

House Bill 319 (AS PASSED HOUSE AND SENATE)

By: Representative Martin of the 49th

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 abolish the Georgia Higher Education
3 Assistance Corporation; to provide for the transfer of outstanding obligations and liabilities
4 and assets of such corporation; to amend Titles 2, 7, 12, 20, 26, 33, 43, and 48 of the Official
5 Code of Georgia Annotated, relating to agriculture, banking and finance, conservation and
6 natural resources, education, food, drugs, and cosmetics, insurance, professions and
7 businesses, and revenue and taxation, respectively, so as to remove cross-references and
8 make conforming changes; to amend Article 2 of Chapter 3 of Title 20 of the Official Code
9 of Georgia Annotated, relating to the board of regents and university system, so as to require
10 approval by the General Assembly for certain tuition and fee increases; to provide for related
11 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

H. B. 319

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

18 **SECTION 1-2.**

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

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

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

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

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

32 **PART II**

33 **SECTION 2-1.**

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

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

46 **SECTION 2-2.**

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

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

57 **SECTION 2-3.**

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

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

68 **SECTION 2-4.**

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

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

79 **SECTION 2-5.**

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

83 "12-6-49.2.

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

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

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

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

91 ~~(3) 'Default' means default as defined by federal law under the Higher Education Act of~~
 92 ~~1965.~~

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

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

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

105 **SECTION 2-6.**

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

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

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

119 **SECTION 2-7.**

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

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

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

154 **SECTION 2-8.**

155 Said title is further amended by revising paragraph (4) of Code Section 20-3-232, relating
 156 to definitions relative to the Georgia Student Finance Commission, as follows:

157 ~~"(4) 'Corporation' means the Georgia Higher Education Assistance Corporation created~~
 158 ~~by Code Section 20-3-263."~~

159 **SECTION 2-9.**

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

163 "(5) **Legal services.** Legal services shall be provided to the commission,~~the corporation,~~
164 and the authority by the Attorney General as provided for by state law, or by private
165 attorneys designated by the Attorney General, or, if authorized by the Attorney General,
166 by private attorneys selected and retained or employed by the commission,~~the~~
167 ~~corporation,~~ or the authority for the purposes authorized by the Attorney General. The
168 commission is authorized to provide for paying from funds available to the commission;
169 ~~the corporation,~~ or the authority all legal costs incurred, including, without limitation,
170 attorneys' fees, court costs, and all other costs and expenses incurred incident to the
171 retention of legal services and in respect of legal proceedings."

172 **SECTION 2-10.**

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

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

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

184 (2) The board of commissioners shall serve as the board of directors of the authority
185 pursuant to this paragraph and Part 3 of this article; ~~and, whenever they are convened as~~
186 ~~and are acting in the capacity of the board of directors of the authority, and~~ they shall
187 carry out and fully effectuate the powers, duties, functions, and corporate purposes of the

188 authority in accordance with Part 3 of this article without regard to any other power, duty,
189 or function vested in them under this part or under any other provision of law;

190 ~~(3)~~(2) The officers of the commission shall serve in the same capacity ~~as officers of the~~
191 ~~corporation and~~ as officers of the authority, ~~respectively~~, pursuant to this paragraph and
192 ~~Parts 2 and Part 3 of this article, respectively~~. Nothing contained in this part, however,
193 shall be construed to mean or require that ~~the officers of the board of directors of the~~
194 ~~corporation and~~ the officers of the board of directors of the authority ~~shall be the same~~
195 ~~persons or that they~~ shall be the same persons who are serving as officers of the board of
196 commissioners under this part;

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

200 ~~(5)~~(3) The commission shall receive all moneys made available to the commission by the
201 General Assembly or otherwise for purposes of the authority and disburse such moneys
202 to the authority;

203 ~~(6)~~(4) The commission shall receive all moneys made available to the commission by the
204 General Assembly or otherwise for purposes of the commission and use such moneys for
205 purposes of the commission;

206 ~~(7)~~(5) The commission shall also have the following additional powers:

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

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

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

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

- 214 (E) To enter into agreements and undertakings as may be necessary or appropriate in
215 the exercise of its powers, duties, and functions under this part;
- 216 (F) To perform such other acts as may be necessary or appropriate to effectuate the
217 purposes of the commission under this part;
- 218 (G) To enter into agreements with the United States government for the purpose of
219 securing the benefits of any federal law which provides federal funds for any student
220 financial aid purpose or for any activity related to student financial aid, including,
221 without limitation, activities such as research activities, the collection and reporting of
222 data, the administration of any activity related to student financial aid, and
223 dissemination of information and services to the public; to comply with the provisions
224 of such federal law; to adopt such rules, regulations, resolutions, and procedures as may
225 be necessary to secure such federal funds; and to provide matching funds as may be
226 required from funds available to the commission;
- 227 (H) To solicit, receive, and accept funds from any source, public or private, by gift,
228 grant, bequest, or otherwise, either absolutely or in trust, and to hold, use, invest,
229 administer, and expend such funds on behalf of the commission and for any of its
230 purposes; and to acquire from any source, public or private, by purchase, lease, gift,
231 bequest, or devise, any property, real, personal, or mixed, either absolutely or in trust,
232 and to hold, use, administer, and dispose of such property on behalf of the commission
233 and for any of its purposes; and
- 234 (I) To advertise or otherwise promote the programs, functions, and purposes of the
235 commission, ~~the Georgia Higher Education Assistance Corporation,~~ and the Georgia
236 Student Finance Authority and to expend funds available to the commission for such
237 purposes."

238 **SECTION 2-11.**

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

241 **SECTION 2-12.**

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

244 "20-3-238.

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

258 **SECTION 2-13.**

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

261 "20-3-240.

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

268 **SECTION 2-14.**

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

271 **SECTION 2-15.**

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

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

279 "~~(5) If any conflict exists between this part and Part 2 of this article, the federal act, or~~
 280 ~~other federal laws, or any rules or regulations promulgated under the federal act, which~~
 281 ~~conflict will result in a loss by the authority of any federal funds or other funds that~~
 282 ~~would otherwise be available to it for carrying out its purposes under this part, the~~
 283 ~~authority is authorized and directed to adopt appropriate rules, regulations, and policies,~~
 284 ~~consistent with Part 2 of this article, the federal act, or such other federal laws to remove~~
 285 ~~such conflict and thereby to provide for the receipt of such funds; provided, however, that~~
 286 ~~such rules, regulations, or policies are not in derogation of the Constitution or laws of this~~

287 ~~state, other than this part, or any contract to which the authority is a party and are wholly~~
 288 ~~in conformity with the purposes of the authority as set forth in this part~~ Reserved; and
 289 (6) To the extent that this part is inconsistent with any other state general or special law,
 290 rule, or regulation, ~~other than Part 2 of this article~~, this part shall be controlling."

291 **SECTION 2-16.**

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

294 "20-3-317.

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

306 **SECTION 2-17.**

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

309 "20-3-318.

310 The authority shall maintain an administration fund ~~for itself and of the corporation~~ as
 311 provided for in this Code section to which shall be credited state moneys, federal moneys,

312 other moneys, and earned income of the authority available for and determined by the
 313 authority to be applied for the purpose of paying administration costs of the authority. The
 314 authority is authorized to pay from the fund administration costs incurred by the authority
 315 and to pay to the commission such amounts as may be necessary to cover administration
 316 costs of the authority paid or to be paid by the commission for or on behalf of the authority.
 317 ~~Unless otherwise prohibited by state or federal law or by the terms of any trust agreement~~
 318 ~~entered into or resolution providing for the issuance of obligations pursuant to Subpart 2~~
 319 ~~of this part or by the terms of any other agreement entered into by the authority, the~~
 320 ~~authority is authorized to pay from the fund administration costs incurred by the~~
 321 ~~corporation and pay to the commission such amounts as may be necessary to cover~~
 322 ~~administration costs of the corporation paid or to be paid by the commission for or on~~
 323 ~~behalf of the corporation."~~

324 **SECTION 2-18.**

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

327 **SECTION 2-19.**

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

331 "20-3-340.

332 The General Assembly finds that students and parents are not always able to obtain
 333 educational loan assistance from a commercial lender ~~under the Georgia Higher Education~~
 334 ~~Loan Program provided for in Part 2 of this article~~; that a need exists to make additional
 335 educational loan funds available to students and parents; and that a need exists to provide
 336 for secondary financing and servicing of educational loans made by other lenders ~~in order~~

337 ~~to enable such lenders to maintain or expand their participation in the Georgia Higher~~
338 ~~Education Loan Program.~~ The purpose of the General Assembly, as provided for in this
339 subpart, is to enable the authority to make additional educational loan funds available for
340 students and parents and to make secondary financing and servicing of educational loans
341 available to other commercial lenders."

342 **SECTION 2-20.**

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

345 **SECTION 2-21.**

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

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

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

359 **SECTION 2-22.**

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

363 "(b) The proceeds of any bonds or notes issued by the authority shall be used solely for the
364 purpose for which issued and shall be disbursed in such manner and under such restrictions,
365 if any, as the authority may provide in a resolution authorizing the issuance of such bonds
366 or notes or in a trust agreement securing such bonds or notes. No such bond proceeds may
367 be expended for the making or the purchase of any loan unless such loan is an educational
368 loan as defined in paragraph (13) of Code Section 20-3-312."

369 **SECTION 2-23.**

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

372 "20-3-345.

373 In the discretion of the authority, any obligation issued under this subpart may be secured
374 by a trust agreement by and between the authority and a corporate trustee, which may be
375 any trust company or bank having the powers of a trust company within or outside the
376 state. Such trust agreement or the resolution providing for the issuance of such obligations
377 may pledge or assign all or any part of the revenues or assets of the authority derived or
378 held by the authority under and pursuant to this subpart, including, without limitation, as
379 they relate to this subpart: educational loans; educational loan commitments; temporary
380 loans; contracts; agreements; other security or investment obligations, fees, or charges
381 made or received; moneys received for the sale of or in payment of educational loans and
382 interest thereon, including the proceeds of guaranties thereon; and any other moneys that
383 may be received, held, or due to be received by the authority from the United States, ~~the~~
384 ~~corporation~~, or any other person as a result of the activities and operations of the authority

385 under this subpart. The educational loans which are, or the revenues from which are,
386 included within any such pledge may include, at the discretion of the authority and to the
387 extent specified in such resolution or trust indenture and in accordance with all other
388 resolutions, indentures, contracts of the authority and in accordance with law, educational
389 loans financed by the authority with funds available to it pursuant to Subpart 3 of this part.
390 Such trust agreement or resolution may contain such provisions for protecting and
391 enforcing the rights and remedies of the holders of any such obligations as may be
392 reasonable, proper, and not in violation of law, including covenants setting forth the duties
393 of the authority in relation to the purposes to which obligation proceeds may be applied;
394 the disposition or pledging of revenues or assets of the authority under this subpart; the
395 terms and conditions for the issuance of additional obligations; and the custody,
396 safeguarding, and application of moneys and assets of the authority under this subpart. It
397 shall be lawful for any bank or trust company incorporated under the laws of the state
398 which may act as depository of the proceeds of obligations, revenues, or other moneys
399 under this subpart to furnish such indemnifying bonds or to pledge such securities as may
400 be required by the authority. Any such trust agreement or resolution may set forth the
401 rights and remedies of the holders of the obligations to which it relates and the rights and
402 remedies of the trustee, if any, and may restrict the individual right of action by any such
403 holders. In addition to the foregoing, any such trust agreement or resolution may contain
404 such other provisions as the authority may deem reasonable and proper for the security of
405 the holders of any obligations. All expenses incurred in carrying out such trust agreement
406 or resolution may be paid from the revenues or assets pledged or assigned to the payment
407 of the principal of and the interest on obligations or from any other funds available to the
408 authority for this purpose."

409 **SECTION 2-24.**

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

413 "20-3-370.

414 The General Assembly finds that students and parents are not always able to obtain
415 educational loan assistance from a commercial lender ~~under the Georgia Higher Education~~
416 ~~Loan Program provided for in Part 2 of this article~~; that a need exists to make additional
417 educational loan funds available to students and parents; and that shortages exist within the
418 state in the supply of trained personnel in certain paramedical and other professional and
419 educational fields and other areas, which might possibly be alleviated by providing
420 educational loan assistance to students in those fields and areas together with an option
421 whereby such students can repay such educational loans through services rendered in lieu
422 of cash repayment. The purpose of the General Assembly, as provided for in this subpart,
423 is to enable the authority to make additional educational loans to students and parents and
424 to make service cancelable loans to students in certain fields of study and other areas as
425 provided in this subpart."

426 **SECTION 2-25.**

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

429 **SECTION 2-26.**

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

432 "20-3-372.

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

440 **SECTION 2-27.**

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

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

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

452 **SECTION 2-28.**

453 Said title is further amended by revising subsection (e) of Code Section 20-3-374, relating
454 to service cancelable loan fund and authorized types of service cancelable educational loans,
455 as follows:

456 "~~(e) If the corporation, pursuant to Code Section 20-3-273, pays or has paid interest to the~~
457 ~~authority on a service cancelable loan made under this Code section, and if the borrower~~

458 ~~repays all or a portion of the loan through services rendered as provided for in this Code~~
459 ~~section, then the authority shall, in accordance with its regulations and in consideration of~~
460 ~~the services rendered by the borrower, repay to the corporation on behalf of the borrower~~
461 ~~all or a portion of the interest paid to the authority by the corporation under Code Section~~
462 ~~20-3-273. To the extent that this subsection does not apply to all service cancelable loans~~
463 ~~made to a borrower pursuant to this Code section, the authority is authorized, for purposes~~
464 ~~of this subsection, to consider the loans made that are the subject of this subsection as being~~
465 ~~the earlier loans made to the borrower."~~

466

SECTION 2-29.

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

470 "20-3-470.

471 The authority is authorized to establish and administer a program of scholarships, grants,
472 or cancelable loans to economically disadvantaged students who are residents of Georgia
473 enrolled in a graduate or professional degree program in a branch of the university system.
474 The eligibility of students and the criteria for the award of such financial aid shall be
475 determined by the board of regents. Such assistance may be awarded to the extent that
476 funds are provided therefor in the annual appropriations Act of the General Assembly. ~~In~~
477 ~~the event such assistance shall be provided in the form of cancelable loans, such loans shall~~
478 ~~be guaranteed by the corporation.~~ As used in this Code section, the term 'resident of
479 Georgia' shall mean any person classified by the board of regents as a resident of Georgia
480 for tuition and matriculation fee purposes."

481 **SECTION 2-30.**

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

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

493 **SECTION 2-31.**

494 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
 495 is amended by revising subsection (k) of Code Section 26-4-60, relating to grounds for
 496 suspension, revocation, or refusal to grant licenses relative to pharmacists and pharmacies,
 497 as follows:

498 "(k) The board shall not have the power to suspend any license issued under Article 3 of
 499 this chapter because such holder is a borrower in default who is not in satisfactory
 500 repayment status under the Georgia Higher Education Loan Program as determined by the
 501 Georgia Higher Education Assistance Corporation or who has been certified by any entity
 502 of the federal government for nonpayment or default or breach of a repayment or service
 503 obligation under any federal educational loan, loan repayment, or service conditional
 504 scholarship program. The board shall also not have the power to deny the application for
 505 issuance or renewal of a license under Article 3 of this chapter because such applicant is
 506 a borrower in default under the Georgia Higher Education Loan Program as determined by

507 ~~the Georgia Higher Education Assistance Corporation~~ or has been certified by any entity
508 of the federal government for nonpayment or default or breach of a repayment or service
509 obligation under any federal educational loan, loan repayment, or service conditional
510 scholarship program."

511 **SECTION 2-32.**

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

515 **SECTION 2-33.**

516 Said title is further amended by revising paragraph (11) of subsection (a) of Code Section
517 33-11-55, relating to investments eligible for support of outstanding liabilities, as follows:

518 "(11) ~~Loans guaranteed as to principal and interest by the Georgia Higher Education~~
519 ~~Assistance Corporation, to the extent of such guaranty~~ Reserved;"

520 **SECTION 2-34.**

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

523 "33-23-21.1.

524 The Commissioner shall not refuse to issue nor suspend or revoke a license of an applicant
525 for or holder of a license because he or she is ~~a borrower in default under the Georgia~~
526 ~~Higher Education Loan Program as determined by the Georgia Higher Education~~
527 ~~Assistance Corporation~~ or has been certified by any entity of the federal government for
528 nonpayment or default or breach of a repayment or service obligation under any federal
529 educational loan, loan repayment, or service conditional scholarship program."

530 **SECTION 2-35.**

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

534 "43-1-29.

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

541 **SECTION 2-36.**

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

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

550 **SECTION 2-37.**

551 Said title is further amended by revising subsection (a.1) of Code Section 43-20A-16,
552 relating to cause for disciplinary actions and disciplinary order a final order relative to the
553 regulation of private immigration assistance services, as follows:

554 ~~"(a.1) The Secretary of State shall not order the discipline, denial, suspension, or~~
555 ~~revocation of a license issued pursuant to this chapter because a person has been found by~~
556 ~~the Georgia Higher Education Assistance Corporation to be a borrower in default who is~~
557 ~~not in satisfactory repayment status as defined in Code Section 20-3-295."~~

558 **SECTION 2-38.**

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

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

570 **SECTION 2-39.**

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

575 ~~"(k) Where an applicant or licensee has been found to be a borrower in default who is not~~
576 ~~in satisfactory repayment status under the Georgia Higher Education Loan Program as~~
577 ~~determined by the Georgia Higher Education Assistance Corporation or who has been~~
578 ~~certified by any entity of the federal government for nonpayment or default or breach of~~

579 a repayment or service obligation under any federal educational loan, loan repayment, or
580 service conditional scholarship program, such finding shall not be grounds for refusal of
581 a license or suspension of a license."

582 **SECTION 2-40.**

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

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

593 **SECTION 2-41.**

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

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

599

PART III

600

SECTION 3-1.

601 Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the
602 board of regents and university system, is amended by revising Code Section 20-3-70, which
603 is reserved, as follows:

604 "20-3-70.

605 No increase in the cost of tuition or fees in any academic year of more than 3 percent from
606 the preceding academic year by a unit of the university system shall become effective
607 unless approved by a joint resolution of the General Assembly. Reserved."

608

PART IV

609

SECTION 4-1.

610 This Act shall become effective on July 1, 2023; provided, however, that Parts I and II of this
611 Act shall become effective on June 30, 2024.

612

SECTION 4-2.

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