

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**

**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 education, so as to authorize the Private Colleges and Universities Authority to meet by  
3 teleconference and other methods permitted by law; to provide limitations on and reporting  
4 of real property capital lease obligations of the Board of Regents; to amend Code Section 45-  
5 7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel  
6 cost reimbursement for members of certain boards and commissions, so as to provide that  
7 certain boards and commissions shall receive the same per diem as members of the General  
8 Assembly; to provide that daily expense allowances are authorized only if the member of the  
9 board or commission is physically present at the meeting of the board or commission; to  
10 amend Code Section 50-1-5 of the Official Code of Georgia Annotated, relating to meetings  
11 by teleconference or other similar means, so as to provide that members of boards, bodies,  
12 committees, or commissions of state government that participate in meeting by  
13 teleconference or other similar means and are not physically present at the meeting of the  
14 board, body, committee, or commission shall not be entitled to daily expense allowances for  
15 such meeting; to provide for related matters; to provide an effective date; to repeal  
16 conflicting laws; and for other purposes.

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

18 **SECTION 1.**

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

23 "20-3-202.

24 There is created a public body corporate and politic to be known as the Private Colleges  
25 and Universities Authority, and by that name, style, and title such body may contract and  
26 be contracted with, bring and defend actions and implead and be impleaded, and complain

27 and defend in all courts of law and equity. Such authority, however, shall not be a state  
 28 institution nor a department or agency of the state but shall be an instrumentality of purely  
 29 public charity performing an essential governmental function, being a distinct corporate  
 30 entity. Article VII, Section IV, Paragraph VII of the Constitution of Georgia and Article 2  
 31 of Chapter 17 of Title 50, the 'Georgia State Financing and Investment Commission Act,'  
 32 shall not apply to the authority created in this Code section. The authority shall consist of  
 33 five members appointed by the Governor. Two of the members appointed in 1978 shall be  
 34 appointed for a term expiring January 1, 1980; two shall be appointed for a term expiring  
 35 January 1, 1982; and one shall be appointed for a term expiring January 1, 1984.  
 36 Thereafter, each member shall be appointed for a six-year term. The Governor shall fill  
 37 the unexpired term of any member so appointed who shall cease to serve. All members  
 38 appointed shall serve until their successors are appointed and qualified and any member  
 39 may be reappointed. Immediately after each such appointment, such member of the  
 40 authority shall enter upon his or her duties. The authority shall elect one of its members  
 41 as ~~chairman~~ chairperson and another as ~~vice-chairman~~ vice chairperson and shall appoint  
 42 a secretary, who need not be a member of the authority. The members of the authority may  
 43 be compensated in an amount not to exceed the per diem amount paid to the members of  
 44 the General Assembly under applicable Georgia law as in effect from time to time, plus  
 45 actual expenses incurred, from the funds available to pay the administrative costs and  
 46 expenses incurred by the authority, for each day's service spent in the performance of the  
 47 duties of the authority. The authority may make rules and regulations for its own  
 48 government, including, but not limited to, the payment of compensation to its members.  
 49 The authority shall have perpetual existence. At all meetings of the authority the presence  
 50 in person, by teleconference, or other methods permitted by law of a majority of the  
 51 members in office shall be necessary for the transaction of business, and the affirmative  
 52 vote of a majority of the members then in office shall be necessary for any action of the  
 53 authority. A member who attends a meeting by teleconference or by other means other than  
 54 in person shall not be entitled to receive a per diem payment for attending such meeting."

## 55 SECTION 2.

56 Said title is further amended by adding a new Code section to Part 2 of Article 2 of Chapter 3  
 57 to read as follows:

58 "20-3-88.

59 (a) As used in this Code section, the term 'capital lease obligations' means the annual  
 60 obligations related to capital lease projects of the Board of Regents constructed by a third  
 61 party on real property owned by the Board of Regents for the use and benefit of the Board

62 of Regents in accordance with standards specified by the Board of Regents that are leased  
 63 to the Board of Regents pursuant to an annually renewable lease.

64 (b) The Board of Regents shall not enter into any new capital lease obligation if the annual  
 65 aggregate capital lease obligations for the University System of Georgia exceed 7 percent  
 66 of the total revenues of the University System of Georgia for the immediately preceding  
 67 fiscal year.

68 (c) The Board of Regents shall report its aggregate capital lease obligations to the  
 69 Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the  
 70 chairpersons of the House Committee on Appropriations and the Senate Appropriations  
 71 Committee."

### 72 SECTION 3.

73 Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense  
 74 allowance and travel cost reimbursement for members of certain boards and commissions,  
 75 is amended by revising subsection (b) and by adding two new subsections to read as follows:

76 "(b) ~~Whenever~~ With the exception of the State Personnel Board, the State Transportation  
 77 Board, the Veterans Service Board, the Board of Natural Resources, and the State Board  
 78 of Education, whenever this Code section or any other law of this state provides that  
 79 members of any board, commission, or other body shall receive the same daily expense  
 80 allowance as members of the General Assembly, whether by specific reference to this Code  
 81 section or any other law or by a more general reference, the members of such board,  
 82 commission, or other body shall receive a daily expense allowance of \$105.00. Such  
 83 \$105.00 amount shall apply for members of such boards, commissions, and other bodies,  
 84 regardless of whether the amount actually received by members of the General Assembly  
 85 under Code Section 28-1-8 is more or less than \$105.00. The provisions of this subsection  
 86 shall control over any conflicting provisions of any other earlier enacted law.

87 (c) The daily expense allowance provided for in subsection (a) of this Code section for  
 88 members of the State Transportation Board, the Veterans Service Board, the Board of  
 89 Natural Resources, and the State Board of Education shall be the same daily expense  
 90 allowance as members of the General Assembly actually receive under Code Section 28-1-  
 91 8. Members of the State Personnel Board shall also receive the same daily expense  
 92 allowance as members of the General Assembly actually receive under Code Section 28-1-  
 93 8.

94 (d) A member of a board, committee, commission, or other body subject to this Code  
 95 section who does not physically attend the meeting of the board, committee, commission,  
 96 or other body but participates in such meeting by telephone conference call, two-way  
 97 interactive closed circuit television or satellite television signal, or any other similar

98 method which allows each member of the board or body participating in the meeting to  
99 hear and speak to each other member participating in the meeting shall not be eligible to  
100 receive the daily expense allowance under this Code section. Daily expense allowances  
101 under this Code section shall be allowed only for members who are physically present at  
102 meetings of their respective boards, committees, commissions, or other bodies subject to  
103 this Code section."

104 **SECTION 4.**

105 Code Section 50-1-5 of the Official Code of Georgia Annotated, relating to meetings by  
106 teleconference or other similar means, is amended by adding a new subsection to read as  
107 follows:

108 "(d) A member of a board, body, committee, or commission who does not physically  
109 attend the meeting of the board, body, committee, or commission but participates in such  
110 meeting by telephone conference call, two-way interactive closed circuit television or  
111 satellite television signal, or any other similar method pursuant to this Code section shall  
112 not be eligible to receive a daily expense allowance or per diem for such meeting. Daily  
113 expense allowances and per diem shall be allowed only for members who are physically  
114 present at meetings of their respective boards, bodies, committees, or commissions."

115 **SECTION 5.**

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

118 **SECTION 6.**

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