

Senate Bill 273

By: Senators Jackson of the 2nd, Jones II of the 22nd, James of the 25th and Tate of the 38th

WITHDRAWN

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
2 postsecondary education, so as to create the Georgia Agricultural and Mechanical University
3 System; to provide for composition of the board and terms of office; to provide for
4 organization and powers; to provide for institutions of the Georgia Agricultural and
5 Mechanical University System; to provide for governance; to provide for powers of
6 condemnation; to provide for athletic associations; to provide conditions for an effective date
7 and automatic repeal; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
12 education, is amended by revising Code Section 20-3-1, relating to definitions, as follows:
13 "20-3-1.

14 As used in this chapter, except as provided for in Article 3 of this chapter, the term:

- 15 (1) 'Board of regents' or 'board' means the Board of Regents of the University System of
16 Georgia.
17 (2) 'University system' or 'system' means the University System of Georgia."

18 style="text-align:center">**SECTION 2.**

19 Said chapter is further amended by adding a new article to read as follows:

20 style="text-align:center">"ARTICLE 3

21 style="text-align:center">Part 1

22 20-3-100.

23 As used in this article, the term:

- 24 (1) 'Board' means the Board of Trustees of the Georgia Agricultural and Mechanical
25 University System.

26 (2) 'University system' or 'system' means the Georgia Agricultural and Mechanical
27 University System.

28 20-3-101.

29 The Board of Trustees of the Georgia Agricultural and Mechanical University System is
30 created.

31 20-3-102.

32 (a) The board shall be composed of 13 members as follows:

33 (1) Eleven members shall be appointed by the Governor;

34 (2) One member shall be appointed by the presiding officer of the Senate; and

35 (3) One member shall be appointed by the Speaker of the House.

36 (b) All appointments made pursuant to subsection (a) of this Code section shall be made
37 with the consent of the Senate. The Governor shall not be a member of the board. The
38 Governor shall consider diversity and regional representation in his or her appointments.
39 The board shall have all the power and duties now or hereafter provided by law. The board
40 shall be subject to all provisions of law not inconsistent with this part.

41 20-3-103.

42 The first board appointed under this part shall hold office as follows: two for one year;
43 three for two years; two for three years; two for four years; and four for five years. All of
44 the terms shall date from January 1, 2021. The Governor in making the appointments shall
45 designate the holders of the respective terms, with exception of the two of the four initial
46 holders of five-year terms to be appointed by the presiding officer of the Senate and the
47 Speaker of the House, respectively. Successors to the persons so appointed shall hold terms
48 of office of five years from the expiration of the previous term. All members of the board
49 shall hold office until their successors are appointed.

50 20-3-104.

51 In case of a vacancy on the board by death, resignation, removal, or from any other cause
52 other than the expiration of such member's term of office, such vacancy shall be filled in
53 the manner prescribed by Article VIII, Section IV, Paragraph I of the Constitution.

54 20-3-105.

55 The board shall elect one of its members chairman.

56 20-3-106.

57 The board shall elect a secretary, not a member thereof, for such term and salary as it may
58 establish. The secretary shall maintain his or her office in the state capital and shall devote
59 to the board his or her entire time. He or she shall give good and sufficient bond, payable
60 to the Governor, for the faithful performance of his duties and for the faithful accounting
61 for all funds coming into his hands as such secretary. The surety on such bond shall be a
62 surety company duly qualified to do business in this state. The board may pay premiums
63 for such bond out of funds coming into its hands.

64 20-3-107.

65 It shall be the duty of the members of the board to attend the meetings of the board so as
66 to take part in its deliberations. The office of any member of the board shall be vacated if
67 he or she neglects to furnish an excuse in writing to the board for absence from two
68 consecutive meetings of the board. If any member fails to attend three successive meetings
69 of the board, without good and valid cause or excuse or without leave of absence from the
70 chairman, or, if the chairman for any cause cannot act, from the vice-chairman of the board,
71 his or her office shall be declared vacant by the board. The secretary shall in either event
72 notify the Governor of a vacancy on the board, and the Governor shall fill the vacancy as
73 provided by this part.

74 20-3-108.

75 The board shall make at least one annual visit and inspection of each of the institutions
76 in the university system through committees of not less than two of its members, who shall
77 report their visits and inspections to the board.

78 20-3-109.

79 Members of the board shall receive the sum provided by Code Section 45-7-21 for each
80 day of actual attendance at meetings of the board or for each day of travel, within or
81 outside the state, as a member of a committee of the board, which travel has been
82 authorized by the chairman or by action of the board, plus reimbursement for actual
83 transportation costs while traveling by public carrier or the legal mileage rate for the use
84 of a personal automobile to and from the place of meeting or places of visits or inspections.
85 No member shall be authorized to receive the sums, expenses, and costs provided by this
86 Code section for more than 60 days per year. Such sums, expenses, and costs shall be paid
87 from funds appropriated to or otherwise available to the board.

88 20-3-110.

89 The expense of the board, other than that of the institutions under its control, shall be met
90 out of a separate appropriation enacted for its maintenance and support.

91 20-3-111.

92 The board may establish such rules and regulations for its own direction as it may deem
93 proper; may fix the term of office of its chairman, its vice-chairman, and its secretary; and
94 is vested with all of the powers, privileges, and rights vested in former boards of trustees
95 of the university system and all former boards of trustees or directors of its branches. It
96 is charged with all of the duties, obligations, and responsibilities incumbent upon or
97 pertaining to the former boards.

98 20-3-112.

99 The board shall have power:

100 (1) To make such reasonable rules and regulations as are necessary for the performance
101 of its duties;

102 (2) To elect or appoint professors, educators, stewards, or any other officers necessary
103 for all of the schools in the university system, as may be authorized by the General
104 Assembly; to discontinue or remove them as the good of the system or any of its schools
105 or institutions or stations may require; and to fix their compensations;

106 (3) To establish all such schools of learning or art as may be useful to the state and to
107 organize them in the way most likely to attain the ends desired; and

108 (4) To exercise any power usually granted to such corporation, necessary to its
109 usefulness, which is not in conflict with the Constitution and laws of this state.

110 20-3-113.

111 (a) The board is authorized and directed to establish a program whereby citizens of this
112 state who are 62 years of age or older may attend units of the university system without
113 payment of fees, except for supplies and laboratory or shop fees, when space is available
114 in a course scheduled for resident credit. Such program shall not include attendance at
115 classes in dental, medical, veterinary, or law schools. Persons who attend units of the
116 University system under the program established pursuant to this Code section shall not be
117 counted as students by the board for budgetary purposes. The board shall adopt and
118 promulgate rules and regulations, not inconsistent with this Code section, to carry out the
119 provisions of this Code section.

120 (b) The program for senior citizens provided for by subsection (a) of this Code section
121 shall be a continuation, without interruption, of the program for elderly citizens heretofore

122 established by the board pursuant to the requirements of Article VIII, Section IV,
123 Paragraph II of the Constitution of the State of Georgia of 1976. Such heretofore
124 established program is ratified, confirmed, and continued without the necessity of the
125 reestablishment of such program by the board.

126 20-3-114.

127 (a) The board is authorized to consolidate, suspend, or discontinue institutions; merge
128 departments; inaugurate or discontinue courses; and abolish or add degrees.

129 (b) Whenever any such modifications, changes, consolidations, or suspensions are put into
130 effect, the board is authorized to readjust budgets to the extent necessary by the reallocation
131 of the moneys appropriated for the institutions affected.

132 (c) Where similarity in names among the several institutions gives rise to confusion, the
133 board may rename them.

134 20-3-115.

135 It shall be lawful for the board to invest any trust funds held by the board in real estate or
136 in any improvements or buildings which the board in its discretion may see fit to make or
137 erect thereon; provided, however, that no money belonging to any trust fund shall be used
138 for such purpose or purposes if such use or uses would be contrary to the specific
139 provisions of the instrument setting up the trust; and provided, further, all investments
140 made of trust funds under this Code section shall in the judgment of the board be revenue
141 producing investments wherever the trust funds so invested are of a trust which requires
142 investment to produce revenue.

143 20-3-116.

144 The fiscal year of the board and all institutions of the university system is from July 1 in
145 each year through June 30 in the following year.

146 20-3-117.

147 The board shall submit to the Governor annual reports of its transactions, together with
148 such information as is necessary to show the condition of the university system and with
149 such suggestions as it may deem conducive to the good of the system and the cause of
150 education.

151 20-3-118.

152 The applicability of the doctrine of sovereign immunity to the board is reaffirmed, except
153 to the extent that the General Assembly may expressly provide.

154 20-3-119.

155 (a) The assent of the General Assembly is given to the act of Congress approved by the
156 President on May 8, 1914, entitled 'An act to provide for cooperative agriculture extension
157 work between the United States Department of Agriculture and the agricultural colleges
158 of the several states receiving and which may hereafter receive the benefits of an act of
159 Congress of the United States, approved July 2, 1862, to encourage the states to provide
160 colleges for the benefit of agriculture and the mechanic arts, and of acts supplementary
161 thereto' (7 U.S.C.A. Sections 341 to 348).

162 (b) The board is authorized to receive the grants of money appropriated under the act of
163 Congress referred to in subsection (a) of this Code section and to organize and conduct
164 agricultural extension work which shall be carried on in connection with the terms and
165 conditions expressed in such act of Congress.

166 Part 2

167 20-3-120.

168 The following institutions shall be renamed as follows:

169 (1) Albany State University shall be known as Georgia Agricultural and Mechanical
170 University-Albany;

171 (2) Fort Valley State University shall be known as Georgia Agricultural and Mechanical
172 University-Fort Valley; and

173 (3) Savannah State University shall be known as Georgia Agricultural and Mechanical
174 University-Savannah.

175 20-3-121.

176 The university system shall consist of Georgia Agricultural and Mechanical
177 University-Albany, Georgia Agricultural and Mechanical University-Fort Valley, and
178 Georgia Agricultural and Mechanical University-Savannah and all respective associated
179 branches.

180 20-3-122.

181 The government, control, and management of the university system and all of its
182 institutions shall be vested in the board.

183 20-3-123.

184 All appropriations for the use of any or all institutions in the university system shall be paid
185 to the board in a lump sum, with the power and authority in said board to allocate or

186 distribute them among the institutions under its control in such a way and manner and in
187 such amount or amounts as will further an efficient and economical administration of the
188 system.

189 20-3-124.

190 Unless directed otherwise by the General Assembly, the board shall not use any moneys
191 or properties received from any source other than appropriations by the legislature except
192 for the benefit of the institution for whose use the money or property was donated.

193 20-3-125.

194 The Office of the State Treasurer is directed, out of any unexpended appropriation to the
195 Georgia Agricultural and Mechanical University-Albany, Georgia Agricultural and
196 Mechanical University-Fort Valley, and Georgia Agricultural and Mechanical
197 University-Savannah, and any of its branches, to pay to the board, at periods and times
198 provided by law, such sums as may be requisitioned by the board and as may be approved
199 by the Governor, upon warrants of the Governor, to and for the use of Georgia Agricultural
200 and Mechanical University-Albany, Georgia Agricultural and Mechanical University-Fort
201 Valley, and Georgia Agricultural and Mechanical University-Savannah, or any of its
202 branches or any or each of them, respectively. All money or sums of money payable under
203 this Code section to the board shall be paid to an official elected or appointed by the board,
204 which official shall, on or before entering upon the discharge of his duties, give good and
205 solvent bond with a surety company qualified to do business in this state as surety for the
206 faithful performance of his duties and faithful accounting for all moneys coming into his
207 hands as such official, which bond shall be payable to the Governor and his successor in
208 office. The premium for such bond may be paid out of funds lawfully coming into the
209 hands of the board. The board, however, in its discretion, may authorize the local treasurer
210 of any of the educational institutions to retain such matriculation and other fees as the
211 board deems proper to facilitate the prompt payment of incidental expenses of said
212 institution, strict account being made to the board as to all such receipts and expenditures.

213 20-3-126.

214 Any trust fund or property, real, personal, or mixed, that may have been created prior to
215 January 1, 2020, by will or otherwise as a fund or gift or donation or devise to any board
216 of trustees of any of the institutions in the university system, or to any executor or trustee
217 to and for the use, benefit, or behoof of any such institution shall not lapse by virtue of any
218 of the provisions of this article, but such trust shall remain valid and of full force and
219 effect; and the beneficial interest under any such deed of gift or will or other conveyance

220 shall vest in the board as trustee to and for the use, benefit, and behoof of the institution
 221 intended to be benefited by such gift, devise, or other conveyance in its favor. In any case
 222 where provisions of any deed of gift, or will, or other conveyance referred to in this Code
 223 section require a trustee and no trustee shall in any contingency exist, the board shall be
 224 and become a substituted trustee to carry out the beneficial purposes of such gift, devise,
 225 or conveyance.

226 20-3-127.

227 Title to all real, personal, and mixed property of whatever nature of each of the branches
 228 of the Georgia Agricultural and Mechanical University-Albany, Georgia Agricultural and
 229 Mechanical University-Fort Valley, and Georgia Agricultural and Mechanical
 230 University-Savannah, is vested in the board, to be held by the board in trust for the benefit
 231 and use of the institutions entitled thereto, it being the purpose and intent of the General
 232 Assembly that the board shall hold title to the property or assets of each institution so that
 233 each institution shall receive the use and benefit of the property devoted to its use; and in
 234 no event shall the property or assets of one institution be subject to the liabilities or
 235 obligations of any other institution; provided, however, that this restriction shall not
 236 prevent the board from utilizing the facilities, educational or otherwise, of one school for
 237 the advancement or assistance of another.

238 20-3-128.

239 (a) The board of is authorized to take or damage, by condemnation, private property for
 240 public purposes of the university system upon paying or tendering to the owner thereof just
 241 compensation. Condemnation proceedings by the board may take the forms provided in
 242 Chapter 2 of Title 22.

243 (b)(1) As used in this subsection, the term 'public property' has the meaning provided for
 244 in Code Section 50-16-180.

245 (2) The board is also authorized to acquire public property or an interest therein by
 246 condemnation and the power of eminent domain when such acquisition is approved by
 247 the State Commission on the Condemnation of Public Property as provided in Code
 248 Section 50-16-183. Condemnation proceedings by the board may take the forms
 249 provided in Article 3 of Chapter 2 of Title 22.

250 20-3-129.

251 The board of education of any county school district or the governing body of any
 252 independent school system in providing an adequate public school system shall have the
 253 right and authority either alone or in conjunction with another district or system:

254 (1) To acquire real property and to acquire, construct, and equip buildings and facilities
 255 for education beyond the twelfth grade and to convey any such property so acquired to
 256 the board, its successors, or assigns; and

257 (2) To contribute funds to the board, acting for and on behalf of the board, to be applied
 258 toward the acquisition of real property and the acquisition, construction, and equipping
 259 of buildings and facilities for education beyond the twelfth grade.

260 In addition to the foregoing powers, each such governing body shall have the right and
 261 authority to issue bonds in accordance with the Constitution and laws of this state for any
 262 of the aforesaid purposes; provided, only, that prior to exercising such right or authority,
 263 any such board of education or governing body shall have agreed by contract to convey any
 264 such property so acquired or to contribute such funds, and the board, acting as aforesaid,
 265 shall have agreed to accept any such property or contribution and to acquire, construct, and
 266 equip such buildings and facilities and to operate and maintain them as a unit of the
 267 university system rather than as a part of the public school system of this state.

268 20-3-130.

269 (a) All properties owned or held by the board pursuant to this chapter which have been
 270 declared to be the public property of the state may be sold, leased, or otherwise disposed
 271 of by the board subject to the approval of the Governor, whenever the board may deem
 272 such sale, lease, or other disposition in the best interests of the system, if the board shall
 273 first determine that such property can no longer be advantageously used in the system;
 274 provided, however, that where any such property has been granted or conveyed to the
 275 system or the board or any institution embraced within the system, or the trustees thereof,
 276 for specified uses, such property shall only be sold, leased, conveyed, or otherwise
 277 disposed of for similar uses or purposes, which shall be in conformity with any use or trust
 278 declared in any such grant or conveyance.

279 (b) Nothing in this Code section shall prevent the board from leasing laboratory and
 280 research facilities owned by the board to private businesses, companies, and corporations
 281 for the purpose of small business and economic development during times when the
 282 laboratory and research facilities are not in use.

283 (c)(1) As used in this subsection, the term 'work of art' means any work of visual art. The
 284 term 'work of art' includes, but is not limited to, drawings, paintings, murals, frescoes,
 285 sculptures, mosaics, films, videos, photographs, calligraphy, etchings, lithographs, offset
 286 prints, silk screens, crafts, jewelry, and mixed media, including collages, assemblages,
 287 or any combination of the foregoing art media. The term 'work of art' does not include
 288 environmental landscaping placed about a state building.

289 (2) Notwithstanding any other provision of law, including this Code section and Article
 290 4 of Chapter 5 of Title 50, and upon finding that such action is in the best interests of the
 291 system and that a work of art owned or held by the board can no longer be
 292 advantageously used in the system, the board may:

293 (A) Sell such work of art to the highest responsible bidder for cash;

294 (B) Sell or transfer such work of art to any department, board, commission, or other
 295 agency of the State of Georgia;

296 (C) Sell such work of art, or transfer such work of art in exchange for substantial
 297 benefits, to any private nonprofit agency; or

298 (D) Dispose of such work of art as provided in Article 4 of Chapter 5 of Title 50.

299 20-3-131.

300 In case of any sale, lease, or disposition of property under Code Section 20-3-60, the board,
 301 through its proper officers, and the Governor, on behalf of the state, shall execute and
 302 deliver such written evidence of title or of the creation of a leasehold interest as may be
 303 necessary.

304 20-3-132.

305 The proceeds arising from any sale or lease of property under Code Section 20-3-60 shall
 306 be used for the support of the university system and its branches or for the payment of any
 307 debts thereof as the board may determine.

308 20-3-133.

309 The Governor and the Office of the State Treasurer are authorized and directed to issue to
 310 the board the state's obligation in the form of nonnegotiable bonds to become due 50 years
 311 from the date of issue and bearing interest at the rate of 4 1/4 percent per annum payable
 312 semiannually on January 1 and July 1 of each year in redemption of obligations of the state
 313 as provided in Code Section 20-3-64.

314 20-3-134.

315 No person of any religious denomination shall be excluded from equal advantages of
 316 education and the immunities of the Georgia Agricultural and Mechanical
 317 University-Albany, Georgia Agricultural and Mechanical University-Fort Valley, and
 318 Georgia Agricultural and Mechanical University-Savannah on account of his or her
 319 religious beliefs.

320 20-3-135.

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

322 (1) 'Dependent student' means an individual under the age of 24 who receives financial
323 support from a parent or United States court appointed legal guardian.

324 (2) 'Emancipated' means a minor who, under certain circumstances, may be treated by
325 the law as an adult. A student reaching the age of 18 shall not qualify for consideration
326 of reclassification by virtue of having become emancipated unless he or she can
327 demonstrate financial independence and domicile independent of his or her parents.

328 (3) 'Independent student' means an individual who is not claimed as a dependent on the
329 federal or state income tax returns of a parent or United States court appointed legal
330 guardian and whose parent or guardian has ceased to provide support and right to that
331 individual's care, custody, and earnings.

332 (b)(1) An independent student who has established and maintained a domicile in the
333 State of Georgia for a period of at least 12 consecutive months immediately preceding the
334 first day of classes for the term shall be classified as in-state for tuition purposes. No
335 student shall gain or acquire in-state classification while attending any postsecondary
336 educational institution in this state without clear evidence of having established domicile
337 in Georgia for purposes other than attending a postsecondary educational institution in
338 this state.

339 (2) If an independent student classified as in-state for tuition purposes relocates out of
340 state temporarily but returns to the State of Georgia within 12 months of the relocation,
341 such student shall be entitled to retain his or her in-state tuition classification.

342 (c)(1) A dependent student shall be classified as in-state for tuition purposes if such
343 dependent student's parent has established and maintained domicile in the State of
344 Georgia for at least 12 consecutive months immediately preceding the first day of classes
345 for the term and:

346 (A) The student has graduated from a Georgia high school; or

347 (B) The parent claimed the student as a dependent on the parent's most recent federal
348 or state income tax return.

349 (2) A dependent student shall be classified as in-state for tuition purposes if such
350 student's United States court appointed legal guardian has established and maintained
351 domicile in the State of Georgia for at least 12 consecutive months immediately
352 preceding the first day of classes for the term, provided that such appointment was not
353 made to avoid payment of out-of-state tuition, and such guardian can provide clear
354 evidence of having established and maintained domicile in the State of Georgia for a
355 period of at least 12 consecutive months immediately preceding the first day of classes
356 for the term.

357 (3) If the parent or United States court appointed legal guardian of a dependent student
358 currently classified as in-state for tuition purposes establishes domicile outside of the
359 State of Georgia after having established and maintained domicile in the State of Georgia,
360 such student may retain his or her in-state tuition classification so long as such student
361 remains continuously enrolled in a public postsecondary educational institution in this
362 state, regardless of the domicile of such student's parent or United States court appointed
363 legal guardian.

364 (d) Noncitizen students shall not be classified as in-state for tuition purposes unless the
365 student is legally in this state and there is evidence to warrant consideration of in-state
366 classification as determined by the board. Lawful permanent residents, refugees, asylees,
367 or other eligible noncitizens as defined by federal Title IV regulations may be extended the
368 same consideration as citizens of the United States in determining whether they qualify for
369 in-state classification. International students who reside in the United States under
370 nonimmigrant status conditioned at least in part upon intent not to abandon a foreign
371 domicile shall not be eligible for in-state classification.

372 20-3-136.

373 Nothing in Code Section 20-3-66 and in Code Section 39-1-1 lowering the age of legal
374 majority shall be construed to limit the power of the board to adopt and enforce rules and
375 regulations for the government, control, and management of the university system nor shall
376 such Code sections be construed so as to limit the authority of any institution in the system
377 to adopt and to enforce rules or regulations governing housing, conduct, discipline, and
378 other related activities of the student body.

379 20-3-137.

380 All colleges and universities sustained or in any manner supported by public funds shall
381 give instruction in the history of the United States and the history of Georgia and in the
382 essentials of the United States Constitution and the Constitution of Georgia; and no
383 undergraduate student in any college or university shall receive a certificate of graduation
384 or a degree without successfully completing course work or previously passing a
385 satisfactory examination on the same.

386 20-3-138.

387 The campus policemen and other security personnel of the university system who are
388 regular employees of the system shall have the power to make arrests for offenses
389 committed upon any property under the jurisdiction of the board and for offenses

390 committed upon any public or private property within 500 yards of any property under the
391 jurisdiction of the board.

392 20-3-139.

393 The board is established as the coordinating agency of educational activities of the
394 university system, and shall seek and obtain designation of one of its units as a university
395 business development center, directed toward encouraging the development and expansion
396 of the small business sector of the economy of this state.

397 20-3-140.

398 The board shall prescribe criteria, policies, and standards deemed necessary for the
399 effective implementation of programs within the university system financed wholly or
400 partially from appropriations from the Lottery for Education Account and established for
401 the purpose of providing professors and instructors the necessary training in the use and
402 application of computers and advanced electronic instructional technology to implement
403 interactive learning environments in the classroom and to access the state-wide distance
404 learning network. Such programs shall include the expenditure of funds to defray the costs
405 associated with repairing and maintaining advanced electronic instructional technology.

406 20-3-141.

407 The athletic associations of the Georgia Agricultural and Mechanical University-Albany,
408 Georgia Agricultural and Mechanical University-Fort Valley, and Georgia Agricultural
409 and Mechanical University-Savannah university system are corporations, incorporated
410 under charter by the superior court of the county in which each association is located or as
411 otherwise incorporated pursuant to the laws of this state.

412 20-3-142.

413 (a) The athletic associations named in Code Section 20-3-78 are not agencies of the state
414 and are not subject to the limitations, restrictions, and laws of general application imposed
415 on state agencies by the Constitution of Georgia and the laws enacted by the General
416 Assembly in compliance with the Constitution. The associations are authorized under their
417 corporate charters issued by the superior courts or as otherwise incorporated pursuant to
418 the laws of this state to make such rules and regulations for the financial operations of the
419 associations as they deem necessary.

420 (b) The state auditor is not required to make an audit of the accounts of the athletic
421 associations as is required of him in connection with the financial operations of state
422 agencies.

423 (c) This Code section shall not apply to any tax money appropriated by the state.

424 20-3-143.

425 As the athletic associations are authorized to operate as separate corporations and not as
426 a part of the state or board, a state agency, the board, is authorized and directed to make the
427 necessary agreements for the use by the associations of any property, equipment, or
428 facilities belonging to the state or the board and to fix the amount of compensation to be
429 charged for their use.

430 20-3-144.

431 (a) There is created the Georgia Historically Black Colleges and Universities (HBCU)
432 Scholars Endowment Trust Fund. The board shall serve as trustees of such fund. The fund
433 shall be a budget unit for the purpose of appropriations of state funds as provided for in
434 Part 1 of Article 4 of Chapter 12 of Title 45.

435 (b) The fund created by this Code section is established for the purpose of providing
436 challenge grants to raise funds to be used by units of the Georgia Agricultural and
437 mechanical University System and foundations established to further the work of such units
438 in endowing chairs to attract eminent scholars to join the faculties of units of the Georgia
439 Agricultural and Mechanical University System.

440 (c) The General Assembly is authorized to appropriate state funds, by line item
441 appropriation, to the trust fund established by this Code section. The board is authorized
442 to allocate any funds appropriated or available to the Georgia Agricultural and Mechanical
443 University System to the trust fund created by this Code section. Any moneys so
444 appropriated or allocated are deemed to be contractually obligated for the purposes
445 specified in this Code section and any funds remaining in the trust fund at the end of any
446 fiscal year shall not lapse.

447 (d) The trustees of the Georgia Historically Black Colleges and Universities (HBCU)
448 Scholars Endowment Trust Fund are authorized to make challenge grants to foundations
449 established to further the work of the units of the Georgia Agricultural and Mechanical
450 University System. The trustees of the Georgia Historically Black Colleges and
451 Universities (HBCU) Scholars Endowment Trust Fund shall adopt rules, regulations, and
452 standards relative to the award of challenge grants under this Code section. Such rules,
453 regulations, and standards shall include formulas for the awarding of such grants, provided
454 that such formulas shall require foundations to contribute as much as possible but not less
455 than 50 percent and not more than 75 percent of the total amount deemed necessary by the
456 trustees to endow a chair. Such formulas may be revised at any time by the board of
457 trustees so as to maximize the benefits which may result from endowing one or more chairs

458 in any fiscal year and depending on the total funds available to the Georgia Historically
459 Black Colleges and Universities (HBCU) Scholars Endowment Trust Fund. No funds shall
460 be granted to a foundation under this Code section except upon the express written
461 condition that such funds and the earnings thereon be used by the foundation for the
462 purpose of endowing a chair at a unit of the Georgia Agricultural and Mechanical
463 University System. The board shall create such chairs after considering the existing
464 programs of the system, the necessity for such a chair, and any duplication which the
465 creation of the chair might cause. The amount of funds granted to a foundation under this
466 Code section and the funds raised by the foundation shall be invested and maintained by
467 the foundation and, together with the income therefrom, shall be used as provided in this
468 Code section.
469 (e) Persons selected to hold such chairs shall be selected under such procedure as may be
470 established by the president of the unit of the University System of Georgia at which the
471 chair is established.

472 20-3-145.

473 (a) Subject to the provisions of this Code section, any institution of the university system
474 is authorized to deduct from the salaries or wages of its employees amounts designated by
475 the employee as contributions or dues to any interdisciplinary charitable association
476 qualified as an organization exempt under Section 501(c)(3) of the United States Internal
477 Revenue Code of 1986 whose regular membership consists exclusively of university,
478 college, and technical institute faculty members if such association has as its objectives to
479 facilitate cooperation among teacher and research scholars for the promotion of the interest
480 of higher education and research and to increase the standards, ideals, and welfare of the
481 academic profession in higher education.

482 (b) No deduction shall be made under this Code section without the written consent of the
483 employee.

484 (c) An institution making deductions under this Code section shall be reimbursed by any
485 participating charitable association for the institution's direct cost of making deductions and
486 remitting the proceeds; and any charitable association desiring to participate in a deduction
487 program shall as a condition of participation agree to make such reimbursement.

488 (d) Deductions under this Code section shall be a privilege for the convenience of
489 employees and no right of action shall accrue to the employee or to any charitable
490 association for errors, omissions, or decisions of any agent of the university system
491 regarding deductions under this Code section.

492 (e) The board may regulate the conduct of deductions under this Code section in any
493 manner deemed by the board to be necessary or appropriate.

494 20-3-146.

495 No student in a degree program in the university system shall be required to join a
496 professional association as a condition of enrollment in such degree program.

497 20-3-147.

498 The university system provided for under this article shall be treated in the same manner
499 as the University System of Georgia for purposes of Article 7 of this chapter."

500

SECTION 3.

501 This Act shall become effective on January 1, 2021, only if an amendment to the
502 Constitution of Georgia is ratified at the November, 2020, general election repealing the
503 exclusive authority of the board of regents to create new public colleges, junior colleges, and
504 universities in the State of Georgia and providing that the General Assembly may do so by
505 law. If such an amendment to the Constitution is not so ratified, this Act shall not become
506 effective and shall stand repealed by operation of law on January 1, 2021.

507

SECTION 4.

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