

Senate Bill 82

By: Senators Gooch of the 51st, Miller of the 49th, Murphy of the 27th, Cowser of the 46th, Shafer of the 48th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Part 3 of Article 6 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to change designations from North Georgia College to the University of North Georgia; to designate the University of North Georgia as the senior military college of Georgia; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Part 3 of Article 6 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, is amended by revising Subpart 5A, relating to the University of North Georgia military scholarships, as follows:

**"Subpart 5A**

**20-3-420.**

(a) The General Assembly finds that the University of North Georgia College, a unit of the University System of Georgia, is widely recognized as one of the most outstanding senior military colleges in the United States and that its outstanding status as a senior military college has been formally recognized by the board of regents and by the Department of the Army of the United States. The purpose of this subpart is to recognize this status of the University of North Georgia College and to enable Georgia's most gifted young people who are interested in pursuing a military career to attend ~~the~~ this state's premier senior military college under a full scholarship.

(b) The General Assembly officially designates the University of North Georgia as the premier senior military college of Georgia.

20-3-421.

(a) In order for a student to qualify as a nominee for and to be a recipient of a scholarship under this subpart, the student shall meet the following standards and requirements:

(1) The student shall be a resident of Georgia;

(2) The student shall have demonstrated academic excellence at the high school level;

(3) The student ~~must~~ shall meet mental and physical health standards required for commission in the Army National Guard; and

(4) The student shall qualify for regular admission to the University of North Georgia College.

(b) If selected as a recipient of a scholarship under this subpart, a student, in order to maintain eligibility for the scholarship, shall:

(1) Maintain standards of academic excellence and standards of conduct as established by the University of North Georgia College;

(2) Maintain minimum full-time enrollment of at least 12 hours each quarter;

(3) Participate in military and Reserve Officers' Training Corps programs at the University of North Georgia College;

(4) Maintain membership in good standing in the Army National Guard;

(5) Demonstrate the qualities required of a commissioned officer in the United States armed forces; and

(6) Upon graduation from the University of North Georgia College, accept a commission as a second lieutenant and agree to serve not less than four years in the Georgia Army National Guard; however, terms of the scholarship may be met by acceptance of a commission and active duty service for not less than four years in the United States Army or a combination of service in the active army and the Georgia Army National Guard for not less than four years upon certification by the adjutant general that no need exists in the Georgia Army National Guard at the time of the commencement of the period of active service.

(c) No recipient of a scholarship under this subpart shall be eligible to receive financial aid assistance under any other student financial aid program authorized by the laws of this state.

20-3-422.

The authority shall establish and promulgate, consistent with this subpart, criteria for the eligibility and award of such scholarships. The authority shall, on or before February 1 of each year, select and nominate six persons from each congressional district in Georgia from a list of persons recommended to the authority by members of the General Assembly.

From the persons so nominated, three persons from each congressional district shall be selected as scholarship recipients as provided in Code Section 20-3-423.

20-3-423.

(a) For the purpose of considering nominations submitted under Code Section 20-3-422, there is created a selection committee, the membership of which shall be as follows:

(1) The chief executive officer of the University of North Georgia College or his or her designated representative, who shall serve as chairperson of the selection committee;

(2) The professor of military science at the University of North Georgia College or his or her designated representative;

(3) The director of admissions of the University of North Georgia College;

(4) A civilian faculty member of the University of North Georgia College designated by the chief executive officer of the ~~college~~ university;

(5) A commissioned officer of the Army National Guard designated by the adjutant general;

(6) The chairperson of the House Committee on Higher Education ~~Committee~~ or his or her designee ~~from that committee~~;

(7) The chairperson of the Senate Higher Education Committee or his or her designee ~~from that committee~~; and

(8) The executive director of the Georgia Student Finance Authority or his or her designated representative.

(b) It shall be the duty of the selection committee to select, from the six nominees from each congressional district submitted to the committee pursuant to Code Section 20-3-422, three persons from each congressional district to receive a scholarship under this subpart. In the event a congressional district does not have three qualified candidates, the committee may select a candidate or candidates at large from alternate nominees among the original candidates without regard to the congressional district of residence. Upon selecting the recipients of scholarships, the committee shall:

(1) Notify each recipient of the scholarship;

(2) Notify each member of the legislative delegation from each congressional district of the names of the recipients of the scholarships from that congressional district; and

(3) Notify the authority of the names and addresses of the recipients of the scholarships.

(c) The selection committee shall have the following additional duties:

(1) To publish in print or electronically and maintain standards of academic excellence and conduct necessary for continued eligibility for a scholarship under this subpart; and

(2) To monitor the performance of the recipients of scholarships under this subpart in accordance with the standards promulgated under paragraph (1) of this subsection.

20-3-424.

Scholarship awards made under this subpart shall cover all costs for room, board, matriculation, fees, uniform deposits, and an allowance for books and supplies. Scholarship assistance may be provided to a recipient under this article for a maximum period of ~~12~~ eight academic ~~quarters~~ semesters.

20-3-425.

(a) If the recipient of a scholarship under this subpart fails to honor his or her obligation to serve in the Army National Guard or the United States Army as provided in paragraph (6) of subsection (b) of Code Section 20-3-421, such recipient shall, at the option of the recipient, either:

(1) Serve not less than four years as an enlisted member of the Army National Guard or United States Army; or

(2) Pay to the authority an amount equal to the amount of scholarship assistance received by the recipient under this subpart, plus interest, such amount to be paid, in accordance with regulations of the authority, within five years after the recipient graduates from or terminates his or her enrollment in the University of North Georgia College.

(b) Subsection (a) of this Code section shall not apply to any person who, for bona fide reasons of health as jointly verified by the authority and the selection committee, is unable to honor the obligation provided for in paragraph (6) of subsection (b) of Code Section 20-3-421.

20-3-426.

(a) If at any time a recipient of a scholarship fails to meet the standards and requirements for continued eligibility as provided by the selection committee pursuant to subsection (c) of Code Section 20-3-423, such recipient shall thereby lose eligibility for the scholarship and shall be obligated to repay the same as provided in Code Section 20-3-425. The selection committee shall promptly notify the authority when a recipient loses eligibility.

(b) In the event a scholarship recipient fails to meet the standards for retention or otherwise surrenders the scholarship, the committee may select a candidate to fill the vacancy for the remaining period of the scholarship. The nominees shall be required to meet all criteria established for the four-year scholarship. Such recipients of scholarships shall incur the same obligations as a four-year scholarship recipient; provided, however, that such recipients of scholarships of less than four years shall only be required to serve the number of years in the Georgia Army National Guard or number of years of active duty service in the United States Army or number of years in a combination of service in the

128 active army and the Georgia Army National Guard which corresponds to the period or  
129 number of years of such scholarship.

130 20-3-427.

131 The authority shall, consistent with this subpart, promulgate such rules and regulations as  
132 may be necessary to administer the scholarship program provided for in this subpart. The  
133 funds necessary to carry out this subpart shall be paid from funds appropriated to the  
134 authority for the purposes of this subpart."

135 **SECTION 2.**

136 Said part is further amended by revising Subpart 6, relating to the North Georgia College  
137 Reserve Officers' Training Corps grant program, as follows:

138 "Subpart 6

139 20-3-430.

140 The General Assembly finds that it is essential for the national defense that persons be  
141 encouraged to consider military leadership positions as an honorable and rewarding  
142 profession and that the University of North Georgia College, Georgia's only state supported  
143 military college, plays a significant role in preparing and training students for professional  
144 life in the military as a profession. It is the purpose of the General Assembly, as provided  
145 for in this subpart, to encourage students to enroll in the University of North Georgia  
146 ~~College~~ and its military training program by providing for tuition grant assistance to such  
147 students.

148 20-3-431.

149 For purposes of this subpart, the term 'eligible student' ~~shall mean~~ means a person who:

- 150 (1) Is enrolled in or accepted for enrollment in the University of North Georgia College  
151 for a minimum of 12 academic hours;  
152 (2) Is or will be a citizen of this state for a period of at least 12 months immediately prior  
153 to the date of registration therein; and  
154 (3) Is enrolled in or plans to enroll in the Army Reserve Officers' Training Corps  
155 program at the University of North Georgia College.

156 20-3-432.

157 There is granted to each eligible student attending the University of North Georgia College  
158 the sum of ~~\$500.00~~ \$750.00 per academic ~~quarter~~ semester.

20-3-433.

Each eligible student wishing to receive the grant provided for in this subpart shall submit to the University of North Georgia College an application for the grant payment at the time and in accordance with procedures prescribed by the authority. The authority is authorized to define such terms and prescribe such rules, regulations, and procedures as may be reasonable and necessary to carry out the purposes of this subpart. The authority shall not approve payment of any grant until it has received from an appropriate officer of the University of North Georgia College a certification that the student applying for the grant is an eligible student. Upon timely receipt of such certification, in proper form, the authority is authorized to pay the grant to the University of North Georgia College on behalf of and to the credit of the student. In the event a student on whose behalf a grant is paid ~~shall~~ does not enroll as a full-time student for the school term for which the grant is paid, the University of North Georgia College shall make a refund to the authority in accordance with regulations of the authority.

20-3-434.

In the event funds available to the authority are not sufficient to enable the authority to pay on behalf of eligible students the full grant prescribed by the General Assembly, grants payable for the remaining school terms shall be reduced by the authority on a pro rata basis.

20-3-435.

The University of North Georgia College shall be subject to examination by the state auditor for the sole purpose of determining whether the school has properly certified eligibility and enrollment of students and credited grants paid on behalf of such students. However, nothing in this subpart shall be construed to interfere with the authority of the school to determine admissibility of students or to control its own curriculum, philosophy, purpose, or administration. In the event it is determined that the school knowingly or through error certified an ineligible student to be eligible for a grant under this subpart, the amount of the grant paid to the school pursuant to such certification shall be refunded by the school to the authority.

20-3-436.

Any person who knowingly makes or furnishes any false statement or misrepresentation or who accepts such statement or misrepresentation knowing it to be false for the purpose of enabling an ineligible student to obtain wrongfully a grant under this subpart shall be guilty of a misdemeanor."

**SECTION 3.**

Said part is further amended by revising Subpart 6A, relating to tuition grant assistance for North Georgia College and State University, as follows:

**"Subpart 6A**

20-3-440.

The General Assembly finds that it is essential for the national defense that persons be encouraged to consider military leadership positions as an honorable and rewarding profession and that the University of North Georgia College and State University, Georgia's only state supported military college, plays a significant role in preparing and training students for professional life in the military as a profession. It is the purpose of the General Assembly, as provided for in this subpart, to encourage students to enroll in the University of North Georgia College and State University and its military training program and to encourage such students to accept military commissions by providing for tuition grant assistance to such students.

20-3-441.

For purposes of this subpart, the term 'eligible student' ~~shall mean~~ means a person who:

- (1) Is enrolled in or accepted for enrollment in the University of North Georgia College and State University for a minimum of 12 academic hours;
- (2) Is or will be a citizen of this state for a period of at least 12 months immediately prior to the date of registration therein;
- (3) Is enrolled in or plans to enroll in the Army Reserve Officers' Training Corps program at the University of North Georgia College and State University; and
- (4) Has signed a contract to accept a commission, to be effective upon graduation, no later than the end of the student's junior year as an officer in any branch of the armed services of the United States or the Army National Guard.

20-3-442.

There is granted to each eligible student attending the University of North Georgia College and State University the sum of \$1,500.00 per academic semester.

20-3-443.

Each eligible student wishing to receive the grant provided for in this subpart shall submit to the University of North Georgia College and State University an application for the grant

payment at the time and in accordance with procedures prescribed by the authority. The authority is authorized to define such terms and prescribe such rules, regulations, and procedures as may be reasonable and necessary to carry out the purposes of this subpart. The authority shall not approve payment of any grant until it has received from an appropriate officer of the University of North Georgia College and State University a certification that the student applying for the grant is an eligible student. Upon timely receipt of such certification, in proper form, the authority is authorized to pay the grant to the University of North Georgia College and State University on behalf of and to the credit of the student. In the event a student on whose behalf a grant is paid ~~shall~~ does not enroll as a full-time student for the school term for which the grant is paid, the University of North Georgia College and State University shall make a refund to the authority in accordance with regulations of the authority.

20-3-444.

In the event funds available to the authority are not sufficient to enable the authority to pay on behalf of eligible students the full grant prescribed by the General Assembly, grants payable for the remaining school terms shall be reduced by the authority on a pro rata basis.

20-3-445.

The University of North Georgia College and State University shall be subject to examination by the state auditor for the sole purpose of determining whether the school has properly certified eligibility and enrollment of students and credited grants paid on behalf of such students. However, nothing in this subpart shall be construed to interfere with the authority of the school to determine admissibility of students or to control its own curriculum, philosophy, purpose, or administration. In the event it is determined that the school knowingly or through error certified an ineligible student to be eligible for a grant under this subpart, the amount of the grant paid to the school pursuant to such certification shall be refunded by the school to the authority.

20-3-446.

Any person who knowingly makes or furnishes any false statement or misrepresentation or who accepts such statement or misrepresentation knowing it to be false for the purpose of enabling an ineligible student to obtain wrongfully a grant under this subpart shall be guilty of a misdemeanor."

#### SECTION 4.



255 Said part is further amended by revising Code Section 20-3-491, relating to applications for  
256 scholarship grants and administration of program, as follows:

257 "20-3-491.

258 (a) Subject to appropriations by the General Assembly, the authority shall establish a  
259 program of two-year scholarship grants for eligible students attending the University of  
260 North Georgia College and participating in a Reserve Officers' Training Corps program  
261 while so enrolled. Any person meeting the conditions of this subpart may apply to the  
262 authority for a grant. Such application shall be submitted in writing on forms prescribed  
263 by the authority for such purpose. The applicant shall furnish such information as may be  
264 required by the authority for determination of eligibility for the grant. The authority shall  
265 approve grant renewals only upon receipt of the recipient's application therefor and upon  
266 a finding that the recipient has successfully completed the work of the preceding school  
267 period and presents evidence that he or she is a student in good standing, that he or she  
268 remains a citizen of this state, and that he or she remains otherwise qualified to receive  
269 such grant under this subpart.

270 (b) The authority is authorized to prescribe such rules and regulations as may be necessary  
271 or convenient for administration of this program and to establish procedures for  
272 determination of eligibility of applicants."

273 **SECTION 5.**

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