows:

"(4) ~~The Department of Technical and Adult Education~~ Board of Higher Education acting through the Division of Community Colleges shall be responsible for compliance and noncompliance data for students pursuing a general educational development (GED) diploma."

SECTION 51.

Code Section 38-4-33 of the Official Code of Georgia Annotated, relating to the Department of Veterans Service, various state educational bodies to cooperate with, is amended by replacing "board of regents" with "board of higher education" and by replacing "university system" with "higher education system" wherever the former terms occur.

SECTION 52.

Code Section 42-5-57 of the Official Code of Georgia Annotated, relating to institution of rehabilitation programs, provision of opportunities for educational, religious, and recreational activities, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" wherever the former term occurs.

SECTION 53.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by replacing "Board of Regents of the University System of Georgia" with

"Board of Higher Education of the Higher Education System of Georgia" wherever the former term occurs in:

(1) Code Section 43-10-10, relating to display of certificate of registration for cosmetology; and

(2) Code Section 43-24-2, relating to creation of board and members pertaining to librarians.

SECTION 54.

Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, is amended by revising paragraphs (10) through (14) of Code Section 43-10-1, relating to definitions, as follows:

"(10) 'School of cosmetology' means any establishment that receives compensation for training more than one person in the occupation of cosmetology as defined in paragraph (4) of this Code section. Technical colleges whose programs have been approved by the ~~Department of Technical and Adult Education~~ Board of Higher Education through the Division of Community Colleges or the Department of Education are not 'schools of cosmetology' within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

(11) 'School of esthetics' means any establishment that receives compensation for training more than one person in the occupation of esthetics operator as defined in paragraph (5) of this Code section. Technical colleges whose programs have been approved by the ~~Department of Technical and Adult Education~~ Board of Higher Education through the Division of Community Colleges or the Department of Education are not 'schools of esthetics' within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

(12) Reserved.

(13) 'School of hair design' means any establishment that receives compensation for training more than one person in the occupation of hair design as defined in paragraph (7) of this Code section. Technical colleges whose programs have been approved by the ~~Department of Technical and Adult Education~~ Board of Higher Education through the Division of Community Colleges or the Department of Education are not schools of hair design within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'

(14) 'School of nail care' means any establishment that receives compensation for training more than one person in the occupation of nail care or manicuring as defined in paragraph (9) of this Code section. Technical colleges whose programs have been approved by the ~~Department of Technical and Adult Education~~ Board of Higher Education through the Division of Community Colleges or the Department of Education

are not 'schools of nail care' within the meaning of this chapter; provided, however, that all such colleges and their programs shall be considered to be 'board approved.'"

SECTION 55.

Said chapter is further amended in Code Section 43-10-9, relating to application for certificate of registration, examination, work permit, reciprocity, study at technical college or public school, and eligibility of licensed barber, by revising subsection (i) as follows:

"(i) Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration for the occupation of cosmetology at the master level, the hair design level, the esthetician level, or the nail technician level if such person obtains his or her credit hour study at a State Board of Education approved school or a technical college under the jurisdiction of the ~~Department of Technical and Adult Education~~ Board of Higher Education through the Division of Community Colleges or the Department of Education rather than at a board approved school."

SECTION 56.

Said chapter is further amended by revising subsections (c) and (g) of Code Section 43-10-10, relating to display of certificate of registration, renewal, reinstatement, continuing education requirements, and exemptions, as follows:

"(c) Three hours of continuing education shall be satisfied by a health and safety course using a curriculum developed by the ~~Department of Technical and Adult Education~~ Board of Higher Education through the Division of Community Colleges. Such curriculum may be revised by the ~~Department of Technical and Adult Education~~ Board of Higher Education through the Division of Community Colleges as necessary to incorporate new developments. The ~~Department of Technical and Adult Education~~ Division of Community Colleges shall make the curriculum available to other providers of continuing education."

"(g) Courses in cosmetology, hair design, nail technology, esthetics, computers, business, or health and safety issues offered by schools under the jurisdiction of the Board of ~~Regents~~ Higher Education of the ~~University~~ Higher Education System of Georgia, ~~the Department of Technical and Adult Education,~~ the Department of Education, or any accredited postsecondary institution shall satisfy the continuing education requirement without a request to the board for approval or registration."

SECTION 57.

Said chapter is further amended in Code Section 43-10-20, relating to teaching of cosmetology in prisons and certification of registration, by revising subsection (a) as follows:

"(a) For the purposes of this chapter, the teachers and instructors of and courses of instruction or training in cosmetology operated by the Department of Corrections shall be considered to be subject to the same standards and to be part of the cosmetology programs that are approved by the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia or the Department of Education as provided for by paragraphs (8), (9), and (10) of Code Section 43-10-1 and paragraph (6) of subsection (e) of Code Section 43-10-12."

SECTION 58.

Code Section 43-10A-7 of the Official Code of Georgia Annotated, relating to licensing requirement and exceptions for professional counselors, social workers, and marriage and family therapists, is amended by revising paragraph (16) of subsection (b) as follows:

"(16) Any person engaged in the practice of professional counseling as an employee or student peer counselor of the ~~University~~ Higher Education System of Georgia or its educational ~~units, the Department of Technical and Adult Education or its educational units~~ divisions, or of a public or private college or university within this state, but only when engaged in that practice as such an employee or student peer counselor and excepting the use of psychotherapeutic techniques to evaluate and treat emotional and mental illness, disorder, or dysfunction;"

SECTION 59.

Code Section 43-14-6 of the Official Code of Georgia Annotated, relating to powers and duties of divisions of the State Construction Industry Licensing Board, is amended by revising subsections (f) and (g), as follows:

"(f)(1) With respect to utility foreman certificates and utility manager certificates issued under this chapter, the Division of Utility Contractors shall be authorized to require persons seeking renewal of such certificates to complete board approved continuing education of not more than four hours annually. The division shall be authorized to approve courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to utility contracting provided or conducted by institutions under the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection.

(2) The division shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

(g)(1) With respect to Journeyman Plumber, Master Plumber Class I, and Master Plumber Class II licenses, the Division of Master Plumbers and Journeyman Plumbers shall be authorized to require persons seeking renewal of such licenses to complete board approved continuing education of not more than four hours annually. The division shall be authorized to approve courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to plumbing provided or conducted by institutions under the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection.

(2) The division shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate."

SECTION 60.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by replacing "university system" with "higher education system" wherever the former term occurs in:

(1) Code Section 43-24-4, relating to employment of certified librarians by state operated libraries;

(2) Code Section 43-26-4, relating to Georgia Board of Nursing, membership, meetings, officers; and

(3) Code Section 43-39A-11, relating to fees for examination, activation, renewal, reactivation of lapsed, or inactive appraiser classifications.

SECTION 61.

Code Section 43-26-34 of the Official Code of Georgia Annotated, relating to the creation of the board of examiners, appointment of members, terms, filling of vacancies, meetings, and reimbursement of expenses, is amended by revising subsection (d) as follows:

"(d) No two members of the current board shall be employed by the same private or public school, school within the ~~Georgia Department of Technical and Adult Education,~~ Higher Education System of Georgia, private employer, agency of state government, or other public employer. In the event a board member changes employment which causes a

conflict defined by this subsection, the position of the member making the change shall be immediately vacant and a new member appointed to fill the vacancy.″

SECTION 62.

Code Section 43-26-55 of the Official Code of Georgia Annotated, relating to certification standards and requirements and issuance and renewal of certificates for qualified medication aides, is amended by revising paragraph (5) of subsection (a) as follows:

″(5) Have completed a prescribed course of study in a qualified medication aide program conducted by the ~~Department of Technical and Adult Education~~ Division of Community Colleges within the Higher Education System of Georgia;″

SECTION 63.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Colleges and Universities of the College and University System of Georgia," by replacing "board of regents" with "board of colleges and universities," and by replacing "university system" with "college and university system" wherever the former terms occur in:

(1) Code Section 45-1-1, relating to employees of state hospitals and certain state institutions authorized to make purchases of goods and services;

(2) Code Section 45-2-7, relating to employment of aliens prohibited generally;

(3) Code Section 45-2-45, relating to the applicability pertaining to physical examination of state employees;

(4) Code Section 45-7-7, relating to compensation and allowances of certain officials not to be changed without giving public notice;

(5) Code Section 45-7-21, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions;

(6) Code Section 45-10-24.1, relating to exemptions for transactions by family owned business where university system employee has interest;

(7) Code Section 45-10-25, relating to exceptions to prohibitions on transaction with state agencies;

(8) Code Section 45-10-40, relating to contracting with state institutions not allowed;

(9) Code Section 45-10-41, relating to penalty for profiting from contracts with state institutions generally;

(10) Code Section 45-12-38, relating to temporary transfer of institution between departments or agencies authorized;

(11) Code Section 45-12-110, relating to notification of intention to apply for federal assistance;

(12) Code Section 45-12-132, relating to contracts exempt from subpart relating to state contracts ;

(13) Code Section 45-12-178, relating to ongoing review by governor of all programs and functions in state government;

(14) Code Section 45-13-47, relating to compilation and distribution of official and statistical state register;

(15) Code Section 45-13-70, relating to creation of the Capitol Art Standards Commission;

(16) Code Section 45-13-85, relating to applicability of article relating to the disposition of surplus state books;

(17) Code Section 45-18-50, relating to definitions pertaining to the employee benefit plan council;

(18) Code Section 45-20-1, relating to purposes and principles for merit system generally;

(19) Code Section 45-20-2, relating to definitions pertaining to the merit system generally;

(20) Code Section 45-20-16, relating to rules for accrual of leave, holidays, and compensation for closing of state offices;

(21) Code Section 45-20-21, relating to performance management system provided for classified employees;

(22) Code Section 45-20-51, relating to definitions pertaining to voluntary deductions from wages or salaries of state employees for benefit of charitable organizations; and

(23) Code Section 45-21-1, relating to definitions pertaining to employees´ suggestion and awards program.

SECTION 64.

Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, is amended by revising paragraph (17) of subsection (a) as follows:

"(17) ~~State Board of Technical and Adult Education~~ Reserved;"

SECTION 65.

Code Section 45-12-132 of the Official Code of Georgia Annotated, relating to contracts exempt from subpart, is amended by revising paragraph (1) as follows:

"(1) Contracts approved by the Department of Transportation, the State Board of Education, ~~the State Board of Technical and Adult Education,~~ or the Board of ~~Regents~~ Higher Education of the ~~University~~ Higher Education System of Georgia;"

SECTION 66.

Code Section 45-20-2 of the Official Code of Georgia Annotated, relating to definitions relative to the state merit system, is amended by revising subparagraph (BB) of paragraph (15) as follows:

"(BB) The officers, officials, and employees of postsecondary technical schools which are operated by the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia, except those officers, officials, and employees already eligible to be covered by the state merit system by law or executive order;"

SECTION 67.

Code Section 46-3-438 of the Official Code of Georgia Annotated, relating to deposit with the Department of Administrative Services of an amount due unknown, disabled, or unlocatable creditors or members, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" wherever the former term occurs.

SECTION 68.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income taxes and exemptions, is amended by revising Code Section 48-7-40.5, relating to tax credits for employers providing approved retraining programs, as follows:

"48-7-40.5.

(a) As used in this Code section, the term:

(1) 'Approved retraining' means employer provided or employer sponsored retraining that meets the following conditions:

(A) It enhances the functional skills of employees otherwise unable to function effectively on the job due to skill deficiencies or who would otherwise be displaced because such skill deficiencies would inhibit their utilization of new technology;

(B) It is approved and certified by the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia; and

(C) The employer does not require the employee to make any payment for the retraining, either directly or indirectly through use of forfeiture of leave time, vacation time, or other compensable time.

(2) 'Cost of retraining' means direct instructional costs as defined by the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education

System of Georgia including instructor salaries, materials, supplies, and textbooks but specifically excluding costs associated with renting or otherwise securing space.

(3) 'Employee' means any employee resident in this state who is employed for at least 25 hours a week, who has been continuously employed by the employer for at least 16 consecutive weeks.

(4) 'Employer' means any employer upon whom an income tax is imposed by this chapter.

(5) 'Employer provided' refers to approved retraining offered on the premises of the employer or on premises approved by the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia by instructors hired by or employed by an employer.

(6) 'Employer sponsored' refers to a contractual arrangement with a school, university, college, or other instructional facility which offers approved retraining that is paid for by the employer.

(b) A tax credit shall be granted to an employer who provides or sponsors an approved retraining program. The amount of the tax credit shall be equal to one-half of the costs of retraining per full-time employee, or $500.00 per full-time employee, whichever is less, for each employee who has successfully completed an approved retraining program. No employer may receive a credit if the employer requires that the employee reimburse or pay the employer for the cost of retraining.

(c) Any tax credit claimed under this Code section for any taxable year beginning on or after January 1, 1998, but not used for any such taxable year may be carried forward for ten years from the close of the taxable year in which the tax credit was granted. The tax credit granted to any employer pursuant to this Code section shall not exceed 50 percent of the amount of the taxpayer´s income tax liability for the taxable year as computed without regard to this Code section.

(d) To be eligible to claim the credit granted under this Code section, the employer must certify to the department the name of the employee, the course work successfully completed by such employee, the name of the provider of the approved retraining, and such other information as may be required by the department to ensure that credits are only granted to employers who provide or sponsor approved retraining pursuant to this Code section and that such credits are only granted to employers with respect to employees who successfully complete such approved retraining. The department shall adopt rules and regulations and forms to implement this credit program. The department is expressly authorized and directed to work with the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia to ensure the proper granting of credits pursuant to this Code section.

(e) The ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia is expressly authorized and directed to establish such standards as it deems necessary and convenient in approving employer provided and employer sponsored retraining programs. In establishing such standards, the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia shall establish required hours of classroom instruction, required courses, certification of teachers or instructors, progressive levels of instruction, and standardized measures of employee evaluation to determine successful completion of a course of study."

SECTION 69.

Said article is further amended by revising Code Section 48-7-41, relating to basic skills education program credits, as follows:

"48-7-41.

(a) As used in this Code section, the term:

(1) 'Approved basic skills education' means employer provided or employer sponsored education that meets the following conditions:

(A) It enhances reading, writing, or mathematical skills up to and including the twelfth-grade level for employees who are otherwise unable to function effectively on the job due to deficiencies in those areas or who would otherwise be displaced because such skill deficiencies would inhibit their training for new technology;

(B) It is approved and certified by the ~~Department of Technical and Adult Education Education~~ Division of Community Colleges of the Higher Education System of Georgia; and

(C) The employer does not require the employee to make any payment for the education, either directly or indirectly through use of forfeiture of leave time, vacation time, or other compensable time.

(2) 'Cost of education' means direct instructional costs as defined by the ~~Department of Technical and Adult Education Education~~ Division of Community Colleges of the Higher Education System of Georgia including instructor salaries, materials, supplies, and textbooks but specifically excluding costs associated with renting or otherwise securing space.

(3) 'Employee' means any employee resident in this state who is employed for at least 24 hours a week and who has been continuously employed by the employer for at least 16 consecutive weeks.

(4) 'Employer' means any employer upon whom an income tax is imposed by this chapter.

(5) 'Employer provided' refers to approved basic skills education offered on the premises of the employer or on premises approved by the ~~Department of Technical and Adult Education~~ Division of Community Colleges of the Higher Education System of Georgia by instructors hired by or employed by an employer.

(6) 'Employer sponsored' refers to a contractual arrangement with a school, university, college, or other instructional facility which offers approved basic skills education that is paid for by the employer.

(b) A tax credit shall be granted to an employer who provides or sponsors an approved basic skills education program. The amount of the tax credit shall be equal to one-third of the costs of education per full-time equivalent student, or $150.00 per full-time equivalent student, whichever is less, for each employee who has successfully completed an approved basic skills education program. No employer may receive a credit if the employer requires that the employee reimburse or pay the employer for the cost of education.

(c) The tax credit granted to any employer pursuant to this Code section shall not exceed the amount of the taxpayer´s income tax liability for the taxable year as computed without regard to this Code section.

(d) To be eligible to claim the credit granted under this Code section, the employer must certify to the department the name of the employee, the course work successfully completed by such employee, the name of the approved basic skills education provider, and such other information as may be required by the department to ensure that credits are only granted to employers who provide or sponsor approved basic skills education pursuant to this Code section and that such credits are only granted to employers with respect to employees who successfully complete such approved basic skills education. The department shall adopt rules and regulations and forms to implement this credit program. The department is expressly authorized and directed to work with the ~~Department of Technical and Adult Education Education~~ Division of Community Colleges of the Higher Education System of Georgia to ensure the proper granting of credits pursuant to this Code section.

(e) The ~~Department of Technical and Adult Education~~ Division of Community Colleges of the Higher Education System of Georgia is expressly authorized and directed to establish such standards as it deems necessary and convenient in approving employer provided and employer sponsored basic skills education programs. In establishing such standards, the ~~Department of Technical and Adult Education Education~~ Division of Community Colleges of the Higher Education System of Georgia shall establish required hours of classroom instruction, required courses, certification of teachers or instructors, and progressive levels of instruction and standardized measures of employee evaluation to determine successful completion of a course of study.″

SECTION 70.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions pertaining to sales and use taxes, is amended by replacing "university system" with "higher education system" wherever the former term occurs.

SECTION 71.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia," by replacing "board of regents" with "board of higher education," and by replacing "university system" with "higher education system" wherever the former terms occur in:

(1) Code Section 50-5-51, relating to power, authority, and duty of department;

(2) Code Section 50-5-69, relating to purchases without competitive bidding;

(3) Code Section 50-5-72, relating to construction and public works contracts conducted by department;

(4) Code Section 50-5-77, relating to multiyear lease, purchase, or lease purchase contracts;

(5) Code Section 50-5-196, relating to governing board, establishment, members, and organization for distance learning and telemedicine;

(6) Code Section 50-6-6, relating to audit of school and university systems and local boards of education authorized to employ accountants;

(7) Code Section 50-6-27, relating to annual personnel report;

(8) Code Section 50-7-30, relating to purpose of article pertaining to the promotion of marine research and industrial activities;

(9) Code Section 50-8-7, relating to planning and technical assistance activities;

(10) Code Section 50-8-141, relating to duties and responsibilities of the Office of Rural Development;

(11) Code Section 50-11-9, relating to transfer, sale, destruction, or other disposal of books and other library holdings;

(12) Code Section 50-12-46, relating to authority of governor to permit use of property, facilities, and services by direct-support organization;

(13) Code Section 50-12-131, relating to membership, terms, and qualifications pertaining to the Georgia Commission on the Holocaust;

(14) Code Section 50-16-3, relating to property of state boards and departments;

(15) Code Section 50-16-18, relating to writing off small amounts due to the state;

(16) Code Section 50-16-41, relating to rental agreements without competitive bidding authorized;

(17) Code Section 50-16-44, relating to power of eminent domain;

(18) Code Section 50-16-80, relating to sale or disposition of state livestock or swine;
(19) Code Section 50-16-180, relating to definitions pertaining to the Commission on Condemnation of Public Property;
(20) Code Section 50-16-182, relating to powers and duties of the Commission on Condemnation of Public Property;
(21) Code Section 50-16-183, relating to procedures for acquisition of public property by condemnation;
(22) Code Section 50-18-72, relating to when public disclosure not required;
(23) Code Section 50-19-2, relating to unlawful to operate vehicle owned or leased by the state or any branch, department, agency, commission, board, or authority unless decal or seal affixed to the front door;
(24) Code Section 50-20-8, relating to applicability pertaining to relations with nonprofit contractors;
(25) Code Section 50-22-7, relating to exemptions from requirements and construction with Code Section 50-6-25;
(26) Code Section 50-25-1, relating to establishment of Georgia Technology Authority;
(27) Code Section 50-25-14, relating to distribution of legislative information;
(28) Code Section 50-27-3, relating to definitions related to lottery for education;
(29) Code Section 50-30-5, relating to board of directors and director of institute pertaining to the Georgia Institute for Community Business Development;
(30) Code Section 50-30-6, relating to books, records, and assignment to the board of regents; and
(31) Code Section 50-36-1, relating to verification requirements, procedures, and conditions pertaining to verification of lawful presence within the United States.

SECTION 72.

Code Section 53-8-3 of the Official Code of Georgia Annotated, relating to securities, obligations, and interest-bearing deposits, is amended by replacing "Board of Regents of the University System of Georgia" with "Board of Higher Education of the Higher Education System of Georgia" wherever the former term occurs.

SECTION 73.

Code Section 50-5-69 of the Official Code of Georgia Annotated, relating to purchases without competitive bidding, central bid registry, procurement cards, rules and regulations, applicability to emergency purchases, and the Purchasing Advisory Council, is amended by revising subsection (a) as follows:

"(a) If the needed supplies, materials, equipment, or service can reasonably be expected to be acquired for less than $5,000.00 and is not available on state contracts or through statutorily required sources, the purchase may be effectuated without competitive bidding. The commissioner of administrative services may by rule and regulation authorize the various offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or other entities of the state to make purchases in their own behalf and may provide the circumstances and conditions under which such purchases may be effected. In order to assist and advise the commissioner of administrative services in making determinations to allow offices, agencies, departments, boards, bureaus, commissions, institutions, authorities, or other entities of the state to make purchases in their own behalf, there is created a Purchasing Advisory Council consisting of the executive director of the Georgia Technology Authority or his or her designee; the director of the Office of Planning and Budget or his or her designee; ~~the chancellor of the University System of Georgia or his or her designee; the commissioner of technical and adult education or his or her designee;~~ the chief education officer of the Higher Education System of Georgia or his or her designee; the chairperson of the Board of Higher Education of the Higher Education System of Georgia or his or her designee; the commissioner of transportation or his or her designee; the Secretary of State or his or her designee; the commissioner of human resources or his or her designee; the commissioner of community health or his or her designee; and one member to be appointed by the Governor. The commissioner of administrative services shall promulgate the necessary rules and regulations governing meetings of such council and the method and manner in which such council will assist and advise the commissioner of administrative services."

SECTION 74.

Code Section 50-5-196 of the Official Code of Georgia Annotated, relating to the establishment of the Distance Learning and Telemedicine Network Governing Board, is amended by revising subsection (b) as follows:

"(b) The governing board shall consist of 11 members and shall be ~~comprised~~ composed of the following: the executive director of the Georgia Technology Authority, the director of the Office of Planning and Budget, the State School Superintendent, ~~the commissioner of technical and adult education~~ the vice president of the Division of Community Colleges of the Higher Education System of Georgia, the executive director of the Georgia Public Telecommunications Commission, a member of the Public Service Commission to be appointed by the Governor, a rural hospital administrator with telemedicine network experience to be appointed by the Governor, a rural physician with telemedicine network experience to be appointed by the Governor, a member of the House of Representatives to

be appointed by the Speaker of the House of Representatives, a member of the Senate to be appointed by the President of the Senate, and the ~~Chancellor~~ chief education officer of the ~~University~~ Higher Education System of Georgia, or their appointed representatives. The executive director of the Georgia Technology Authority shall serve as the chairperson of the governing board. The governing board shall elect from its members such other officers as are considered necessary to serve terms of one year each; provided, however, no person shall hold the same office for more than two consecutive terms.″

SECTION 75.

Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia Administrative Procedure Act, is amended by revising paragraph (1) as follows:

″(1) 'Agency' means each state board, bureau, commission, department, activity, or officer authorized by law expressly to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; the State Board of Pardons and Paroles; the State Financing and Investment Commission; the State Properties Commission; the Board of Bar Examiners; the Board of Corrections and its penal institutions; the State Board of Workers´ Compensation; all public authorities except as otherwise expressly provided by law; the State Personnel Board (Merit System); the Department of Administrative Services or commissioner of administrative services; ~~the Department of Technical and Adult Education~~ the Division of Community Colleges of the Higher Education System of Georgia; the Department of Revenue when conducting hearings relating to alcoholic beverages; the Georgia Tobacco Community Development Board; the Georgia Higher Education Savings Plan; any school, college, hospital, or other such educational, eleemosynary, or charitable institution; or any agency when its action is concerned with the military or naval affairs of this state. The term 'agency' shall include the State Board of Education and Department of Education, subject to the following qualifications:

(A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid rules adopted by the State Board of Education and Department of Education prior to January 1, 1990, are ratified and validated and shall be effective until January 1, 1991, whether or not such rules were adopted in compliance with the requirements of this chapter; and

(B) Effective January 1, 1991, any rule of the State Board of Education or Department of Education which has not been proposed, submitted, and adopted in accordance with the requirements of this chapter shall be void and of no effect.″

SECTION 76.

Code Section 50-16-38 of the Official Code of Georgia Annotated, relating to all state entities to acquire real property through the State Properties Commission, exceptions, procedure for handling acquisition requests, and funds for acquisitions, is amended by revising subsection (a) as follows:

"(a) Except for all acquisitions of real property by the Department of Transportation and the Board of ~~Regents~~ Higher Education of the ~~University~~ Higher Education System of Georgia, and except for the Department of Natural Resources acquiring by gift parcels of real property, not exceeding three acres each, to be used for the construction and operation thereon of boat-launching ramps, ~~and except for acquisitions of real property by the Department of Technical and Adult Education in connection with student live work projects funded through moneys generated as a result of the sale of such projects, donations, or student supply fees,~~ and except for acquisitions of real property by the commission resulting from transfers of custody and control of real property to the commission by executive order of the Governor or by Act or resolution of the General Assembly, and except as otherwise provided by law, and except as otherwise required by the nature of the transaction conveying real property to the state or any entity thereof:

(1) All state entities shall acquire real property through the commission; and

(2) The title to all real property acquired shall be in the name of the state, except for state authorities which shall hold title in their own name. The conveyance shall have written or printed in the upper right-hand corner of the initial page thereof the name of the state entity for which acquired who is the custodian thereof."

SECTION 77.

Code Section 50-20-8 of the Official Code of Georgia Annotated, relating to applicability of Chapter 20 of Title 50, is amended by revising paragraph (2) of subsection (c) as follows:

"(2) Nonprofit organizations affiliated with the ~~State Board of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia or with postsecondary technical schools operated under the state level management and operational control of the ~~State Board of Technical and Adult Education~~ the Board of Higher Education which organizations are operated primarily for the purpose of serving, soliciting, receiving, and investing gifts and donations for the board, such schools, or related programs and which expend less than $25,000.00 in state awards; and"

SECTION 78.

Code Section 50-25-14 of the Official Code of Georgia Annotated, relating to distribution of legislative information, is amended by revising subsection (b) as follows:

"(b) Such legislative information shall be provided free of charge to Internet users, public schools, their students and faculty, and to public libraries and their patrons. When PeachNet becomes available to an individual school or library, such school or library may have the option of connection to PeachNet and may then receive such legislative information from GeorgiaNet through PeachNet free of charge. For this purpose, 'free of charge' may include the provision of legislative information without charge. For this purpose, 'public schools' may include all schools operated by this state´s local public school systems~~;~~ and all units of the ~~University~~ Higher Education System of Georgia~~, and all units of the Department of Technical and Adult Education~~. For this purpose, 'public libraries' may include all city, county, and regional public libraries."

SECTION 79.

Code Section 50-27-3 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia Lottery for Education Act, is amended by revising paragraphs (7) and (8) as follows:

"(7) 'Educational facilities' means land, structures, and buildings owned or operated by and through the ~~board of regents~~ Board of Higher Education of the Higher Education System of Georgia, the State Board of Education, ~~the Department of Technical and Adult Education,~~ or by any city, county, or independent school system within this state; provided, however, that a public road or highway leading to an educational facility shall not be considered an educational facility.

(8) 'Educational purposes and programs' means capital outlay projects for educational facilities; tuition grants, scholarships, or loans to citizens of this state to enable such citizens to attend colleges and universities located within this state~~, regardless of whether such colleges and universities are owned or operated by the board of regents or to attend institutions operated under the authority of the Department of Technical and Adult Education~~ owned and operated by the Board of Higher Education of the Higher Education System of Georgia; costs of providing to teachers at accredited public institutions who teach levels K-12, personnel at public postsecondary technical institutes under the authority of the ~~Department of Technical and Adult Education~~ Board of Higher Education of the Higher Education System of Georgia, and professors and instructors within the college and University System of Georgia the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network; costs associated with repairing and maintaining advanced electronic instructional technology; voluntary pre-kindergarten; and an education shortfall reserve."

SECTION 80.

Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to verification requirements, procedures, conditions, exceptions, regulations, and criminal and other penalties for violations, is amended by revising paragraph (7) of subsection (c) as follows:

"(7) For postsecondary education, whereby the Board of ~~Regents~~ Higher Education of the ~~University~~ Higher Education System of Georgia ~~or the State Board of Technical and Adult Education~~ shall set forth, or cause to be set forth, policies regarding postsecondary benefits that comply with all federal law including but not limited to public benefits as described in 8 U.S.C. Section 1611, 1621, or 1623."

SECTION 81.

This Act shall become effective upon the ratification of that amendment to the Constitution of Georgia at the time of the 2008 general election authorizing the General Assembly to enact legislation providing for a program of technical and adult education to be administered by the Board of Regents of the University System of Georgia. If such amendment is not so ratified, this Act shall be automatically repealed on December 1, 2008.

SECTION 82.

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