

House Bill 1008

By: Representatives Carter of the 175<sup>th</sup>, Watson of the 166<sup>th</sup>, Rogers of the 29<sup>th</sup>, Evans of the 42<sup>nd</sup>, and Williams of the 119<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to scholarships, loans, and grants, so as to revise the powers and duties of the  
3 Georgia Student Finance Commission; to revise the functions and composition of the board  
4 of directors of the Georgia Higher Education Assistance Corporation; to revise the  
5 composition of the board of directors of the Georgia Student Finance Authority; to revise the  
6 powers and duties of the Georgia Student Finance Authority; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to  
11 scholarships, loans, and grants, is amended by revising subparagraph (H) of paragraph (7)  
12 of Code Section 20-3-236, relating to the powers and duties of the Georgia Student Finance  
13 Commission, board of commissioners, and officers, to read as follows:

14 "(H) To solicit, receive, and accept funds from any source, public or private, by gift,  
15 grant, bequest, or otherwise, either absolutely or in trust, and to hold, use, invest,  
16 administer, and expend such funds on behalf of the commission and for any of its  
17 purposes; and to acquire from any source, public or private, by purchase, lease, gift,  
18 bequest, or devise, any property, real, personal, or mixed, either absolutely or in trust,  
19 and to hold, use, administer, and dispose of such property on behalf of the commission  
20 and for any of its purposes; and"

21 **SECTION 2.**

22 Said article is further amended by revising subsection (a) of Code Section 20-3-264, relating  
23 to functions and composition of the board of directors of the Georgia Higher Education  
24 Assistance Corporation, to read as follows:

25 "(a) **Functions and composition.** The corporation shall be governed and all of its  
 26 corporate powers, duties, and functions shall be exercised by a board of directors. The  
 27 board of directors shall be composed of ~~13 members, who shall be~~ the same persons who  
 28 are serving ~~and who shall serve~~ as members of the board of commissioners of the  
 29 commission pursuant to Code Section 20-3-234. The executive director of the corporation,  
 30 or president, if designated by such title by the board of directors, shall be an ex officio  
 31 member of the board of directors. The board of directors provided for by this subsection  
 32 shall be the successor to and a continuation of, without interruption, the board of directors  
 33 of the previously existing Georgia Higher Education Assistance Corporation. No director  
 34 shall be eligible to become an officer or employee of the corporation for a period of one  
 35 year after expiration of the director's period of service as a director of the corporation."

### 36 SECTION 3.

37 Said article is further amended by revising subsection (a) of Code Section 20-3-314, relating  
 38 to functions, composition, organization, and conduct of affairs of the board of directors of  
 39 the Georgia Student Finance Authority, to read as follows:

40 "(a) **Functions and composition.** The authority shall be governed and all of its corporate  
 41 powers, duties, and functions shall be exercised by a board of directors. The board of  
 42 directors shall be composed of ~~13 members, who shall be~~ the same persons who are serving  
 43 ~~and who shall serve~~ as members of the board of commissioners of the commission pursuant  
 44 to Code Section 20-3-234. The executive director of the authority, or president, if  
 45 designated by such title by the board of directors, shall be an ex officio member of the  
 46 board of directors. The board of directors provided for by this subsection shall be the  
 47 successor to and a continuation of, without interruption, the board of directors of the  
 48 previously existing Georgia Higher Education Assistance Authority. No director shall be  
 49 eligible to become an officer or employee of the authority for a period of one year after  
 50 expiration of the director's period of service as a director of the authority."

### 51 SECTION 4.

52 Said article is further amended by revising subparagraph (O) of paragraph (1) of Code  
 53 Section 20-3-316, relating to powers and duties of the Georgia Student Finance Authority,  
 54 to read as follows:

55 "(O) To solicit, receive, and accept funds from any source, public or private, by gift,  
 56 grant, bequest, loan, or otherwise, either absolutely or in trust, and to hold, use,  
 57 administer, and expend such funds on its behalf and for any of its corporate purposes;  
 58 and to acquire from any source, public or private, by purchase, lease, gift, bequest, or  
 59 devise, any property, real, personal, or mixed, either absolutely or in trust, and to hold,

60 use, administer, and dispose of such property on its behalf and for any of its corporate  
61 purposes;"

62 **SECTION 5.**

63 Said article is further amended by substituting a semicolon for "; and" at the end of division  
64 (1)(W)(iv), by substituting "; and" for the semicolon at the end of subparagraph (X) of  
65 paragraph (1), and by adding a new subparagraph to paragraph (1) of Code Section 20-3-316,  
66 relating to powers and duties of the Georgia Student Finance Authority, as follows:

67 "(Y) To incorporate one or more nonprofit corporations to aid the authority in carrying  
68 out any of its powers, duties, and functions. Any such nonprofit corporation created  
69 pursuant to this subparagraph shall be a body corporate and politic and shall be created  
70 pursuant to Chapter 3 of Title 14, the Georgia Nonprofit Corporation Code, and the  
71 Secretary of State shall be authorized to accept such filing. Upon dissolution of any  
72 such nonprofit corporation, any assets of such nonprofit corporation shall revert to the  
73 authority or to any successor to the authority, or failing such succession, to the State of  
74 Georgia. The authority shall not be liable for the debts, obligations, or bonds of any  
75 such nonprofit corporation or for the actions or omissions to act of any such nonprofit  
76 corporation unless the authority so consents;"

77 **SECTION 6.**

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