

Senate Bill 326

By: Senators Jeffares of the 17th, Stone of the 23rd, Staton of the 18th, Carter of the 1st, Millar of the 40th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 20-3-202 of the Official Code of Georgia Annotated, relating to the
2 creation, membership, officers, compensation, expenses, organization, duration, and quorum
3 of the Private Colleges and Universities Authority, so as to authorize the authority to meet
4 by teleconference and other methods permitted by law; to provide for related matters; to
5 provide an effective date; to repeal conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Code Section 20-3-202 of the Official Code of Georgia Annotated, relating to the creation,
9 membership, officers, compensation, expenses, organization, duration, and quorum of the
10 Private Colleges and Universities Authority, is amended by revising the Code section as
11 follows:

12 "20-3-202.

13 There is created a public body corporate and politic to be known as the Private Colleges
14 and Universities Authority, and by that name, style, and title such body may contract and
15 be contracted with, bring and defend actions and implead and be impleaded, and complain
16 and defend in all courts of law and equity. Such authority, however, shall not be a state
17 institution nor a department or agency of the state but shall be an instrumentality of purely
18 public charity performing an essential governmental function, being a distinct corporate
19 entity. Article VII, Section IV, Paragraph VII of the Constitution of Georgia and Article 2
20 of Chapter 17 of Title 50, the 'Georgia State Financing and Investment Commission Act,'
21 shall not apply to the authority created in this Code section. The authority shall consist of
22 five members appointed by the Governor. Two of the members appointed in 1978 shall be
23 appointed for a term expiring January 1, 1980; two shall be appointed for a term expiring
24 January 1, 1982; and one shall be appointed for a term expiring January 1, 1984.
25 Thereafter, each member shall be appointed for a six-year term. The Governor shall fill
26 the unexpired term of any member so appointed who shall cease to serve. All members

27 appointed shall serve until their successors are appointed and qualified and any member
28 may be reappointed. Immediately after each such appointment, such member of the
29 authority shall enter upon his or her duties. The authority shall elect one of its members
30 as ~~chairman~~ chairperson and another as ~~vice-chairman~~ vice chairperson and shall appoint
31 a secretary, who need not be a member of the authority. The members of the authority may
32 be compensated in an amount not to exceed the per diem amount paid to the members of
33 the General Assembly under applicable Georgia law as in effect from time to time, plus
34 actual expenses incurred, from the funds available to pay the administrative costs and
35 expenses incurred by the authority, for each day's service spent in the performance of the
36 duties of the authority. The authority may make rules and regulations for its own
37 government, including, but not limited to, the payment of compensation to its members.
38 The authority shall have perpetual existence. At all meetings of the authority the presence
39 in person, by teleconference, or other methods permitted by law of a majority of the
40 members in office shall be necessary for the transaction of business, and the affirmative
41 vote of a majority of the members then in office shall be necessary for any action of the
42 authority."

43 **SECTION 2.**

44 This Act shall become effective upon its approval by the Governor or upon its becoming law
45 without such approval.

46 **SECTION 3.**

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