

Senate Bill 278

By: Senator Jackson of the 2nd

A BILL TO BE ENTITLED  
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
11 revising Code Section 20-3-1, relating to definitions, as follows:

12 "20-3-1.

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

14 (1) 'Board of regents' or 'board' means the Board of Regents of the University System of  
15 Georgia.

16 (2) 'University system' or 'system' means the University System of Georgia."

17 SECTION 2.

18 Said title is further amended by adding a new article to read as follows:

19 "ARTICLE 3

20 Part 1

21 20-3-100.

22 As used in this article, the term:

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

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

27 20-3-101.

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

30 20-3-102.

31 (a) The board shall be composed of 19 members as follows:

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

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

34 (3) One member shall be appointed by the Speaker of the House; and

35 (4) Two members shall be appointed by the local board of trustees of each institution of  
 36 the university system.

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

42 20-3-103.

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

52 20-3-104.

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

56 20-3-105.

57 The board shall elect one of its members chairperson.

58 20-3-106.

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

66 20-3-107.

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

76 20-3-108.

77 The board shall make at least one annual visit and inspection of each of the institutions in  
78 the university system through committees of no fewer than two of its members, who shall  
79 report their visits and inspections to the board.

80 20-3-109.

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

88 Code section for more than 60 days per year. Such sums, expenses, and costs shall be paid  
89 from funds appropriated to or otherwise available to the board.

90 20-3-110.

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

93 20-3-111.

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

100 20-3-112.

101 The board shall have power:

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

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

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

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

112 20-3-113.

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

120 promulgate rules and regulations, not inconsistent with this Code section, to carry out the  
121 provisions of this Code section.

122 (b) The program for senior citizens provided for by subsection (a) of this Code section  
123 shall be a continuation, without interruption, of the program for elderly citizens heretofore  
124 established by the board pursuant to the requirements of Article VIII, Section IV,  
125 Paragraph II of the Constitution of the State of Georgia of 1976. Such heretofore  
126 established program is ratified, confirmed, and continued without the necessity of the  
127 reestablishment of such program by the board.

128 20-3-114.

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

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

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

136 20-3-115.

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

145 20-3-116.

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

148 20-3-117.

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

153 20-3-118.

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

156 20-3-119.

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

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

168 Part 2

169 20-3-120.

170 (a) The university system shall consist of the following institutions currently in existence:

171 (1) Albany State University;

172 (2) Fort Valley State University; and

173 (3) Savannah State University.

174 (b) Each institution of the university system shall remain separate and distinct from each  
 175 other institution with local governance vested in a president as provided for by the board.

176 20-3-121.

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

179 20-3-122.

180 All appropriations for the use of any or all institutions in the university system shall be paid  
 181 to the board in a lump sum, with the power and authority in said board to allocate or  
 182 distribute them among the institutions under its control in such a way and manner and in  
 183 such amount or amounts as will further an efficient and economical administration of the  
 184 system.

185 20-3-123.

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

189 20-3-124.

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

207 20-3-125.

208 Any trust fund or property, real, personal, or mixed, that may have been created prior to  
209 January 1, 2020, by will or otherwise as a fund or gift or donation or devise to any board  
210 of trustees of any of the institutions in the university system, or to any executor or trustee  
211 to and for the use, benefit, or behoof of any such institution shall not lapse by virtue of any  
212 of the provisions of this article, but such trust shall remain valid and of full force and  
213 effect; and the beneficial interest under any such deed of gift or will or other conveyance  
214 shall vest in the board as trustee to and for the use, benefit, and behoof of the institution  
215 intended to be benefited by such gift, devise, or other conveyance in its favor. In any case  
216 where provisions of any deed of gift, or will, or other conveyance referred to in this Code  
217 section require a trustee and no trustee shall in any contingency exist, the board shall be  
218 and become a substituted trustee to carry out the beneficial purposes of such gift, devise,  
219 or conveyance.

220 20-3-126.

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

231 20-3-127.

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

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

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

243 20-3-128.

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

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

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

253 In addition to the foregoing powers, each such governing body shall have the right and  
 254 authority to issue bonds in accordance with the Constitution and laws of this state for any



255 of the aforesaid purposes; provided, only, that prior to exercising such right or authority,  
 256 any such board of education or governing body shall have agreed by contract to convey any  
 257 such property so acquired or to contribute such funds, and the board, acting as aforesaid,  
 258 shall have agreed to accept any such property or contribution and to acquire, construct, and  
 259 equip such buildings and facilities and to operate and maintain them as a unit of the  
 260 university system rather than as a part of the public school system of this state.

261 20-3-129.

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

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

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

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

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

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

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

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

292 20-3-130.

293 In case of any sale, lease, or disposition of property under Code Section 20-3-129, the  
294 board, through its proper officers, and the Governor, on behalf of the state, shall execute  
295 and deliver such written evidence of title or of the creation of a leasehold interest as may  
296 be necessary.

297 20-3-131.

298 The proceeds arising from any sale or lease of property under Code Section 20-3-129 shall  
299 be used for the support of the university system and its branches or for the payment of any  
300 debts thereof as the board may determine.

301 20-3-132.

302 The Governor and the Office of the State Treasurer are authorized and directed to issue to  
303 the board the state's obligation in the form of nonnegotiable bonds to become due 50 years  
304 from the date of issue and bearing interest at the rate of 4 1/4 percent per annum payable  
305 semiannually on January 1 and July 1 of each year in redemption of obligations of the state.

306 20-3-133.

307 No person of any religious denomination shall be excluded from equal advantages of  
308 education and the immunities of Albany State University, Fort Valley State University, and  
309 Savannah State University on account of his or her religious beliefs.

310 20-3-134.

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

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

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

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

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

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

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

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

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

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

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

354 (d) Noncitizen students shall not be classified as in-state for tuition purposes unless the  
355 student is legally in this state and there is evidence to warrant consideration of in-state  
356 classification as determined by the board. Lawful permanent residents, refugees, asylees,  
357 or other eligible noncitizens as defined by federal Title IV regulations may be extended the  
358 same consideration as citizens of the United States in determining whether they qualify for

359 in-state classification. International students who reside in the United States under  
360 nonimmigrant status conditioned at least in part upon intent not to abandon a foreign  
361 domicile shall not be eligible for in-state classification.

362 20-3-135.

363 Nothing in Code Section 20-3-134 and in Code Section 39-1-1 lowering the age of legal  
364 majority shall be construed to limit the power of the board to adopt and enforce rules and  
365 regulations for the government, control, and management of the university system nor shall  
366 such Code sections be construed so as to limit the authority of any institution in the system  
367 to adopt and to enforce rules or regulations governing housing, conduct, discipline, and  
368 other related activities of the student body.

369 20-3-136.

370 All colleges and universities sustained or in any manner supported by public funds shall  
371 give instruction in the history of the United States and the history of Georgia and in the  
372 essentials of the United States Constitution and the Constitution of Georgia; and no  
373 undergraduate student in any college or university shall receive a certificate of graduation  
374 or a degree without successfully completing course work or previously passing a  
375 satisfactory examination on the same.

376 20-3-137.

377 The campus policemen and other security personnel of the university system who are  
378 regular employees of the system shall have the power to make arrests for offenses  
379 committed upon any property under the jurisdiction of the board and for offenses  
380 committed upon any public or private property within 500 yards of any property under the  
381 jurisdiction of the board.

382 20-3-138.

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

387 20-3-139.

388 The board shall prescribe criteria, policies, and standards deemed necessary for the  
389 effective implementation of programs within the university system financed wholly or  
390 partially from appropriations from the Lottery for Education Account and established for

391 the purpose of providing professors and instructors the necessary training in the use and  
392 application of computers and advanced electronic instructional technology to implement  
393 interactive learning environments in the classroom and to access the state-wide distance  
394 learning network. Such programs shall include the expenditure of funds to defray the costs  
395 associated with repairing and maintaining advanced electronic instructional technology.

396 20-3-140.

397 The athletic associations of Albany State University, Fort Valley State University, and  
398 Savannah State University are corporations, incorporated under charter by the superior  
399 court of the county in which each association is located or as otherwise incorporated  
400 pursuant to the laws of this state.

401 20-3-141.

402 (a) The athletic associations named in Code Section 20-3-140 are not agencies of the state  
403 and are not subject to the limitations, restrictions, and laws of general application imposed  
404 on state agencies by the Constitution of Georgia and the laws enacted by the General  
405 Assembly in compliance with the Constitution. The associations are authorized under their  
406 corporate charters issued by the superior courts or as otherwise incorporated pursuant to  
407 the laws of this state to make such rules and regulations for the financial operations of the  
408 associations as they deem necessary.

409 (b) The state auditor is not required to make an audit of the accounts of the athletic  
410 associations as is required of him or her in connection with the financial operations of state  
411 agencies.

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

413 20-3-142.

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

419 20-3-143.

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

424 (b) The fund created by this Code section is established for the purpose of providing  
425 challenge grants to raise funds to be used by units of the university system and foundations  
426 established to further the work of such units in endowing chairs to attract eminent scholars  
427 to join the faculties of units of the university system.

428 (c) The General Assembly is authorized to appropriate state funds, by line item  
429 appropriation, to the trust fund established by this Code section. The board is authorized  
430 to allocate any funds appropriated or available to the university system to the trust fund  
431 created by this Code section. Any moneys so appropriated or allocated are deemed to be  
432 contractually obligated for the purposes specified in this Code section and any funds  
433 remaining in the trust fund at the end of any fiscal year shall not lapse.

434 (d) The trustees of the Georgia Historically Black Colleges and Universities (HBCU)  
435 Scholars Endowment Trust Fund are authorized to make challenge grants to foundations  
436 established to further the work of the units of the university system. The trustees of the  
437 Georgia Historically Black Colleges and Universities (HBCU) Scholars Endowment Trust  
438 Fund shall adopt rules, regulations, and standards relative to the award of challenge grants  
439 under this Code section. Such rules, regulations, and standards shall include formulas for  
440 the awarding of such grants, provided that such formulas shall require foundations to  
441 contribute as much as possible but not less than 50 percent and not more than 75 percent  
442 of the total amount deemed necessary by the trustees to endow a chair. Such formulas may  
443 be revised at any time by the trustees so as to maximize the benefits which may result from  
444 endowing one or more chairs in any fiscal year and depending on the total funds available  
445 to the Georgia Historically Black Colleges and Universities (HBCU) Scholars Endowment  
446 Trust Fund. No funds shall be granted to a foundation under this Code section except upon  
447 the express written condition that such funds and the earnings thereon be used by the  
448 foundation for the purpose of endowing a chair at a unit of the university system. The  
449 board shall create such chairs after considering the existing programs of the system, the  
450 necessity for such a chair, and any duplication which the creation of the chair might cause.  
451 The amount of funds granted to a foundation under this Code section and the funds raised  
452 by the foundation shall be invested and maintained by the foundation and, together with  
453 the income therefrom, shall be used as provided in this Code section.

454 (e) Persons selected to hold such chairs shall be selected under such procedure as may be  
455 established by the president of the unit of the university system at which the chair is  
456 established.

457 20-3-144.

458 (a) Subject to the provisions of this Code section, any institution of the university system  
459 is authorized to deduct from the salaries or wages of its employees amounts designated by

460 the employee as contributions or dues to any interdisciplinary charitable association  
 461 qualified as an organization exempt under Section 501(c)(3) of the United States Internal  
 462 Revenue Code of 1986 whose regular membership consists exclusively of university,  
 463 college, and technical institute faculty members if such association has as its objectives to  
 464 facilitate cooperation among teacher and research scholars for the promotion of the interest  
 465 of higher education and research and to increase the standards, ideals, and welfare of the  
 466 academic profession in higher education.

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

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

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

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

479 20-3-145.

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

482 20-3-146.

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

485 **SECTION 3.**

486 Said title is further amended by revising Code Section 20-8-4, relating to exemption of  
 487 campus policemen and security personnel of University System of Georgia and Technical  
 488 College System of Georgia, as follows:

489 "20-8-4.

490 A campus policeman exercising the power of arrest pursuant to Code Section 20-3-72,  
 491 20-3-137, or 20-4-39 providing campus policemen and other security personnel of the  
 492 University System of Georgia, the Georgia Agricultural and Mechanical University  
 493 System, or the Technical College System of Georgia with arrest powers for offenses

494 committed upon university system property or Technical College System of Georgia  
495 property, respectively, shall be exempt from this chapter."

496

**SECTION 4.**

497 This Act shall become effective on January 1, 2023, only if an amendment to the  
498 Constitution of Georgia is ratified at the November, 2020, general election repealing the  
499 exclusive authority of the board of regents to create new public colleges, junior colleges, and  
500 universities in the State of Georgia and providing that the General Assembly may do so by  
501 law. If such an amendment to the Constitution is not so ratified, this Act shall not become  
502 effective and shall stand repealed by operation of law on January 1, 2021.

503

**SECTION 5.**

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