

House Bill 116 (AS PASSED HOUSE AND SENATE)

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

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 style="text-align:center">**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.