

House Bill 116 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickson of the 6<sup>th</sup>, Coleman of the 97<sup>th</sup>, Lindsey of the 54<sup>th</sup>, and Casas of the 107<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to the State Board of Education, so as to authorize the state board to transfer  
3 donations, gifts, and other property held in trust to the Georgia Foundation for Public  
4 Education for management and administration; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the  
9 State Board of Education, is amended by revising Code Section 20-2-14, relating to  
10 acceptance of donations, grants, and federal aid for vocational or other educational purposes  
11 by the State Board of Education, as follows:

12 "20-2-14.

13 (a) The State Board of Education is authorized to receive, accept, hold, and operate, on  
14 behalf of the state, donations, grants, gifts, devises, and bequests of real, personal, and  
15 mixed property of every kind and character; to lease, manage, and otherwise administer  
16 such property for the use, benefit, and behalf of the public school system of Georgia; and  
17 to accept on behalf of the state any funds which may be now or hereafter provided for, or  
18 be, or hereafter become available or allotted to the state by virtue of any appropriation by  
19 Congress or under any governmental regulation, order, or declaration of policy for either  
20 vocational or other educational purposes conducted either in or out of school, in connection  
21 with, or as an incident of, any program of vocational education now or hereafter established  
22 as essential to national defense either for industrial or agricultural occupations, and whether  
23 as part of a federal or a state program or a combination of both, in furtherance of vocational  
24 educational objectives generally. The state board is authorized to acquire and hold title for  
25 and on behalf of the state for the benefit of the public school system thereof any equipment  
26 or supplies, both permanent and expendable, that may be necessary for such purposes; to

27 act as the contracting agent therefor and the custodian thereof; to delegate, in whole or in  
 28 part, any function or activity enumerated or contemplated under this Code section; to  
 29 contract with and cooperate with any department, agency, or instrumentality, either of the  
 30 state or of the United States in any manner which shall be requisite or incident to this Code  
 31 section and which in the judgment of the state board may be deemed proper for the  
 32 carrying into effect of the purposes of this article; and to use so much of the public school  
 33 fund or other funds appropriated by the General Assembly as may be necessary to match  
 34 any such federal aid or to meet the terms of any past, present, or future grant to the state  
 35 or any local school unit whereby the state or any local school unit, respectively, may be  
 36 enabled to derive full advantage of the benefits thereof to the state as contemplated under  
 37 the terms and provisions of any such grant for educational purposes.

38 (b) The State Board of Education is authorized to transfer any donation, gift, devise, or  
 39 bequest of real, personal, or mixed property of any kind and character held in trust by the  
 40 state board to the Georgia Foundation for Public Education to be managed and otherwise  
 41 administered by such foundation. This subsection shall apply to any donation, gift, devise,  
 42 or bequest of real, personal, or mixed property of any kind and character held in trust by  
 43 the state board pursuant to Paragraph I(c), Section II, Article VIII of the Georgia  
 44 Constitution, subsection (a) of this Code section, or Code Section 20-2-18."

45 **SECTION 2.**

46 Said article is further amended by revising subsection (a) of Code Section 20-2-14.1, relating  
 47 to the Georgia Foundation for Public Education, as follows:

48 "(a) There is established the Georgia Foundation for Public Education existing as a public  
 49 corporation and instrumentality of the state, exclusively limited to the following charitable  
 50 and public purposes and powers:

- 51 (1) To solicit and accept contributions of money and in-kind contributions of services  
 52 and property for the purpose of supporting educational excellence in Georgia;
- 53 (2) To solicit and accept contributions of money and in-kind contributions of services  
 54 and property for the purpose of supporting educational excellence at Georgia Academy  
 55 for the Blind, Georgia School for the Deaf, and Atlanta Area School for the Deaf;
- 56 (3) To accept transfer of any donation, gift, devise, or bequest of real, personal, or mixed  
 57 property of any kind and character held in trust by the State Board of Education to  
 58 manage and otherwise administer. This paragraph shall apply to any donation, gift,  
 59 devise, or bequest of real, personal, or mixed property of any kind and character held in  
 60 trust by the state board pursuant to Paragraph I(c), Section II, Article VIII of the Georgia  
 61 Constitution, subsection (a) of Code Section 20-2-14, or Code Section 20-2-18;

62 (4) To sell and dispose of contributed property and securities in accordance with the  
63 prudent person rule;  
64 ~~(4)~~(5) To make and disburse contributions to the department and others for such  
65 purposes;  
66 ~~(5)~~(6) To contract and be contracted with for purposes of the foundation; and  
67 ~~(6)~~(7) To seek recognition of tax exempt status by the United States Internal Revenue  
68 Service and to seek confirmation concerning the deductibility of contributions."

69 **SECTION 3.**

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