

Senate Bill 81

By: Senators Mullis of the 53rd, Miller of the 49th, Anderson of the 43rd, Dugan of the 30th, Walker III of the 20th and others

**AS PASSED**

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 extend automatic repeals of certain provisions regarding nonlapsing revenue of institutions  
3 in the University System of Georgia and the Technical College System of Georgia; to  
4 provide for annual reports regarding nonlapsing revenue; to change the name of the Office  
5 of College and Career Transitions to the Office of College and Career Academies; to provide  
6 for increased technical skills; to provide for collaboration between the Technical College  
7 System of Georgia and certain entities to support efforts to recruit new industries and expand  
8 existing industries; to amend Article 1 of Chapter 16 of Title 50 of the Official Code of  
9 Georgia Annotated, relating to general provisions relative to public property, so as to extend  
10 automatic repeals of certain provisions regarding writing off small amounts due to the state;  
11 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
12 for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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**PART I**  
**SECTION 1-1.**

16 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
17 revising Code Section 20-3-86, relating to nonlapsing revenue of institutions in the university  
18 system, as follows:

19 "20-3-86.

20 Revenue collected by any or all institutions in the university system from tuition,  
21 departmental sales or services, continuing education fees, technology fees, or indirect cost  
22 recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under  
23 this Code section shall not exceed 3 percent of the tuition collected. This Code section  
24 shall stand repealed on ~~June 30, 2021~~ July 1, 2026. Not later than October 15 each year,  
25 the board of regents shall provide to the Governor, the chairperson of the House Committee  
26 on Appropriations, and the chairperson of the Senate Appropriations Committee a report  
27 of all nonlapsing revenue provided for in this Code section from the preceding fiscal year,  
28 the anticipated plans for the use of such nonlapsing revenue, the actual expenses paid for  
29 from nonlapsing revenue from the previous fiscal year, and the cumulative balance of  
30 nonlapsed revenue."

31

**SECTION 1-2.**

32 Said title is further amended by revising Code Section 20-4-21.1, relating to nonlapsing  
33 revenue of institutions under the Technical College System of Georgia, as follows:

34 "20-4-21.1.

35 Revenue collected by any or all institutions under the Technical College System of Georgia  
36 from tuition, departmental sales or services, continuing education fees, technology fees, or  
37 indirect cost recoveries shall not lapse. The amount of revenue from tuition that shall not  
38 lapse under this Code section shall not exceed 15 percent of the tuition collected. This

39 Code section shall stand repealed on ~~June 30, 2021~~ July 1, 2026. Not later than October 15  
 40 each year, the State Board of the Technical College System of Georgia shall provide to the  
 41 Governor, the chairperson of the House Committee on Appropriations, and the chairperson  
 42 of the Senate Appropriations Committee a report of all nonlapsing revenue provided for  
 43 in this Code section from the preceding fiscal year, the anticipated plans for the use of such  
 44 nonlapsing revenue, the actual expenses paid for from nonlapsing revenue from the  
 45 previous fiscal year, and the cumulative balance of nonlapsed revenue."

46 **SECTION 1-3.**

47 Said title is further amended in Code Section 20-4-37, relating to the Office of College and  
 48 Career Transitions and powers and duties, by revising subsections (b), (c), and (g) and by  
 49 adding a new subsection to read as follows:

50 "(b) As used in this Code section, the term:

51 (1) 'Board' means the State Board of the Technical College System of Georgia.

52 (2) 'Certification' means a formal process established by the Office of College and Career  
 53 ~~Transitions~~ Academies, and approved by the board, in which college and career  
 54 academies successfully demonstrate appropriate levels of student achievement and  
 55 technical skill development, community sustainability, work force development, and  
 56 school level governance.

57 (3) 'Charter petitioner' means a local board of education, group of local boards of  
 58 education, private individual, private organization, state or local public entity, or any  
 59 group of these that submits a petition for a charter in cooperation with one or more  
 60 postsecondary institutions which have petitioned to establish a college and career  
 61 academy as a charter school pursuant to Article 31 or Article 31A of Chapter 2 of this  
 62 title.

63 (4) 'Charter school' shall mean the schools included in paragraph (3) of Code Section  
 64 20-2-2062 and in paragraph (5) of Code Section 20-2-2081.

65 (5) 'College and career academy' means a specialized school established as a charter  
66 school or pursuant to a contract for a strategic waivers school system or charter system,  
67 which formalizes a partnership that demonstrates a collaboration between business,  
68 industry, and community stakeholders to advance the technical skills needed for work  
69 force development between one or more local boards of education, a private individual,  
70 a private organization, or a state or local public entity in cooperation with one or more  
71 postsecondary institutions. A charter school, charter system, or strategic waivers school  
72 system contract establishing a college and career academy shall include provisions  
73 requiring that the college and career academy have a governing board reflective of the  
74 school community and the partnership with decision-making authority and requiring that  
75 governing board members complete initial and annual governance training, including, but  
76 not limited to, best practices on school governance, the constitutional and statutory  
77 requirements relating to public records and meetings, and the requirements of applicable  
78 statutes and rules and regulations.

79 (6) 'Office' means the Office of College and Career ~~Transitions~~ Academies established  
80 pursuant to subsection (c) of this Code section.

81 (7) 'Postsecondary institution' means a local technical college, community college,  
82 university, or other postsecondary institution operating under the authority of the  
83 Technical College System of Georgia or the University System of Georgia or other not  
84 for profit postsecondary institution accredited by the Southern Association of Colleges  
85 and Schools.

86 (8) 'Start-up costs' means initial operating or capital costs, including, but not limited to,  
87 costs of improving real property.

88 (9) 'Supplemental funding' means funding for purposes other than start-up costs which  
89 are related to the establishment and operation of college and career academies.

90 (c) The Office of College and Career ~~Transitions~~ Academies shall be established within  
91 the Technical College System of Georgia to coordinate the efforts by the State Board of

92 Education, the University System of Georgia, the Technical College System of Georgia,  
93 and other not for profit postsecondary institutions accredited by the Southern Association  
94 of Colleges and Schools in the professional development, curriculum support, and  
95 development and establishment of college and career academies."

96 "(g)(1) The office shall establish a certification process, in collaboration with the  
97 Department of Education, for approval by the board. The office shall be authorized to  
98 certify college and career academies. The State Board of Education shall accept  
99 certification by the office as one component of determining compliance with charter and  
100 strategic waivers school system or charter system contract requirements. The State Board  
101 of Education may request supplemental information from charter petitioners, strategic  
102 waivers school systems, or charter systems.

103 (2) Any certification process established pursuant to paragraph (1) of this subsection  
104 shall require that the applicant demonstrates how the proposed college and career  
105 academy will increase student achievement and technical skill attainment, provide for  
106 dual credit and dual enrollment opportunities, increase work based learning opportunities,  
107 and address work force development needs; articulates how the collaboration between  
108 business, industry, and community stakeholders will advance work force development;  
109 demonstrates local governance and autonomy; and shows other benefits that meet the  
110 needs of the students and community.

111 (3) Certification by the office shall constitute a positive recommendation to the State  
112 Board of Education for renewal of a charter school or charter system pursuant to Code  
113 Section 20-2-2064.1 or an extension of a strategic waivers school system contract  
114 pursuant to Article 4 of Chapter 2 of this title."

115 "(l) The Technical College System of Georgia shall collaborate with the Workforce  
116 Development Board and the Department of Economic Development to support the efforts  
117 of College and Career Academies and local economic development partners to assist in the  
118 recruitment of new industries and to expand existing industries by, but not limited to,

119 demonstrating the preparation of technically skilled high school graduates to be ready to  
120 work within existing industries or industries being recruited to the state."

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**PART II**

122

**SECTION 2-1.**

123 Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to  
124 general provisions relative to public property, is amended in Code Section 50-16-18, relating  
125 to writing off small amounts due to the state, by revising subsection (b) as follows:

126 "(b)(1) All state agencies and departments, in order to preserve public funds, shall be  
127 authorized to develop appropriate standards that comply with the policies prescribed by  
128 the state accounting officer which will provide a mechanism to consider administratively  
129 discharging any obligation or charge in favor of such agency or department when such  
130 obligation or charge is \$100.00 or any lesser amount unless the agency or department  
131 belongs to the Board of Regents of the University System of Georgia or the Technical  
132 College System of Georgia in which case the obligation or charge in favor of the  
133 institution under the Board of Regents of the University System of Georgia or the  
134 institution of the Technical College System of Georgia may be \$3,000.00 or any lesser  
135 amount. This procedure shall not be available to such agency or department in those  
136 instances where the obligor has more than one such debt or obligation in any given fiscal  
137 year, and this provision shall be construed in favor of the state agency or department so  
138 as not to alter the unquestioned ability of such state agency or department to pursue any  
139 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
140 obligation of \$100.00 or less, or \$3,000.00 or less for the institutions of the Board of  
141 Regents of the University System of Georgia or the Technical College System of  
142 Georgia, has been deemed to be uncollectable, the proper individual making such  
143 determination shall transmit a recapitulation of the efforts made to collect the debt

144 together with all other appropriate information, which shall include a reasonable estimate  
145 of the cost to pursue administratively or judicially the account, together with a  
146 recommendation to the commissioner of such state agency or department. In those  
147 instances where the commissioner makes a determination that further collection efforts  
148 would be detrimental to the public's financial interest, a certificate reflecting this  
149 determination shall be executed, and this certificate shall serve as the authority to remove  
150 such uncollectable accounts from the financial records of such state agency or  
151 department. Such certificates shall be forwarded to the state accounting officer in a  
152 manner and at such times as are reflected in the standards developed by the state  
153 accounting officer and the state agency or department. This paragraph shall stand  
154 repealed and reserved effective July 1, ~~2021~~ 2026.

155 (2) On and after July 1, ~~2021~~ 2026, all state agencies and departments, in order to  
156 preserve public funds, shall be authorized to develop appropriate standards that comply  
157 with the policies prescribed by the state accounting officer which will provide a  
158 mechanism to consider administratively discharging any obligation or charge in favor of  
159 such agency or department when such obligation or charge is \$100.00 or any lesser  
160 amount. This procedure shall not be available to such agency or department in those  
161 instances where the obligor has more than one such debt or obligation in any given fiscal  
162 year, and this provision shall be construed in favor of the state agency or department so  
163 as not to alter the unquestioned ability of such state agency or department to pursue any  
164 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
165 obligation of \$100.00 or less has been deemed to be uncollectable, the proper individual  
166 making such determination shall transmit a recapitulation of the efforts made to collect  
167 the debt together with all other appropriate information, which shall include a reasonable  
168 estimate of the cost to pursue administratively or judicially the account, together with a  
169 recommendation to the commissioner of such state agency or department. In those  
170 instances where the commissioner makes a determination that further collection efforts

171 would be detrimental to the public's financial interest, a certificate reflecting this  
172 determination shall be executed, and this certificate shall serve as the authority to remove  
173 such uncollectable accounts from the financial records of such state agency or  
174 department. Such certificates shall be forwarded to the state accounting officer in a  
175 manner and at such times as are reflected in the standards developed by the state  
176 accounting officer and the state agency or department."

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**PART III**

178

**SECTION 3-1.**

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

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**SECTION 3-2.**

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