

House Bill 985 (AS PASSED HOUSE AND SENATE)

By: Representatives Martin of the 49th and Gambill of the 15th

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 bring up to date various higher education related entities;
3 to abolish the Georgia Higher Education Assistance Corporation; to provide for the transfer
4 of outstanding obligations and liabilities and assets of such corporation; to reinstate the
5 Private Colleges and Universities Authority; to amend Titles 2, 7, 12, 20, 26, 33, 43, and 48
6 of the Official Code of Georgia Annotated, relating to agriculture, banking and finance,
7 conservation and natural resources, education, food, drugs, and cosmetics, insurance,
8 professions and businesses, and revenue and taxation, respectively, so as to remove
9 cross-references and make conforming changes; to provide for related matters; to provide for
10 an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **PART I**
13 **SECTION 1-1.**

H. B. 985

- 1 -

14 Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
15 scholarships, loans, and grants, is amended by repealing in its entirety Part 2, relating to the
16 Georgia Higher Education Assistance Corporation, and designating said part as reserved.

17 **SECTION 1-2.**

18 Said article is further amended by adding a new subsection to Code Section 20-3-313,
19 relating to authority created as successor to Georgia Higher Education Assistance Authority,
20 to read as follows:

21 "(d) As of June 30, 2024:

22 (1) The Georgia Higher Education Assistance Corporation is abolished and shall cease
23 to exist;

24 (2) Any outstanding obligations or liabilities of the previously existing Georgia Higher
25 Education Assistance Corporation are transferred to and vested in the authority created
26 by subsection (a) of this Code section; and

27 (3) The right, title, interests in, and ownership of all assets of the previously existing
28 Georgia Higher Education Assistance Corporation are transferred to and vested in the
29 authority created by subsection (a) of this Code section; provided, however, that such
30 assets shall be used for educational purposes."

31 **PART II**

32 **SECTION 2-1.**

33 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
34 revising subsection (d) of Code Section 2-7-102, relating to grounds for denial, suspension,
35 revocation, or modification of license, permit, or certification relative to the use and
36 application of pesticides, as follows:

37 "(d) The Commissioner shall not suspend any pesticide contractor's license or certified
38 commercial pesticide applicator's license or refuse to grant or renew either license because
39 an applicant for or holder of either such license is ~~a borrower in default who is not in~~
40 ~~satisfactory repayment status under the Georgia Higher Education Loan Program as~~
41 ~~determined by the Georgia Higher Education Assistance Corporation or who has been~~
42 certified by any entity of the federal government for nonpayment or default or breach of
43 a repayment or service obligation under any federal educational loan, loan repayment, or
44 service conditional scholarship program."

45 **SECTION 2-2.**

46 Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is
47 amended by revising subsection (a) of Code Section 7-1-693, relating to applicant or licensee
48 as borrower in default and failure to pay child support prohibits licensure relative to the sale
49 of payment instruments, as follows:

50 "(a) Where an applicant or licensee ~~has been found to be a borrower in default under the~~
51 ~~Georgia Higher Education Loan Program as determined by the Georgia Higher Education~~
52 ~~Assistance Corporation or~~ has been certified by any entity of the federal government for
53 nonpayment or default or breach of a repayment or service obligation under any federal
54 educational loan, loan repayment, or service conditional scholarship program, such action
55 shall not be grounds for refusal of a license or suspension of a license."

56 **SECTION 2-3.**

57 Said title is further amended by revising subsection (a) of Code Section 7-1-708.1, relating
58 to denial or suspension of license for student borrowers in default prohibited and denial or
59 suspension for failing to comply with child support requirements relative to the cashing of
60 payment instruments, as follows:

61 "(a) Where an applicant or licensee ~~has been found to be a borrower in default under the~~
62 ~~Georgia Higher Education Loan Program as determined by the Georgia Higher Education~~
63 ~~Assistance Corporation~~ or has been certified by any entity of the federal government for
64 nonpayment or default or breach of a repayment or service obligation under any federal
65 educational loan, loan repayment, or service conditional scholarship program, such action
66 shall not be grounds for denial of an application or suspension of a license."

67 **SECTION 2-4.**

68 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section
69 7-1-1017, relating to suspension or revocation of licenses, registrations, or mortgage broker
70 education approval, notice, judicial review, and effect on preexisting contract relative to the
71 licensing of mortgage lenders and mortgage brokers, as follows:

72 "(3) Where an applicant or licensee ~~has been found to be a borrower in default under the~~
73 ~~Georgia Higher Education Loan Program as determined by the Georgia Higher Education~~
74 ~~Assistance Corporation~~ or has been certified by any entity of the federal government for
75 nonpayment or default or breach of a repayment or service obligation under any federal
76 educational loan, loan repayment, or service conditional scholarship program, such action
77 shall not be grounds for refusal of a license or suspension of a license."

78 **SECTION 2-5.**

79 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
80 resources, is amended by revising Code Section 12-6-49.2, relating to suspension of
81 registered forester license and borrowers in default, as follows:

82 "12-6-49.2.

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

84 (1) ~~'Agency' means the Georgia Higher Education Assistance Corporation created in~~
85 ~~Code Section 20-3-263 which is responsible for administering a program of guaranteed~~

86 ~~educational loans to eligible students and eligible parents known as the Georgia Higher~~
87 ~~Education Loan Program.~~

88 ~~(2) 'Borrower' means an individual who borrowed a guaranteed educational loan under~~
89 ~~the Georgia Higher Education Loan Program.~~

90 ~~(3) 'Default' means default as defined by federal law under the Higher Education Act of~~
91 ~~1965.~~

92 ~~(4) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted~~
93 ~~loan to the agency and has made a payment in the most recent prior 60 days.~~

94 ~~(b)(a)~~ The board shall not suspend the license of any registered forester because he or she
95 is a borrower in default who is not in satisfactory repayment status as determined by the
96 agency or who has been certified by any entity of the federal government for nonpayment
97 or default or breach of a repayment or service obligation under any federal educational
98 loan, loan repayment, or service conditional scholarship program.

99 ~~(c)(b)~~ The board shall not deny the application for renewal of any applicant or licensee
100 because he or she is a borrower in default who is not in satisfactory repayment status as
101 determined by the agency or who has been certified by any entity of the federal government
102 for nonpayment or default or breach of a repayment or service obligation under any federal
103 educational loan, loan repayment, or service conditional scholarship program."

104 **SECTION 2-6.**

105 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
106 revising subsection (a) of Code Section 20-1-24, relating to disciplinary action for student
107 of nonpublic educational institution, as follows:

108 "(a) Any student of a nonpublic educational institution who is convicted, under the laws
109 of this state, the United States, or any other state, of any felony offense involving the
110 manufacture, distribution, sale, possession, or use of marijuana, a controlled substance, or
111 a dangerous drug shall as of the date of conviction be denied state funds for any loans,

112 grants, or scholarships administered under the authority of Part 3 of Article 7 of Chapter
113 3 of this title, the 'Georgia Student Finance Authority Act,' or similar loans, grants, or
114 scholarships, including, but not limited to, ~~Georgia Higher Education Loan Program loans,~~
115 student incentive grants; or tuition equalization grants. The authority is authorized to
116 define such terms and prescribe such rules, regulations, and procedures as may be
117 reasonable and necessary to carry out the purposes of this article."

118 **SECTION 2-7.**

119 Said title is further amended by revising subsection (a) of Code Section 20-3-231, relating
120 to legislative findings and purpose of the Georgia Student Finance Commission, as follows:

121 "(a) **Legislative findings.** ~~The General Assembly has determined that it is a valid public~~
122 ~~purpose to promote the educational level of achievement of citizens and persons in this~~
123 ~~state by creating the Georgia Higher Education Assistance Corporation, a public authority,~~
124 ~~as provided for in Part 2 of this article, for the purpose of establishing and administering~~
125 ~~an educational loan program in this state in such a manner as not to pledge the faith and~~
126 ~~credit of the state to the payment of such educational loans as may be guaranteed by the~~
127 ~~corporation.~~ The General Assembly has determined that it is a valid public purpose to
128 promote further the educational level of achievement of citizens and persons in this state
129 by creating the Georgia Student Finance Authority, a public authority, as provided for in
130 Part 3 of this article, for the purpose of providing educational scholarship, grant, and loan
131 assistance to citizens and persons in this state, in large part by educational loans to be
132 funded through the issuance of revenue bonds and other obligations by the authority in
133 such a manner as not to pledge the faith and credit of the state to the payment of such bonds
134 and obligations and to use further such bond funds to provide a form of secondary market
135 for lenders in further support of the educational loan program of the state. The General
136 Assembly finds that it is desirable and cost efficient and will permit greater coordination
137 of state student aid programs; maximum utilization of available student aid funds;

138 simplification of procedures for students, parents, and educational institutions; and possible
139 prevention of frauds and abuses, and thereby better serve the public interests of the state
140 if a maximum degree of centralization in the management and administration of the
141 functions of ~~the corporation~~ and the authority is provided for; and, further, that although
142 public moneys may within the provisions of the Constitution of Georgia be appropriated
143 for use ~~by the corporation~~ and by the authority for prescribed student aid purposes, such
144 moneys may not be lawfully appropriated directly to ~~the corporation~~ nor the authority but
145 must, in lieu thereof, be appropriated to an agency within the executive branch of state
146 government for use by ~~the corporation~~ or the authority for such prescribed purposes. The
147 General Assembly resolves, therefore, that in order to accomplish the foregoing essential
148 and valid public purposes ~~of the corporation as set forth in Part 2 of this article~~ and of the
149 authority as set forth in Part 3 of this article that it is necessary, essential, a valid public
150 purpose, and within the meaning of the Constitution of Georgia to create the Georgia
151 Student Finance Commission as an agency within the executive branch of state government
152 for the purposes prescribed in this part."

153 **SECTION 2-8.**

154 Said title is further amended by repealing paragraph (4) of Code Section 20-3-232, relating
155 to definitions relative to the Georgia Student Finance Commission.

156 **SECTION 2-9.**

157 Said title is further amended by revising paragraph (5) of Code Section 20-3-235, relating
158 to commission officers, employees, and support services, bonds, and legal services, as
159 follows:

160 "(5) **Legal services.** Legal services shall be provided to the commission, ~~the corporation,~~
161 and the authority by the Attorney General as provided for by state law, or by private
162 attorneys designated by the Attorney General, or, if authorized by the Attorney General,

163 by private attorneys selected and retained or employed by the commission, ~~the~~
 164 ~~corporation~~, or the authority for the purposes authorized by the Attorney General. The
 165 commission is authorized to provide for paying from funds available to the commission;
 166 ~~the corporation~~, or the authority all legal costs incurred, including, without limitation,
 167 attorneys' fees, court costs, and all other costs and expenses incurred incident to the
 168 retention of legal services and in respect of legal proceedings."

169 **SECTION 2-10.**

170 Said title is further amended by revising subsection (a) of Code Section 20-3-236, relating
 171 to powers and duties of commission, board of commissioners, and officers, confidentiality,
 172 and repayments and refunds relative to the Georgia Student Finance Commission, as follows:

173 "(a) In addition to all other provisions of this part and in furtherance of the purposes of the
 174 commission, the commission shall have the following powers, duties, and functions:

175 (1) ~~The board of commissioners shall serve as the board of directors of the corporation~~
 176 ~~pursuant to this paragraph and Part 2 of this article; and, whenever they are convened as~~
 177 ~~and are acting in the capacity of the board of directors of the corporation, they shall carry~~
 178 ~~out and fully effectuate the powers, duties, functions, and corporate purposes of the~~
 179 ~~corporation in accordance with Part 2 of this article without regard to any other power,~~
 180 ~~duty, or function vested in them under this part or under any other provision of law;~~

181 (2) The board of commissioners shall serve as the board of directors of the authority
 182 pursuant to this paragraph and Part 3 of this article; ~~and, whenever they are convened as~~
 183 ~~and are acting in the capacity of the board of directors of the authority, and~~ they shall
 184 carry out and fully effectuate the powers, duties, functions, and corporate purposes of the
 185 authority in accordance with Part 3 of this article without regard to any other power, duty,
 186 or function vested in them under this part or under any other provision of law;

187 ~~(3)~~(2) The officers of the commission shall serve in the same capacity ~~as officers of the~~
 188 ~~corporation and~~ as officers of the authority, ~~respectively~~, pursuant to this paragraph and

189 ~~Parts 2 and Part 3~~ of this article, ~~respectively~~. Nothing contained in this part, however,
190 shall be construed to mean or require that ~~the officers of the board of directors of the~~
191 ~~corporation and the officers of the board of directors of the authority shall be the same~~
192 ~~persons or that they shall be the same persons who are serving as officers of the board of~~
193 commissioners under this part;

194 ~~(4) The commission shall receive all moneys made available to the commission by the~~
195 ~~General Assembly or otherwise for purposes of the corporation and disburse such moneys~~
196 ~~to the corporation;~~

197 ~~(5)~~(3) The commission shall receive all moneys made available to the commission by the
198 General Assembly or otherwise for purposes of the authority and disburse such moneys
199 to the authority;

200 ~~(6)~~(4) The commission shall receive all moneys made available to the commission by the
201 General Assembly or otherwise for purposes of the commission and use such moneys for
202 purposes of the commission;

203 ~~(7)~~(5) The commission shall also have the following additional powers:

204 (A) To adopt an official seal and to alter the seal at its pleasure;

205 (B) To maintain a principal office and such other offices as it may deem necessary;

206 (C) To adopt bylaws and policies for the regulation of its affairs and the conduct of its
207 business;

208 (D) To adopt rules and regulations necessary or appropriate for the administration of
209 its affairs; the exercise of its powers, duties, and functions; and the accomplishment of
210 its purposes, pursuant to this part;

211 (E) To enter into agreements and undertakings as may be necessary or appropriate in
212 the exercise of its powers, duties, and functions under this part;

213 (F) To perform such other acts as may be necessary or appropriate to effectuate the
214 purposes of the commission under this part;

215 (G) To enter into agreements with the United States government for the purpose of
216 securing the benefits of any federal law which provides federal funds for any student
217 financial aid purpose or for any activity related to student financial aid, including,
218 without limitation, activities such as research activities, the collection and reporting of
219 data, the administration of any activity related to student financial aid, and
220 dissemination of information and services to the public; to comply with the provisions
221 of such federal law; to adopt such rules, regulations, resolutions, and procedures as may
222 be necessary to secure such federal funds; and to provide matching funds as may be
223 required from funds available to the commission;

224 (H) To solicit, receive, and accept funds from any source, public or private, by gift,
225 grant, bequest, or otherwise, either absolutely or in trust, and to hold, use, invest,
226 administer, and expend such funds on behalf of the commission and for any of its
227 purposes; and to acquire from any source, public or private, by purchase, lease, gift,
228 bequest, or devise, any property, real, personal, or mixed, either absolutely or in trust,
229 and to hold, use, administer, and dispose of such property on behalf of the commission
230 and for any of its purposes; and

231 (I) To advertise or otherwise promote the programs, functions, and purposes of the
232 commission, ~~the Georgia Higher Education Assistance Corporation,~~ and the Georgia
233 Student Finance Authority and to expend funds available to the commission for such
234 purposes."

235 **SECTION 2-11.**

236 Said title is further amended by repealing and reserving Code Section 20-3-237, relating to
237 division of board of commissioners to serve as directors of corporation and authority.

238 **SECTION 2-12.**

239 Said title is further amended by revising Code Section 20-3-238, relating to accounting
240 system and corporation moneys not to be used for authority's expenses, as follows:

241 "20-3-238.

242 The commission shall maintain a system of accounts in accordance with generally
243 acceptable accounting procedures and standard accounting procedures and systems
244 established by the state, where applicable, which shall, among other things, properly
245 identify and account for all funds received by the commission ~~from the corporation and~~
246 ~~from the authority, respectively~~; the source of receipt of such funds ~~by the corporation and~~
247 ~~by the authority, respectively~~; all expenditures of the commission made for or on behalf of
248 ~~the corporation or the authority, respectively~~; all expenditures of the commission, a pro rata
249 part of which is properly chargeable as an expenditure made for or on behalf of ~~the~~
250 ~~corporation or the authority, respectively~~; and the basis or method used by the commission
251 in prorating ratable expenditures of the commission ~~to the corporation and to the authority~~;
252 ~~respectively. No agency fund moneys received by the commission from the corporation~~
253 ~~shall be expended by the commission in payment of expenses incurred for or on behalf of~~
254 ~~the authority."~~

255 **SECTION 2-13.**

256 Said title is further amended by revising Code Section 20-3-240, relating to budget requests,
257 as follows:

258 "20-3-240.

259 The commission shall submit its regular and supplemental budget requests to the Governor
260 at such times and in such form and manner as required by state law; provided, however,
261 that the commission shall, in accordance with Code Section 50-4-3, include in its budget
262 requests the ~~respective budget requests~~ budget request, if any, ~~of the corporation and of the~~
263 authority as prepared and submitted to the commission ~~by the corporation and by the~~
264 authority."

265 **SECTION 2-14.**

266 Said title is further amended by repealing and reserving Code Section 20-3-312, relating to
267 definitions relative to the Georgia Student Finance Authority.

268 **SECTION 2-15.**

269 Said title is further amended by revising paragraphs (2), (5), and (6) of subsection (a) of Code
270 Section 20-3-316, relating to powers and duties of authority, employees' functions, servicing
271 of educational loans, registration with Selective Service System, conflicts with federal or
272 other state law, and confidentiality, as follows:

273 "(2) Employees of the authority may perform management, supervisory, administrative,
274 and clerical functions required by the commission ~~and the corporation~~, and the authority
275 will be compensated for such expenses as directed by the board of commissioners;"

276 "~~(5) If any conflict exists between this part and Part 2 of this article, the federal act, or~~
277 ~~other federal laws, or any rules or regulations promulgated under the federal act, which~~
278 ~~conflict will result in a loss by the authority of any federal funds or other funds that~~
279 ~~would otherwise be available to it for carrying out its purposes under this part, the~~
280 ~~authority is authorized and directed to adopt appropriate rules, regulations, and policies,~~
281 ~~consistent with Part 2 of this article, the federal act, or such other federal laws to remove~~
282 ~~such conflict and thereby to provide for the receipt of such funds; provided, however, that~~
283 ~~such rules, regulations, or policies are not in derogation of the Constitution or laws of this~~
284 ~~state, other than this part, or any contract to which the authority is a party and are wholly~~
285 ~~in conformity with the purposes of the authority as set forth in this part Reserved; and~~
286 (6) To the extent that this part is inconsistent with any other state general or special law,
287 rule, or regulation, ~~other than Part 2 of this article~~, this part shall be controlling."

288 **SECTION 2-16.**

289 Said title is further amended by revising Code Section 20-3-317, relating to accounting
 290 system, use of funds, and payments to commission, as follows:

291 "20-3-317.

292 The authority shall maintain a system of accounts in accordance with generally accepted
 293 accounting procedures and standard accounting procedures and systems established by the
 294 state, where applicable, which shall, among other things, properly identify and account for
 295 all funds received by the authority, the source of such funds, and all expenditures of the
 296 authority. Agency, federal, and other funds of the authority determined to be available for
 297 such purposes may be used to pay expenses and operating costs incurred by the authority
 298 ~~or incurred by the corporation under Part 3 of this article~~ under this part, including payment
 299 to the commission to defray expenses and operating costs of the authority ~~or of the~~
 300 ~~corporation~~ paid or to be paid by the commission for or on behalf of the authority ~~or the~~
 301 ~~corporation~~. No funds of the authority shall lapse to the state as of the close of any fiscal
 302 year."

303 **SECTION 2-17.**

304 Said title is further amended by revising Code Section 20-3-318, relating to authority
 305 administration fund, as follows:

306 "20-3-318.

307 The authority shall maintain an administration fund ~~for itself and of the corporation~~ as
 308 provided for in this Code section to which shall be credited state moneys, federal moneys,
 309 other moneys, and earned income of the authority available for and determined by the
 310 authority to be applied for the purpose of paying administration costs of the authority. The
 311 authority is authorized to pay from the fund administration costs incurred by the authority
 312 and to pay to the commission such amounts as may be necessary to cover administration
 313 costs of the authority paid or to be paid by the commission for or on behalf of the authority.
 314 ~~Unless otherwise prohibited by state or federal law or by the terms of any trust agreement~~

315 ~~entered into or resolution providing for the issuance of obligations pursuant to Subpart 2~~
316 ~~of this part or by the terms of any other agreement entered into by the authority, the~~
317 ~~authority is authorized to pay from the fund administration costs incurred by the~~
318 ~~corporation and pay to the commission such amounts as may be necessary to cover~~
319 ~~administration costs of the corporation paid or to be paid by the commission for or on~~
320 ~~behalf of the corporation."~~

321 **SECTION 2-18.**

322 Said title is further amended by repealing and reserving Code Section 20-3-319, relating to
323 temporary transfer of authority state funds to corporation to accelerate federal payments.

324 **SECTION 2-19.**

325 Said title is further amended by revising Code Section 20-3-340, relating to legislative
326 findings and purpose of subpart relative to educational loans financed by revenue bonds, as
327 follows:

328 "20-3-340.

329 The General Assembly finds that students and parents are not always able to obtain
330 educational loan assistance from a commercial lender ~~under the Georgia Higher Education~~
331 ~~Loan Program provided for in Part 2 of this article~~; that a need exists to make additional
332 educational loan funds available to students and parents; and that a need exists to provide
333 for secondary financing and servicing of educational loans made by other lenders ~~in order~~
334 ~~to enable such lenders to maintain or expand their participation in the Georgia Higher~~
335 ~~Education Loan Program~~. The purpose of the General Assembly, as provided for in this
336 subpart, is to enable the authority to make additional educational loan funds available for
337 students and parents and to make secondary financing and servicing of educational loans
338 available to other commercial lenders."

339 **SECTION 2-20.**

340 Said title is further amended by repealing and reserving Code Section 20-3-341, relating to
341 definitions relative to educational loans financed by revenue bonds.

342 **SECTION 2-21.**

343 Said title is further amended by revising subsection (a) and paragraph (3) of subsection (b)
344 of Code Section 20-3-342, relating to educational loan program activities authorized and
345 powers and duties of authority, as follows:

346 ~~"(a) The authority is authorized to be a lender in the Georgia Higher Education Loan~~
347 ~~Program as provided for in Part 2 of this article and to establish and administer educational~~
348 ~~loan program activities for the benefit of students and parents and other lenders who~~
349 ~~participate in the Georgia Higher Education Loan Program pursuant to this subpart~~
350 Reserved."

351 ~~"(3) To sell or participate in the sale of educational loans, in conformity with the federal~~
352 ~~act and Part 2 of this article, any such sale to be public or private and on such terms as~~
353 ~~the board of directors shall authorize; and to contract in advance for any such sale or to~~
354 ~~purchase and retain rights to make any such sale and to pay commitment fees or any other~~
355 ~~amounts payable in respect of such rights;"~~

356 **SECTION 2-22.**

357 Said title is further amended by revising subsection (b) of Code Section 20-3-344, relating
358 to issuance of bonds and notes of authority, amount, interest, form, execution, use of
359 proceeds, and validation, as follows:

360 "(b) The proceeds of any bonds or notes issued by the authority shall be used solely for the
361 purpose for which issued and shall be disbursed in such manner and under such restrictions,
362 if any, as the authority may provide in a resolution authorizing the issuance of such bonds
363 or notes or in a trust agreement securing such bonds or notes. No such bond proceeds may

364 be expended for the making or the purchase of any loan unless such loan is an educational
365 loan as defined in paragraph (13) of Code Section 20-3-312."

366 **SECTION 2-23.**

367 Said title is further amended by revising Code Section 20-3-345, relating to trust agreements
368 authorized and provisions of trust agreements and bond resolutions, as follows:

369 "20-3-345.

370 In the discretion of the authority, any obligation issued under this subpart may be secured
371 by a trust agreement by and between the authority and a corporate trustee, which may be
372 any trust company or bank having the powers of a trust company within or outside the
373 state. Such trust agreement or the resolution providing for the issuance of such obligations
374 may pledge or assign all or any part of the revenues or assets of the authority derived or
375 held by the authority under and pursuant to this subpart, including, without limitation, as
376 they relate to this subpart: educational loans; educational loan commitments; temporary
377 loans; contracts; agreements; other security or investment obligations, fees, or charges
378 made or received; moneys received for the sale of or in payment of educational loans and
379 interest thereon, including the proceeds of guaranties thereon; and any other moneys that
380 may be received, held, or due to be received by the authority from the United States, ~~the~~
381 ~~corporation~~, or any other person as a result of the activities and operations of the authority
382 under this subpart. The educational loans which are, or the revenues from which are,
383 included within any such pledge may include, at the discretion of the authority and to the
384 extent specified in such resolution or trust indenture and in accordance with all other
385 resolutions, indentures, contracts of the authority and in accordance with law, educational
386 loans financed by the authority with funds available to it pursuant to Subpart 3 of this part.
387 Such trust agreement or resolution may contain such provisions for protecting and
388 enforcing the rights and remedies of the holders of any such obligations as may be
389 reasonable, proper, and not in violation of law, including covenants setting forth the duties

390 of the authority in relation to the purposes to which obligation proceeds may be applied;
391 the disposition or pledging of revenues or assets of the authority under this subpart; the
392 terms and conditions for the issuance of additional obligations; and the custody,
393 safeguarding, and application of moneys and assets of the authority under this subpart. It
394 shall be lawful for any bank or trust company incorporated under the laws of the state
395 which may act as depository of the proceeds of obligations, revenues, or other moneys
396 under this subpart to furnish such indemnifying bonds or to pledge such securities as may
397 be required by the authority. Any such trust agreement or resolution may set forth the
398 rights and remedies of the holders of the obligations to which it relates and the rights and
399 remedies of the trustee, if any, and may restrict the individual right of action by any such
400 holders. In addition to the foregoing, any such trust agreement or resolution may contain
401 such other provisions as the authority may deem reasonable and proper for the security of
402 the holders of any obligations. All expenses incurred in carrying out such trust agreement
403 or resolution may be paid from the revenues or assets pledged or assigned to the payment
404 of the principal of and the interest on obligations or from any other funds available to the
405 authority for this purpose."

406 **SECTION 2-24.**

407 Said title is further amended by revising Code Section 20-3-370, relating to legislative
408 findings and purpose of subpart relative to educational loans financed by state funds, as
409 follows:

410 "20-3-370.

411 The General Assembly finds that students and parents are not always able to obtain
412 educational loan assistance from a commercial lender ~~under the Georgia Higher Education~~
413 ~~Loan Program provided for in Part 2 of this article~~; that a need exists to make additional
414 educational loan funds available to students and parents; and that shortages exist within the
415 state in the supply of trained personnel in certain paramedical and other professional and

416 educational fields and other areas, which might possibly be alleviated by providing
417 educational loan assistance to students in those fields and areas together with an option
418 whereby such students can repay such educational loans through services rendered in lieu
419 of cash repayment. The purpose of the General Assembly, as provided for in this subpart,
420 is to enable the authority to make additional educational loans to students and parents and
421 to make service cancelable loans to students in certain fields of study and other areas as
422 provided in this subpart."

423 **SECTION 2-25.**

424 Said title is further amended by repealing and reserving Code Section 20-3-371, relating to
425 definitions relative to educational loans financed by state funds.

426 **SECTION 2-26.**

427 Said title is further amended by revising Code Section 20-3-372, relating to state funded
428 educational loan program authorized and powers of authority, as follows:

429 "20-3-372.

430 The authority is authorized ~~to be a lender in the Georgia Higher Education Loan Program,~~
431 ~~as provided for in Part 2 of this article,~~ and to establish and administer a state direct
432 educational loan program pursuant to this subpart. The authority is authorized to prescribe
433 all rules, regulations, policies, and procedures necessary or convenient for the
434 administration of the program and all terms and conditions applicable to loans made under
435 this subpart; provided, however, that they shall conform with this subpart ~~and with Part 2~~
436 ~~of this article in order that such loans shall be guaranteed by the corporation."~~

437 **SECTION 2-27.**

438 Said title is further amended by revising paragraph (4) and the undesignated text of
439 subsection (a) of Code Section 20-3-373, relating to general loan fund, as follows:

440 "(4) Principal collected on all educational loans held by the authority under this subpart;
441 ~~including the principal portion of payments received from the corporation in discharge~~
442 ~~of its guaranty liability on such loans; and"~~

443 "The authority is authorized to use moneys available in the fund to make guaranteed
444 educational loans to eligible students and parents in accordance with its rules and
445 regulations ~~and Part 2 of this article~~. The authority is further authorized, under such limited
446 circumstances as it may prescribe, to use moneys available in the fund to purchase
447 guaranteed educational loans made by other lenders ~~under Part 2 of this article~~ and to sell
448 guaranteed educational loans made or owned by the authority to eligible lenders."

449 **SECTION 2-28.**

450 Said title is further amended by repealing subsection (e) of Code Section 20-3-374, relating
451 to service cancelable loan fund and authorized types of service cancelable educational loans.

452 **SECTION 2-29.**

453 Said title is further amended by revising Code Section 20-3-470, relating to regents'
454 opportunity assistance program for graduate and professional degree students authorized, as
455 follows:

456 "20-3-470.

457 The authority is authorized to establish and administer a program of scholarships, grants,
458 or cancelable loans to economically disadvantaged students who are residents of Georgia
459 enrolled in a graduate or professional degree program in a branch of the university system.

460 The eligibility of students and the criteria for the award of such financial aid shall be
461 determined by the board of regents. Such assistance may be awarded to the extent that
462 funds are provided therefor in the annual appropriations Act of the General Assembly. ~~In~~
463 ~~the event such assistance shall be provided in the form of cancelable loans, such loans shall~~
464 ~~be guaranteed by the corporation.~~ As used in this Code section, the term 'resident of

465 Georgia' shall mean any person classified by the board of regents as a resident of Georgia
466 for tuition and matriculation fee purposes."

467 **SECTION 2-30.**

468 Said title is further amended by revising subsection (f) of Code Section 20-3-476, relating
469 to authorization and administration of loan program for attendance at colleges of osteopathic
470 medicine, as follows:

471 ~~"(f) If a loan applicant under this subpart is eligible to receive a guaranteed education loan~~
472 ~~in accordance with the provisions of Part 2 of this article and the federal act, the authority~~
473 ~~is authorized in its discretion to lend all or a portion of the loan amount approved for the~~
474 ~~applicant under this subpart to the applicant as a guaranteed educational loan pursuant to~~
475 ~~Part 2 of this article and the federal act. In such cases, the provisions of Part 2 of this~~
476 ~~article and the federal act shall govern all terms and conditions of the loan; provided,~~
477 ~~however, that the right of the recipient to repay such loan through services rendered to the~~
478 ~~state as provided for in this subpart shall not be diminished. Reserved."~~

479 **SECTION 2-31.**

480 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
481 is amended by revising subsection (k) of Code Section 26-4-60, relating to grounds for
482 suspension, revocation, or refusal to issue or renew licenses relative to pharmacists and
483 pharmacies, as follows:

484 "(k) The board shall not have the power to suspend any license issued under Article 3 of
485 this chapter because such holder ~~is a borrower in default who is not in satisfactory~~
486 ~~repayment status under the Georgia Higher Education Loan Program as determined by the~~
487 ~~Georgia Higher Education Assistance Corporation or who has been certified by any entity~~
488 ~~of the federal government for nonpayment or default or breach of a repayment or service~~
489 ~~obligation under any federal educational loan, loan repayment, or service conditional~~

490 scholarship program. The board shall also not have the power to deny the application for
491 issuance or renewal of a license under Article 3 of this chapter because such applicant is
492 ~~a borrower in default under the Georgia Higher Education Loan Program as determined by~~
493 ~~the Georgia Higher Education Assistance Corporation~~ or has been certified by any entity
494 of the federal government for nonpayment or default or breach of a repayment or service
495 obligation under any federal educational loan, loan repayment, or service conditional
496 scholarship program."

497 **SECTION 2-32.**

498 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
499 repealing and reserving Code Section 33-11-19, relating to loans guaranteed by Georgia
500 Higher Education Assistance Corporation.

501 **SECTION 2-33.**

502 Said title is further amended by revising paragraph (11) of subsection (a) of Code Section
503 33-11-55, relating to investments eligible for support of outstanding liabilities, as follows:
504 "(11) ~~Loans guaranteed as to principal and interest by the Georgia Higher Education~~
505 ~~Assistance Corporation, to the extent of such guaranty~~ Reserved;"

506 **SECTION 2-34.**

507 Said title is further amended by revising Code Section 33-23-21.1, relating to licensing for
508 educational borrowers in default, as follows:

509 "33-23-21.1.

510 The Commissioner shall not refuse to issue nor suspend or revoke a license of an applicant
511 for or holder of a license because he or she is ~~a borrower in default under the Georgia~~
512 ~~Higher Education Loan Program as determined by the Georgia Higher Education~~
513 ~~Assistance Corporation~~ or has been certified by any entity of the federal government for

514 nonpayment or default or breach of a repayment or service obligation under any federal
515 educational loan, loan repayment, or service conditional scholarship program."

516 **SECTION 2-35.**

517 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
518 is amended by revising Code Section 43-1-29, relating to suspension of license for
519 nonpayment of student loans prohibited, as follows:

520 "43-1-29.

521 A professional licensing board shall not suspend the license of a person licensed by that
522 board because he or she ~~is a borrower in default under the Georgia Higher Education Loan~~
523 ~~Program as determined by the Georgia Higher Education Assistance Corporation or~~
524 ~~because he or she~~ has been certified by any entity of the federal government for
525 nonpayment or default or breach of a repayment or service obligation under any federal
526 educational loan, loan repayment, or service conditional scholarship program."

527 **SECTION 2-36.**

528 Said title is further amended by revising subsection (b) of Code Section 43-3-27, relating to
529 notification of conviction, time limit, and suspension relative to accountants, as follows:

530 "(b) The board may not suspend the license of an individual because he or she ~~is a~~
531 ~~borrower in default under the Georgia Higher Education Loan Program as determined by~~
532 ~~the Georgia Higher Education Assistance Corporation or~~ has been certified by any entity
533 of the federal government for nonpayment or default or breach of a repayment or service
534 obligation under any federal educational loan, loan repayment, or service conditional
535 scholarship program."

536 **SECTION 2-37.**

537 Said title is further amended by repealing subsection (a.1) of Code Section 43-20A-16,
538 relating to cause for disciplinary actions and disciplinary order a final order relative to the
539 regulation of private immigration assistance services.

540 **SECTION 2-38.**

541 Said title is further amended by revising subsection (b.1) of Code Section 43-34-8, relating
542 to authority to refuse license, certificate, or permit or issue discipline, suspension, restoration,
543 investigations, hearings on fitness, immunity, and publication of final disciplinary actions
544 relative to the Georgia Composite Medical Board, as follows:

545 "(b.1) The board shall not suspend the license, certificate, or permit of a person licensed
546 by the board because he or she is ~~a borrower in default who is not in satisfactory repayment~~
547 ~~status under the Georgia Higher Education Loan Program as determined by the Georgia~~
548 ~~Higher Education Assistance Corporation or who~~ has been certified by any entity of the
549 federal government for nonpayment or default or breach of a repayment or service
550 obligation under any federal education loan, loan repayment, or service conditional
551 scholarship program."

552 **SECTION 2-39.**

553 Said title is further amended by revising subsection (k) of Code Section 43-39A-14, relating
554 to required conduct of applicants, grounds for refusal of classification, imposition of
555 sanctions, and suspension or revocation of classification relative to real estate appraisers, as
556 follows:

557 "(k) Where an applicant or licensee ~~has been found to be a borrower in default who is not~~
558 ~~in satisfactory repayment status under the Georgia Higher Education Loan Program as~~
559 ~~determined by the Georgia Higher Education Assistance Corporation or who~~ has been
560 certified by any entity of the federal government for nonpayment or default or breach of
561 a repayment or service obligation under any federal educational loan, loan repayment, or

562 service conditional scholarship program, such finding shall not be grounds for refusal of
563 a license or suspension of a license."

564 **SECTION 2-40.**

565 Said title is further amended by revising subsection (l) of Code Section 43-40-15, relating
566 to grant of licenses, grounds for suspension or revocation of license, other sanctions,
567 surrender or lapse, and conviction relative to real estate brokers and salespersons, as follows:

568 "(l) Where an applicant or licensee ~~has been found to be a borrower in default who is not~~
569 ~~in satisfactory repayment status under the Georgia Higher Education Loan Program as~~
570 ~~determined by the Georgia Higher Education Assistance Corporation or who~~ has been
571 certified by any entity of the federal government for nonpayment or default or breach of
572 a repayment or service obligation under any federal educational loan, loan repayment, or
573 service conditional scholarship program, such finding shall not be grounds for refusal of
574 a license or suspension of a license."

575 **SECTION 2-41.**

576 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
577 amended by revising subparagraph (C) of paragraph (1) of 48-7-161, relating to definitions
578 relative to setoff debt collection, as follows:

579 "~~(C) The Georgia Higher Education Assistance Corporation with respect to the~~
580 ~~collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20~~ Reserved;"

581 **PART III**

582 **SECTION 3-1.**

583 An Act repealing provisions creating inactive boards, panels, authorities, centers,
584 commissions, committees, councils, task forces, and other such bodies, approved May 7,

585 2019 (Ga L. 2019, p. 919), is amended by repealing Part VII, relating to the Private Colleges
586 and Universities Authority, pursuant to *Private Colleges and Universities Authority, et al.*,
587 *v. Kemp* (July 8, 2019) (docketed at Civil Action File No. 2019CV322341).

588

PART IV

589

SECTION 4-1.

590 This Act shall become effective on June 30, 2024.

591

SECTION 4-2.

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