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1. [Ga. Const. Art. III, § VI, Para. VI](#)

Client/Matter: -None-

Ga. Const. Art. III, § VI, Para. VI

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > CONSTITUTION OF THE STATE OF GEORGIA > Article III
Legislative Branch > Section VI Exercise of Powers**

Paragraph VI. Gratuities.

(a) Except as otherwise provided in the Constitution, (1) the General Assembly shall not have the power to grant any donation or gratuity or to forgive any debt or obligation owing to the public, and (2) the General Assembly shall not grant or authorize extra compensation to any public officer, agent, or contractor after the service has been rendered or the contract entered into.

(b) All laws heretofore adopted under Article III, Section VIII, Paragraph XII of the Constitution of 1976 in force and effect on June 30, 1983, shall continue in force and effect and may be amended if such amendments are consistent with the authority granted to the General Assembly by such provisions of said Constitution.

(c) The General Assembly may provide by law and may expend or authorize the expenditure of public funds for a health insurance plan or program for persons and the spouses and dependent children of persons who are retired former employees of public schools or public school systems of this state.

(d) The General Assembly may provide by law for indemnification with respect to licensed emergency management rescue specialists who are or have been killed or permanently disabled in the line of duty on or after January 1, 1991, and publicly employed emergency medical technicians who are or have been killed or permanently disabled in the line of duty on or after January 1, 1987.

(e)

(1) The General Assembly may provide by law for a program of indemnification with respect to the death or permanent disability of any law enforcement officer, fireman, prison guard, or publicly employed emergency medical technician who is or at any time in the past was killed or permanently disabled in the line of duty. Funds shall be appropriated as necessary for payment of such indemnification or for the purchase of insurance for such indemnification or both.

(2) The General Assembly may provide by law for a program of compensation for injuries incurred by law enforcement officers and firemen in the line of duty. A law enforcement officer who becomes physically disabled, but not permanently disabled, as a result of a physical injury incurred in the line of duty and caused by a willful act of violence and a fireman who becomes physically disabled, but not permanently disabled, as a result of a physical injury incurred in the line of duty while fighting a fire shall be entitled to receive monthly compensation from the state in an amount equal to any such person's regular compensation for the period of time that the law enforcement officer or fireman is physically unable to perform the duties of his or her employment; provided, however, that such benefits provided in this subparagraph shall not be granted for more than a total of 12 months for injuries resulting from a single incident. A law enforcement officer or fireman shall be required to submit to a state agency satisfactory evidence of such disability. Benefits made available under this subparagraph shall be subordinate to workers' compensation benefits, disability and other compensation benefits from an employer which the law enforcement officer or fireman is awarded and shall be limited to the difference between the amount of workers' compensation benefits, disability and other compensation benefits actually paid and the amount of the law enforcement officer's or fireman's regular

compensation. Any law enforcement officer or fireman who receives indemnification under subparagraph (1) of this subparagraph (e) shall not be entitled to any compensation under this subparagraph.

(f) The General Assembly is authorized to provide by law for compensating innocent victims of crimes which occur on and after July 1, 1989. The General Assembly is authorized to define the types of victims eligible to receive compensation and to vary the amounts of compensation according to need. The General Assembly shall be authorized to allocate certain funds, to appropriate funds, to provide for a continuing fund, or to provide for any combination thereof for the purpose of compensating innocent victims of crime and for the administration of any laws enacted for such purpose.

(g) The General Assembly may provide by law for indemnification with respect to public school teachers, administrators, and employees who are killed or permanently disabled by an act of violence in the line of duty, a nonlapsing indemnification fund for such purposes, and dedication of revenue from special and distinctive motor vehicle license plates honoring Georgia educators to such fund.

(g) The General Assembly may provide by law for a program of indemnification with respect to the death or permanent disability of any state highway employee who is or at any time in the past was killed or permanently disabled in the line of duty. Funds shall be appropriated as necessary for payment of such indemnification or for the purchase of insurance for such indemnification or both.

History

[Ga. Const. 1983, Art. 3, § 6, Para. 6](#); Ga. L. 1986, p. 1622, § 1/HR 69; Ga. L. 1986, p. 1623, § 1/HR 125; Ga. L. 1986, p. 1627, § 1/HR 644; Ga. L. 1988, p. 2096, § 1/SR 274; Ga. L. 1990, p. 2432, § 1/HR 588; Ga. L. 2000, p. 1999, § 1/SR 204; Ga. L. 2000, p. 2001, § 1/HR 971; Ga. L. 2000, p. 2007, § 1/SR 519.

Annotations

Notes

1976 Constitution. —Art. III, Sec. VIII, Paras. VII, XII.

Editor's notes. The constitutional amendment (Ga. L. 1986, p. 1623, § 1) which added subparagraph (c), regarding health insurance plans for retired employees of public school systems and their spouses and children, was approved by a majority of the qualified voters voting at the general election on November 4, 1986.

The constitutional amendment (Ga. L. 1986, p. 1622, § 1) which added subparagraph (c), regarding indemnification of publicly employed emergency medical technicians who are or have been killed or permanently disabled in the line of duty on or after January 1, 1987, was approved by a majority of the qualified voters voting at the general election held on November 4, 1986.

The constitutional amendment (Ga. L. 1986, p. 1627, § 1) which added subparagraph (c), regarding indemnification of law enforcement officers, firemen, prison guards, or publicly employed emergency medical technicians "who are or at any time in the past were killed or permanently disabled in the line of duty" was approved by a majority of the qualified voters voting at the general election held on November 4, 1986.

The constitutional amendment (Ga. L. 1988, p. 2096, § 1) which added subparagraph (f), authorizing the General Assembly to provide by law for compensating innocent victims of crime, and authorizing the General Assembly to allocate funds, to appropriate funds, and to provide for a continuing fund and which redesignated the former subparagraphs (c) added by Ga. L. 1986, p. 1622, § 1 and Ga. L. 1986, p. 1627, § 1 as subparagraphs (d) and (e),

respectively, was approved by a majority of the qualified voters voting at the general election held on November 8, 1988.

The constitutional amendment (Ga. L. 1990, p. 2432, § 1) which inserted in subparagraph (d) “licensed emergency management rescue specialists who are or have been killed or permanently disabled in the line of duty on or after January 1, 1991, and” following “indemnification with respect to” was approved by a majority of the qualified voters voting at the general election held on November 6, 1990.

The constitutional amendment (Ga. L. 2000, p. 1999, § 1), which redesignated the existing provisions of subparagraph (e) as subparagraph (e)(1) and added subparagraph (e)(2), was approved by a majority of the qualified voters voting at the general election held November 7, 2000.

The constitutional amendment (Ga. L. 2000, p. 2001, § 1), which added the first subparagraph (g), so as to provide that the General Assembly may provide by law for indemnification with respect to public school teachers, administrators, and employees who are killed or permanently disabled by an act of violence in the line of duty, a nonlapsing indemnification fund for such purposes, and dedication of revenue from special and distinctive motor vehicle license plates honoring Georgia educators to such fund, was approved by a majority of the qualified voters voting at the general election held November 7, 2000.

The constitutional amendment (Ga. L. 2000, p. 2007, § 1), which added the second subparagraph (g), so as to provide that the General Assembly may provide by law for a program of indemnification with respect to the death or permanent disability of any state highway employee who is or at any time in the past was killed or permanently disabled in the line of duty, was approved by a majority of the qualified voters voting at the general election held November 7, 2000.

JUDICIAL DECISIONS

General Consideration

Specific Cases

Recognizances

General Consideration

Paragraph is applicable to cities and counties as well as to General Assembly. [*Grand Lodge, I.O.O.F. v. City of Thomasville*, 226 Ga. 4, 172 S.E.2d 612, 1970 Ga. LEXIS 407 \(1970\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

This paragraph applies to pension systems for municipal employees. *Bender v. Anglin*, 207 Ga. 108, 60 S.E.2d 756, 1950 Ga. LEXIS 440 (1950) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

State may be liable as joint tort-feasor. —Nothing in the Georgia Tort Claims Act contradicts the holding that the state can be liable as a joint tort-feasor, and such holding does not violate the provisions of [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#). [*DOT v. Brown*, 218 Ga. App. 178, 460 S.E.2d 812, 1995 Ga. App. LEXIS 680 \(1995\)](#), *aff'd*, [*267 Ga. 6, 471 S.E.2d 849, 1996 Ga. LEXIS 360 \(1996\)*](#).

Definitions of “pension” and “compensation.” —The words “pension” and “compensation” are not synonymous. The former is ordinarily a gratuity or bounty from the government in recognition of but not in payment for past services. [*Dewitt v. Richmond County*, 192 Ga. 770, 16 S.E.2d 579, 1941 Ga. LEXIS 609 \(1941\)](#).

Word “gratuity” as used in this paragraph is employed in its natural and ordinary meaning. [*McCook v. Long*, 193 Ga. 299, 18 S.E.2d 488, 1942 Ga. LEXIS 382 \(1942\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

No “gratuity” involved where county recovers substantial benefits in return for use of county property.

[*Smith v. Board of Comm’rs of Rds. & Revenues*, 244 Ga. 133, 259 S.E.2d 74, 1979 Ga. LEXIS 1149 \(1979\).](#)

Consideration paid for services not gratuity. —Consideration provided by a contract to be paid by the state for services to be performed under the terms of the contract is not a gratuity. *Harrison Co. v. Code Revision Com.*, 244 Ga. 325, 260 S.E.2d 30, 1979 Ga. LEXIS 1225 (1979).

No “gratuity” where consideration provided. —Because the University of Georgia Athletic Association provides ample consideration and services for the funds that it receives, the transfer of student athletic fees collected by the university to the association is not a “gratuity” within the meaning of [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#). *Haggard v. Board of Regents*, 257 Ga. 524, 360 S.E.2d 566, 1987 Ga. LEXIS 843 (1987).

A grant of property by a municipality for use by an organization as rescue missions did not constitute an impermissible gratuity in violation of [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#). *Swanberg v. City of Tybee Island*, 271 Ga. 23, 518 S.E.2d 114, 1999 Ga. LEXIS 363 (1999).

County not authorized to donate public funds to chamber of commerce, freight bureau, or convention and tourist bureau. [*Atlanta Chamber of Commerce v. McRae*, 174 Ga. 590, 163 S.E. 701, 1932 Ga. LEXIS 97 \(1932\).](#)

Specific Cases

Paragraph violated where public street vacated for benefit of private individual. [*Marietta Chair Co. v. Henderson*, 121 Ga. 399, 49 S.E. 312, 1904 Ga. LEXIS 169 \(1904\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

Resolution to refund to sureties on bond of defaulting treasurer any sum which they paid violated this paragraph. [*Smith v. Fuller*, 135 Ga. 271, 69 S.E. 177, 1910 Ga. LEXIS 507 \(1910\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

Resolution relieving bondsmen of liability, and directing county to pay sureties the amounts paid by them, is invalid. [*Geer v. Dancer*, 164 Ga. 9, 137 S.E. 558, 1927 Ga. LEXIS 103 \(1927\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

Resolution instructing city to refund to surety amount paid on criminal bond forfeiture unconstitutional. [*McCook v. Long*, 193 Ga. 299, 18 S.E.2d 488, 1942 Ga. LEXIS 382 \(1942\).](#)

After the payment of a final judgment on a bond forfeiture and the delivery of that money to the county authorities, who maintain the courts, no resolution or Act of the legislature may legally direct a refund of such payment. [*Washburn v. MacNeill*, 205 Ga. 772, 55 S.E.2d 135, 1949 Ga. LEXIS 580 \(1949\).](#)

For decision holding that such a resolution is not unconstitutional, see [*Stewart v. Davis*, 175 Ga. 545, 165 S.E. 598, 1932 Ga. LEXIS 286 \(1932\).](#)

Paragraph not violated by grant of right of way to railroad. [*Georgia v. Trustees of Cincinnati S. Ry.*, 248 U.S. 26, 39 S. Ct. 14, 63 L. Ed. 104, 16 Ohio L. Rep. 499, 1918 U.S. LEXIS 1717 \(1918\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

Act requiring municipal authorities to pay registration clerk in tax collector’s office a certain salary does not violate this paragraph. [*Mayor of Savannah v. Guerard*, 158 Ga. 205, 122 S.E. 691, 1924 Ga. LEXIS 109 \(1924\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

Workers’ Compensation Act does not violate this paragraph. —The Workers’ Compensation Act (Ga. L. 1920, p. 167; see O.C.G.A. Ch. 9, T. 34), providing in part that “employers” shall include any municipal corporation within the state and any political division thereof, does not violate this paragraph. [*City of Macon v. Benson*, 175 Ga. 502, 166 S.E. 26, 1932 Ga. LEXIS 280 \(1932\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

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Act (Ga. L. 1943, p. 401) amending the Workers' Compensation Act, so far as it provides for compensation for past accidents of employees who had been employed in a state department that has previously operated under the Workers' Compensation Act is not unconstitutional under this paragraph as being a grant of a "donation" or "gratuity." [*State Hwy. Dep't v. Bass*, 197 Ga. 356, 29 S.E.2d 161, 1944 Ga. LEXIS 260 \(1944\)](#) (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

State Bridge Building Authority Act does not violate this paragraph (Ga. L. 1953, p. 626, now repealed). [*McLucas v. State Bridge Bldg. Auth.*, 210 Ga. 1, 77 S.E.2d 531, 1953 Ga. LEXIS 473 \(1953\)](#) (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

State School Building Authority Act does not violate paragraph. —The State School Building Authority Act, Ga. L. 1951, p. 241 (see now O.C.G.A. Pt. 3, Art. 11, Ch. 2, T. 20) plainly forbids any attempt thereunder to obligate the state, pledge the state's faith or credit, or donate anything belonging to the state; therefore, neither the Act, lease contract executed thereunder, nor the revenue bonds issued pursuant thereto offend this paragraph. [*Sheffield v. State Sch. Bldg. Auth.*, 208 Ga. 575, 68 S.E.2d 590, 1952 Ga. LEXIS 288 \(1952\)](#) (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Payment to hospital for purposes of providing ward for care of indigent sick does not violate this paragraph. [*Brock v. Chappell*, 196 Ga. 567, 27 S.E.2d 38, 1943 Ga. LEXIS 387 \(1943\)](#) (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

State Bar Act not gratuity under this Paragraph (Ga. L. 1963, p. 70; see O.C.G.A. Art. 2, Ch. 19, T. 15). [*Sams v. Olah*, 225 Ga. 497, 169 S.E.2d 790, 1969 Ga. LEXIS 548 \(1969\)](#), cert. denied, 397 U.S. 914, 90 S. Ct. 916, 25 L. Ed. 2d 94, 1970 U.S. LEXIS 3008 (1970) (commented on in 21 Mercer L. Rev. 355 (1969)) (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Regulations permitting tree trimming on highway rights-of-way. —Regulations of the Department of Transportation permitting the trimming of trees and vegetation on highway rights-of-way in order to make advertising signs on private property more visible violated the constitutional prohibition against gratuities. [*Garden Club of Ga., Inc. v. Shackelford*, 266 Ga. 24, 463 S.E.2d 470, 1995 Ga. LEXIS 885 \(1995\)](#).

Legislative scheme in [O.C.G.A. § 32-6-75.3](#) allowing the owners of private outdoor advertising to trim vegetation on public property blocking the view of their advertising was not an unconstitutional donation, under [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#), because the legislature declared that outdoor advertising benefits the state, and private individuals were required to pay the state for the privilege of allowing the public to have an unimpeded view of their signs. [*Garden Club of Ga. v. Shackelford*, 274 Ga. 653, 560 S.E.2d 522, 2002 Ga. LEXIS 93 \(2002\)](#).

Payments from county to building authority. —Since the payments to be made by the county to the building authority under the binding agreements entered into pursuant to the County Building Authority Act, in regard to the acquisition and construction of certain county buildings, were in return for bargained-for consideration, they were not prohibited donations or gratuities. [*Building Auth. v. State*, 253 Ga. 242, 321 S.E.2d 97, 1984 Ga. LEXIS 893 \(1984\)](#).

Bond resolution did not violate the Gratuities Clause of the Georgia Constitution because the county and the airport authority did not extend a gratuity to a commercial aviation company as the county's issuance of the bond created a substantial benefit for the county, namely the presence and use of an airport which could accommodate commercial passenger flights, which directly benefited the airport authority and the county; the fact that the commercial aviation company received a secondary benefit as being the commercial airline service renting part of the terminal and landing flights on the expanded taxiway did not change that result. [*Avery v. State of Ga.*, 295 Ga. 630, 761 S.E.2d 56, 2014 Ga. LEXIS 547 \(2014\)](#).

County bond transactions valid. — In four related appeals, the superior court did not err in validating the taxable revenue bonds because each of the petitions include their stated purpose, and the superior court heard evidence

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that the bonds would serve the public interest; and the bond transactions did not violate the Gratuities Clause as the county would derive a substantial benefit from the projects at issue as the projects would improve the county's infrastructure, create hundreds of jobs, expand the tax rolls, and bring economic development. [*Bene v. State*, 362 Ga. App. 73, 865 S.E.2d 249, 2021 Ga. App. LEXIS 563 \(2021\)](#).

Services sufficient consideration for payments. —Intergovernmental Agreement did not violate the gratuities clause as the Cobb-Marietta Coliseum and Exhibit Hall Authority's services were sufficient consideration for the promised payments. [*Savage v. State of Ga.*, 297 Ga. 627, 774 S.E.2d 624, 2015 Ga. LEXIS 497 \(2015\)](#).

Peace officer's retirement benefit which is based on service prior to the date of the retirement Act is not extra compensation after the service is rendered nor is it a gratuity in violation of subparagraphs 1 and 2. [*Cole v. Foster*, 207 Ga. 416, 61 S.E.2d 814, 1950 Ga. LEXIS 490 \(1950\)](#).

Condition on grants for road construction and maintenance. —Condition in statute authorizing grants of state funds for road construction and maintenance, that no county was eligible to receive any funds unless a tax credit was given on homesteads first and then on tangible property (exclusive of motor vehicles and trailers) in accordance with the formulas prescribed in the Act, was not a forbidden gratuity within the meaning of the Georgia Constitution. [*Brown v. Wright*, 231 Ga. 686, 203 S.E.2d 487, 1974 Ga. LEXIS 1190 \(1974\)](#) (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

Acceptance of subdivision roads. —Because a developer expended hundreds of thousands of dollars to build the roads in question, and because the evidence, even when viewed favorably to the county, showed that the problems raised by the county concerning shoulders occur at only certain locations in the two-mile road system, the county's acceptance of the roads did not amount to an illegal gratuity. [*Rabun County v. Mt. Creek Estates, LLC*, 280 Ga. 855, 632 S.E.2d 140, 2006 Ga. LEXIS 469 \(2006\)](#).

No violation when project benefited county. — Superior court did not err in concluding that the projects provided a substantial benefit for the county, and thus the bond transactions did not result in an unconstitutional gratuity in violation of the Gratuities Clause, [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#). [*Bene v. State*, 362 Ga. App. 73, 865 S.E.2d 249, 2021 Ga. App. LEXIS 563 \(2021\)](#).

Revenue bond does not violate this paragraph. — In four related appeals, the superior court did not err in validating the taxable revenue bonds because each of the petitions include their stated purpose, and the superior court heard evidence that the bonds would serve the public interest; and the bond transactions did not violate the Gratuities Clause, [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#), as the county would derive a substantial benefit from the projects at issue as the projects would improve the county's infrastructure, create hundreds of jobs, expand the tax rolls, and bring economic development. [*Bene v. State*, 362 Ga. App. 73, 865 S.E.2d 249, 2021 Ga. App. LEXIS 563 \(2021\)](#).

Amendment to Homestead Option Sales and Use Tax not payment of gratuity. —Trial court did not err in holding that Ga. L. 2007, p. 598, § 1 et seq., which amended the Homestead Option Sales and Use Tax (HOST) Act, [*O.C.G.A. § 48-8-100*](#) et seq., was not the payment of a gratuity in violation of [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI\(a\)*](#) because the equalization amount received by a city as a qualified municipality within a county special tax district clearly represented the share of homestead option sales and use tax capital outlay proceeds the legislature determined the city's residents were entitled to receive; therefore, that share was not a gift in violation of [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI\(a\)*](#); under the Homestead Option Sales and Use Tax Act, [*O.C.G.A. § 48-8-100*](#) et seq., as amended, the city, just like the county, would act as an agent for the special tax district coterminous with the geographical boundaries of the county in expending HOST revenues for capital outlay projects that benefited the special tax district. [*DeKalb County v. Perdue*, 286 Ga. 793, 692 S.E.2d 331, 2010 Ga. LEXIS 267 \(2010\)](#).

Billboard take-down credits. —Trial court erred in holding that the take-down credits under [*O.C.G.A. § 32-6-75.3\(j\)*](#) violated the gratuities clause because, to the contrary, the Supreme Court of Georgia has found that the

Georgia legislature has explicitly determined that removal of outdated signs provides a benefit to the State of Georgia and that there would be a financial benefit in allowing take-down credits. [*City of Columbus v. Ga. Dep't of Transp.*, No., 292 Ga. 878, 742 S.E.2d 728, 2013 Ga. LEXIS 415 \(2013\)](#).

Recognizances

Editor's notes. In light of the similarity of the provisions, decisions under former Ga. Const. 1976, Art. III, Sec. VIII, Para. VII and antecedent provisions, relating to restrictions on the power of the General Assembly to relieve principals or securities upon forfeited recognizances from payment thereof, are included in the annotations for this paragraph.

Resolution authorizing court to refund to surety amount paid on criminal bond forfeiture unconstitutional. [*McCook v. Long*, 193 Ga. 299, 18 S.E.2d 488, 1942 Ga. LEXIS 382 \(1942\)](#).

After the payment of a final judgment on a bond forfeiture and the delivery of that money to the county authorities no resolution or Act of the legislature may legally direct a refund of such payment. [*Washburn v. MacNeill*, 205 Ga. 772, 55 S.E.2d 135, 1949 Ga. LEXIS 580 \(1949\)](#).

For decision holding that such a resolution is not unconstitutional, see [*Stewart v. Davis*, 175 Ga. 545, 165 S.E. 598, 1932 Ga. LEXIS 286 \(1932\)](#).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

General Consideration

Paragraph applies to departments. —If the General Assembly cannot grant any donation or gratuity in favor of any person, corporation, or association, a department of the state would not be authorized to do so. 1957 Ga. Op. Att'y Gen. 246.

Conveyances in aid of public purposes. —Conveyance in aid of public purpose from which great benefits are expected is not within class of evils that this paragraph intended to prevent and is not within the meaning of the word "gratuity" as it naturally would be understood. 1958-59 Ga. Op. Att'y Gen. 281 (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

General welfare grants not permitted. —Direct grants to private persons to induce economic activity for the general welfare are not permitted. 1998 Op. Att'y Gen. No. U98-15.

Donations by city prohibited. —A contribution by a city to a private person, corporation, or association for any purpose which is not authorized by the charter of that city or by any provision of the Constitution or general law of this state is prohibited by this paragraph. 1974 Op. Att'y Gen. No. U74-59 (see [*Ga. Const. 1983, Art. III, Sec. VI, Para. VI*](#)).

Gratuities proscription is applicable to counties. 1980 Op. Att'y Gen. No. U80-43.

Payment of entertainment expense as gratuity. —Regional Development Centers, as public agencies and instrumentalities of the municipalities and counties in their regions, are subject to the Georgia Constitution's gratuities clause. Absent any specific authorizing statute, the payment of entertainment expenses would be

unauthorized. Indeed, such an expenditure would constitute a gratuity in violation of the Georgia Constitution. 1992 Op. Att'y Gen. No. 92-1.

Journalists' use of government office space not a violation. —The gratuities clause of the Georgia Constitution is not per se violated by the free use of government office space as a news room by journalists covering state government. 1993 Op. Att'y Gen. No. U93-14.

Use of state-owned aircraft. —If the Governor, Lieutenant Governor, or Speaker of the House must travel on personal or political business, such travel must be accomplished by private means unless the commissioner of public safety has determined that travel on state aircraft is necessary for personal security; otherwise, where any public officer uses a state aircraft for a personal or political reason, the use of the aircraft is contrary to the prohibitions of the gratuities clause and state statutes authorizing the use of state aircraft, even if the official was to reimburse the state for the direct costs associated with the trip. 2004 Op. Att'y Gen. No. 04-3.

Donations to Organizations and Industry

Paragraph violated by donation to private industry. —Municipalities are not authorized to make any donations or other financial contributions to private industry. 1952-53 Ga. Op. Att'y Gen. 129.

Chamber of commerce. —A municipality cannot constitutionally donate tax funds to a chamber of commerce. 1954-56 Ga. Op. Att'y Gen. 499.

A development authority may not disburse funds to a chamber of commerce for general promotion and other described activities without violating [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#). 1983 Op. Att'y Gen. No. 83-7.

A county development authority is not precluded by the gratuities clause of the Georgia Constitution from contracting with a chamber of commerce to encourage and promote the expansion of industry, agriculture, and trade in the county, using funds appropriated to the authority by the county board of commissioners, but such contracts must not be sham agreements, and they must result in substantial benefits to the county. 1986 Op. Att'y Gen. No. U86-28.

Donation to Southeastern Legal Foundation violated paragraph. —Funds of the Georgia Agricultural Commodity Commission may not be expended for contributions to and support of the activities of the Southeastern Legal Foundation. 1976 Op. Att'y Gen. No. 76-102.

Donation to Ducks Unlimited violated paragraph. —Game and Fish Commission (now Department of Natural Resources) may not make grant to Ducks Unlimited, although funds may be appropriated for the same purposes (e.g., recreation, conservation of natural resources). 1971 Op. Att'y Gen. No. 71-128.

Donation to Paralympic Organizing Committee violated paragraph. —The Department of Natural Resources could not use an appropriation to pay rent and other expenses to Georgia Tech on behalf of the Paralympic Organizing Committee. 1997 Op. Att'y Gen. No. 97-6.

Furnishing of office to privately organized credit union unconstitutional. —The board of regents may not donate to a privately organized credit union any office space, supplies, or telephone services when the expenses for same are borne by appropriations of the General Assembly. 1967 Op. Att'y Gen. No. 67-418.

Expenditure of state funds to furnish secretarial service to nonstate agency violated this paragraph. 1960-61 Ga. Op. Att'y Gen. 43 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Disbursement of federal funds to private hospital associations violated this paragraph. —In view of Ga. Const. 1976, Art. IX, Sec. V, Para. II (see Ga. Const. 1983, Art. IX, Sec. IV), and this paragraph, the State Treasurer (now director of the Office of Treasury and Fiscal Services) and the Department of Public Health (now Department of Human Resources) are without authority to receive and disburse federal funds under the provisions of the Hill-Burton Act (60 Stat. 1040, see [42 U.S.C. §§ 291a](#) through [291m](#)) to private nonprofit hospital associations or corporations. 1948-49 Ga. Op. Att'y Gen. 341 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Forgiveness of loans made by the Georgia Housing and Finance Authority under the Economic Development Incentive Loan Program violates state law. 1995 Op. Att'y Gen. No. 95-22 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Indemnity and hold harmless clause violates prohibition. —An indemnity and hold harmless clause in a proposed contract, under which clause a state agency would indemnify a private corporation, constitutes both a gratuity and a pledge of the state's credit and thus falls within the prohibitions contained in this paragraph and Ga. Const. 1976, Art. VII, Sec. III, Para. IV (see [Ga. Const. 1983, Art. VII, Sec. IV, Para. VIII](#)). 1980 Op. Att'y Gen. No. 80-67 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

County cannot make donations to water and sewerage authority, but it can enter into contracts with such authority. 1970 Op. Att'y Gen. No. U70-225.

Former Code 1933, §§ 104-204 and 104-205 (see now O.C.G.A. § 46-5-1 did not authorize telegraph and telephone companies to utilize state-owned stream bed properties without securing prior permission and making just compensation. 1970 Op. Att'y Gen. No. 70-169.

Board of regents may lease lands in return for the endowment of a research chair if the endowment is equal to the fair market value of the lease and the term of the lease is reasonable. 1995 Op. Att'y Gen. No. 95-25.

Paragraph not violated by purchase of promotional trinkets. —The purchase of cuff links and the decorative attachment to the key rings designed in the shape of the State of Georgia for controlled distribution to representatives of industries which the Department of Industry and Trade is attempting to encourage to locate or expand operations in Georgia is authorized by Ga. L. 1962, p. 694, § 7 (see now [O.C.G.A. § 50-7-7](#)) and is not repugnant to this paragraph, since the elements of gratuity are merely incidental to their dominant function of advertising and promotion. 1963-65 Ga. Op. Att'y Gen. 558.

Bondsman not entitled to refund of forfeiture even after surrender of principal. —Former Code 1933, § 27-904 (see now [O.C.G.A. § 17-6-31](#)) provided for the relieving of a bondsman's liability prior to the time that the bondsman pays the forfeiture to the county, but after the payment by a bondsman to the county of a final judgment on an appearance bond forfeiture, the bondsman is not entitled to a refund of the forfeiture even though the bondsman later surrenders the principal to county authorities. 1976 Op. Att'y Gen. No. U76-28 (decided under Ga. Const. 1976, Art. III, Sec. VIII, Para. VII, relating to restrictions on the power of the General Assembly to relieve principals or securities on forfeited recognizances from payment thereof).

Sale of and Improvements to Real Property

In any exchange or other negotiation, the state must receive full value for any property conveyed; otherwise, there occurs a grant or gift contrary to the terms of this paragraph. 1971 Op. Att'y Gen. No. U71-17 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Hospital authority can lease unimproved land to a third party subject to the prohibition against gratuities contained in this paragraph. 1971 Op. Att'y Gen. No. 71-190 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Paragraph violated by use of state funds for permanent improvements to private property. —Expenditures by board of regents for improvements on real property to which board does not hold title are illegal and unconstitutional. 1962 Ga. Op. Att'y Gen. 588.

It is unlawful to expend state funds in order to make permanent improvements to property unless the state owns the fee interest in the property concerned or unless the improvements are of such a nature or character to be subject to either recoupment or removal by the state at the time the state's use of the property terminates. 1967 Op. Att'y Gen. No. 67-115.

Construction of fall-out shelters on private property violated this paragraph. —Municipal bond money cannot be legally spent on improvement or conversion of existing building located on private property for construction of public fall-out shelters. 1962 Ga. Op. Att'y Gen. 332.

Maintaining private driveways violates this paragraph. —State funds or county funds can only be used for valid "public purposes" which clearly does not encompass maintaining private driveways. 1963-65 Ga. Op. Att'y Gen. 466.

Use of convict labor on private property is permissible in situations where the sole benefit flows to state. 1969 Op. Att'y Gen. No. 69-158.

Paragraph not violated by clearing land in return for use of property. —Under Ga. L. 1956, p. 161, § 22 (see now [O.C.G.A. § 42-5-60](#)), an agreement entered into between the warden of a prison branch and a private landowner, whereby in consideration of the warden's clearing five acres of land belonging to the landowner, the landowner will permit the prison branch to occupy the land rent free for a period of three years, is not illegal, so long as it was entered into in good faith, for the purpose of procuring the use of land for the state, rather than as a guise whereby the private landowner is enabled to receive a gratuity from the state, prohibited by this paragraph. 1958-59 Ga. Op. Att'y Gen. 248 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Positioning officer's mobile home on prison property does not violate paragraph. —The use of inmate labor to position and level a correctional officer's mobile home site on prison property is not a violation of this paragraph. 1969 Op. Att'y Gen. No. 69-418 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

When use of state labor to move fence for right of way permissible. —The State Highway Department (now Department of Transportation) can contract with a private property owner to use prison labor or state maintenance forces to remove and reset fences upon the private property which is to be used as a right of way, since the utilization of this prison labor is to the benefit of the state. However, the department cannot guarantee to a county that it will perform these acts or expend this money if a county in turn entered into such an agreement with the private landowner which guaranteed to the private landowner that the state would perform such acts. 1969 Op. Att'y Gen. No. 69-158.

Educational Institutions

This paragraph does not apply to state grants for educational purposes. 1971 Op. Att'y Gen. No. 71-147 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Grants to nonprofit educational corporation are legal where sole purpose is to carry forward a public-type undertaking previously conducted by state. 1958-59 Ga. Op. Att'y Gen. 281.

Junior College Act of 1958 does not violate this paragraph (Ga. L. 1958, p. 47; see O.C.G.A. Art. 4, Ch. 3, T. 20). 1963-65 Ga. Op. Att'y Gen. 100.

Use of federal funds in private schools approved. —So long as Title II of the Elementary and Secondary Education Act of 1965 (79 Stat. 27) is wholly financed by the federal government and no state matching funds are involved, the State Board of Education may lawfully administer a state plan adopted under this title of the Act even though it contemplates the providing of school library resources, textbooks, and other printed instructional materials for the use of students and teachers in private as well as public schools. 1965-66 Op. Att'y Gen. No. 65-4.

Neither the state, a county, or a city may constitutionally give or donate school property to a private individual or institution; outright sale of such school property with no strings attached is permissible. 1958-59 Ga. Op. Att'y Gen. 175.

While the discretionary powers of a county school board were exceedingly broad under former Code 1933, § 32-909 (see now [O.C.G.A. § 20-2-520](#)), it was quite clear that the section did not authorize a county school board to make a “gift” of school property to a citizen or group of citizens; the power of disposition was limited to the “sale” of such property. 1963-65 Ga. Op. Att'y Gen. 628.

Paragraph violated by use of funds for room and board and medical treatment for students. —Neither the State Board of Education nor local boards of education can lawfully use school funds for room and board (other than school lunches) or for medical (including psychiatric) treatment or services beyond such evaluation as is necessary to placement and the determination of the proper educational program for a given child. 1979 Op. Att'y Gen. No. 79-1.

Fiscal resources of the Georgia Agricultural Commodity Commission for Milk may not be expended to fund student scholarships in the dairy science curricula at University of Georgia or to participate in funding a private scholarship foundation for students matriculating in such curricula. 1976 Op. Att'y Gen. No. 76-115.

Board of regents may not lawfully employ “housemothers” at privately owned, off-campus, student dormitories. 1967 Op. Att'y Gen. No. 67-259.

Distinguishing between accredited and unaccredited proprietary schools for inclusion in informational directory. —State’s interest in disseminating information only on schools which meet certain minimum standards for protection of its citizenry is certainly one rational basis for distinguishing between accredited and unaccredited proprietary schools for inclusion by Georgia Educational Improvement Council in informational directory regarding post-secondary schools. 1981 Op. Att'y Gen. No. 81-107.

Inclusion of proprietary schools by Georgia Educational Improvement Council in informational directory regarding certain post-secondary educational institutions does not violate this clause, since citizens of Georgia will benefit from a listing of accredited proprietary schools along with other post-secondary schools in one directory. 1981 Op. Att'y Gen. No. 81-107 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Prohibition contained in paragraph (b) applies to county boards of education. 1981 Op. Att'y Gen. No. U81-13 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Payment to make school superintendent’s salary comply with requirements of State Board of Education constitutes salary adjustment rather than extra compensation and is not unlawful. 1981 Op. Att'y Gen.

No. U81-13.

Licensing university trademarks. —The Board of Regents may by contract authorize foundations and athletic associations affiliated with university system institutions to license trademarks of the Board of Regents with the specific requirement that any funds generated thereby will be applied solely for the use and benefit of the educational programs at the institution concerned without violating [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#). 1983 Op. Att'y Gen. No. 83-10.

Public Employees

Paragraph violated by payment to one not performing services. —The State Board of Health (now Department of Human Resources) is not authorized to provide compensation for a person who is inactive and not performing services for the state in return for the emolument received. 1945-47 Ga. Op. Att'y Gen. 522.

County expending funds to satisfy judgment rendered against ex-sheriff violates this paragraph. 1975 Op. Att'y Gen. No. U75-26 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Payments to former chancellor violate this paragraph. —Payments to a former chancellor after the chancellor's resignation, and to the widow of the director of budgets after the director's death, are illegal under this paragraph and must be repaid to the state by the board of regents and its treasurer. 1948-49 Ga. Op. Att'y Gen. 540 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Payroll deductions for third party violates this paragraph. —In the absence of authorizing legislation, it would not be lawful for a state agency to deduct dues, contributions, or donations from a public employee's paycheck for transmittal to some third party with which the state agency has no contractual relationship; this includes prohibiting a state agency from making payroll deductions for charitable purposes from a state employee's pay on a voluntary basis. 1974 Op. Att'y Gen. No. U74-62.

Deductions for private parking facility violates this paragraph. —Monthly payroll deductions for parking spaces of individual employees in private facility, where the owner of the private facility is a third-party recipient not in contractual relationship with the government, would be a gratuity prohibited by this paragraph. 1976 Op. Att'y Gen. No. 76-114 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

This paragraph prohibits pay raises which are retroactive in nature. 1967 Op. Att'y Gen. No. 67-150 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

If the management of an agency had the discretion to grant a merit increase and, for some reason did not exercise that discretion, any attempt to make retroactive payment would be granting extra compensation to a public officer or agent after the service had been rendered in violation of this paragraph. 1972 Op. Att'y Gen. No. 72-110 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

If the management of a department had the discretion to grant a merit increase and lawfully did not exercise that discretion, any attempt to later make a retroactive payment would be granting extra compensation to a public officer or agent after the service had been rendered and would violate this paragraph. 1976 Op. Att'y Gen. No. 76-62 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Discretionary salary increases may not be retroactively granted where higher appointing authority disagrees with lower appointing authority's earlier decision to deny increase. 1980 Op. Att'y Gen. No. 80-14.

Legislation which attempts to increase benefits of those already retired is in violation of this paragraph. 1967 Op. Att'y Gen. No. 67-399 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

A supplemental retirement plan for public employees which does not require a substantial benefit to the employer, in the form of new service or otherwise, violates the prohibitions against governmental gratuities and extra compensation for services rendered. 1996 Op. Att'y Gen. No. U96-21.

Voluntary deductions from wages for charitable donations. —Since charitable deductions are authorized by [O.C.G.A. § 45-20-50](#) et seq. to provide employees of various state agencies with an additional employment benefit, such benefit becomes part of the employment contract, and consequently is not a gratuity to the employees. 1982 Op. Att'y Gen. No. 82-79.

Paragraph not violated by payment of retirement allowance. —The regents may pay a retirement allowance to an employee of a radio station which is owned by the regents and operated under the auspices of the Georgia Institute of Technology. 1967 Op. Att'y Gen. No. 67-362.

Authorization of tax-sheltered annuity plans does not violate this paragraph. —The Board of Regents of the University System of Georgia may authorize the units of the university system to enter into tax-sheltered annuity plans for its employees, and such annuities cannot be considered gratuities under this paragraph. 1965-66 Op. Att'y Gen. No. 65-69 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Emeritus positions do not violate this paragraph. 1963-65 Ga. Op. Att'y Gen. 417 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Advance payment of travel expenses does not violate this paragraph. —The use of public funds for advance payment of state employee travel expenses, authorized under Ga. L. 1973, p. 842, § 1 et seq. (see now [O.C.G.A. §§ 45-7-25](#) through [45-7-28](#)), does not violate this paragraph or Ga. Const. 1976, Art. VII, Sec. III, Para. IV (see [Ga. Const. 1983, Art. VII, Sec. IV, Para. VIII](#)). 1973 Op. Att'y Gen. No. 73-87 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Employees' Suggestion and Awards Program does not violate this paragraph. —Compensation pursuant to the Employees' Suggestion and Awards Program (see now O.C.G.A. Ch. 21, T. 45) would be payment for a service which has been performed by the employee and would not fall into the category of a gift or gratuity. 1971 Op. Att'y Gen. No. 71-183 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Money paid under the Employees' Suggestion and Awards Program (see now O.C.G.A. Ch. 21, T. 45) is an award and as such does not violate this paragraph, since such payment is a form of compensation. 1973 Op. Att'y Gen. No. 73-86 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Local school system employee suggestion programs do not violate the constitutional prohibition against gratuities. 1998 Op. Att'y Gen. No. U98-14.

Payment for unused annual leave as terminal leave does not violate Ga. Const. 1983, Art. III, Sec. VI, Para. VI. —A county board of education may pay an elected Superintendent for the Superintendent's unused annual leave as terminal leave when the Superintendent vacates office so long as such payment was previously agreed to as part of his compensation package. 1989 Op. Att'y Gen. 89-51.

Employment status of University System professor not affected by detention behind Iron Curtain where trip abroad is part of professor's duties. 1967 Op. Att'y Gen. No. 67-178.

State employees may use department purchased corporate credit cards to purchase commercial transportation but employees provided with such cards should be required to execute change of beneficiary form so that any travel insurance benefits payable because of the use of the cards will be payable to the department to avoid conflict with this section. 1980 Op. Att'y Gen. No. 80-65 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Uniformed officers in Motor Carrier Certification and Enforcement Division, Georgia Public Service Commission, are not entitled to receive indemnification pursuant to Ga. L. 1978, p. 1914, § 1 (see now O.C.G.A. Art. 5, Ch. 9, T. 45) with respect to death occurring in the line of duty. 1980 Op. Att'y Gen. No. 80-119.

Transfer of leave time prohibited. —No leave accrued by a county employee under a county personnel system can be transferred when the employee becomes a state employee since assumption of such leave by the state would be a gratuity prohibited by [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#) and would violate [Ga. Const. 1983, Art. VII, Sec. IV, Para. X](#), which prohibits the assumption of any debt owed by the county. 1984 Op. Att'y Gen. No. 84-38.

Educational debt repayment. —Even though hospital authorities are subject to the gratuities clause of the Georgia Constitution, an authority may offer a prospective employee a signing bonus if it receives a substantial benefit in exchange; however, a hospital authority may not assume payment of a prospective employee's educational loan without explicit statutory authority to do so. 2002 Op. Att'y Gen. No. U2002-7.

Other Expenditures

Paragraph violated by paying damages for negligence to a few. —The General Assembly has never seen fit to provide that the state would be liable to all persons who were injured or damaged by reason of the negligence of its employees. The giving of such benefits to a few, to the exclusion of others, would make such gift by the General Assembly a pure gratuity or donation. 1945-47 Ga. Op. Att'y Gen. 632.

Providing compensation for services already rendered violates this paragraph. —House Resolution No. 61-151 (1961), which attempts to provide compensation to a contractor because the authority of the Highway Department (now Department of Transportation) to do so is in question, is unconstitutional because it provides payment for services already rendered in violation of this paragraph. 1960-61 Ga. Op. Att'y Gen. 44 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Payment under illegal contract violates this paragraph. —Where Highway Department (now Department of Transportation) had no legal authority to enter into contracts for adjustment of facilities of utility owners, such contracts are void, and any attempt to make payment under them would violate this paragraph. 1967 Op. Att'y Gen. No. 67-339 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Assumption of shipping expenses violates this paragraph. —Where the seller must bear the shipping expense under the term "F.O.B. the place of destination" and there is no obligation on the state as purchaser to assume this burden, any attempt by the state to do so would be, in effect, a gratuity. 1969 Op. Att'y Gen. No. 69-1.

Prisoners working on private vehicles unconstitutional. —It is not permissible for the inmates of a training and development center for state prisoners to perform work on private vehicles to obtain practice in carrying out

procedures learned in the automobile school. 1967 Op. Att'y Gen. No. 67-452.

Payment for awards luncheon violates this paragraph. —It would be a violation of this paragraph for the state to pay for an awards luncheon. 1971 Op. Att'y Gen. No. 71-42 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

County jail inmates may not be utilized to clean graffiti from private property unless it can be clearly demonstrated that the use of such inmates for this purpose confers a substantial public benefit, since the performance of such a service at county expense would violate the gratuities clause of the Constitution. 2001 Op. Att'y Gen. No. U2001-4.

Payment of entertainment expense as gratuity. —Regional Development Centers, as public agencies and instrumentalities of the municipalities and counties in their regions, are subject to the Georgia Constitution's gratuities clause. Absent any specific authorizing statute, the payment of entertainment expenses would be unauthorized. Indeed, such an expenditure would constitute a gratuity in violation of the Georgia Constitution. 1992 Op. Att'y Gen. No. 92-1.

DOT precluded from acting as conduit for federal money. —If there is no specific statutory authority, the Department of Transportation will be precluded from acting as a conduit for federal money by this paragraph. 1972 Op. Att'y Gen. No. 72-117 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

County may not pay the processioners' fees in processioning proceeding unless it is the applicant for, otherwise, the payment would constitute a gratuity to the applicant in violation of this paragraph. 1971 Op. Att'y Gen. No. U71-45 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Bondsman not entitled to refund of forfeiture even after surrender of principal. —Former Code 1933, § 27-904 (see now [O.C.G.A. § 17-6-31](#)) provided for the relieving of a bondsman's liability prior to the time that the bondsman pays the forfeiture to the county, but after the payment by a bondsman to the county of a final judgment on an appearance bond forfeiture, the bondsman was not entitled to a refund of the forfeiture even though the bondsman later surrendered the principal to county authorities. 1976 Op. Att'y Gen. No. U76-28.

Additional compensation for services not authorized. —The Department of Transportation may not include in a contract for services a provision which would allow it, if it desired, to pay additional compensation for the services if they are not completed for the originally agreed upon amount. 1974 Op. Att'y Gen. No. 74-37.

Proposed \$5,000 signing bonus for new therapists employed by the Division of Rehabilitation Services of the Department of Human Resources, if it is a gratuity, would violate subsection (a) of [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#). 1989 Op. Att'y Gen. No. 89-10.

Carriage upon state aircraft must be limited to state officials and employees on official business of the state and those non-employees from whose carriage the state derives some benefit. The only exceptions may be in those areas exempted from subsection (a) of [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#) by subsection (b). 1989 Op. Att'y Gen. No. 89-19.

Paragraph not violated by payments pursuant to authorized contract. —When a county makes payments pursuant to a contract with another local government in return for bargained-for consideration which constitutes

substantial benefits, and the contract is otherwise authorized, the gratuity provision would not be violated. 1989 Op. Att'y Gen. U89-15.

Reasonable tips for services are not gratuities and may be borne by state departments. 1970 Op. Att'y Gen. No. 70-28.

When funds may be expended on official state theater. —The mere designation of an official state theater by the General Assembly would not, in itself, authorize the expenditure of state funds in its operation if the theater's ownership remained private; any contribution of funds under these circumstances would constitute a donation or gratuity in violation of this paragraph. Conversely, should a theater be acquired and operated by the state or function in connection with a state department or agency, state funds may then be used in its operation. 1969 Op. Att'y Gen. No. 69-329 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Inmate scholarship matching program. —This paragraph was not applicable where the General Assembly appropriated state funds for a federal matching fund program for inmate scholarships. 1972 Op. Att'y Gen. No. 72-111 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

County may apply to federal government for funds to be used for urban redevelopment and for public housing within the county. 1975 Op. Att'y Gen. No. U75-35.

Agency or department of the state may employ Atlanta Historical Society to obtain information in connection with advertising and promoting historical resources. 1945-47 Ga. Op. Att'y Gen. 287.

Reimbursement by one state agency to another agency, both of which are administered by the State Merit System, is not prohibited by this paragraph. 1963-65 Ga. Op. Att'y Gen. 374 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Payment of claim under Motor Vehicle Certificate of Title Act approved. —If, pursuant to Ga. L. 1965, p. 304, § 10 (see now [O.C.G.A. § 40-3-6](#)), the board to hear complaints and claims finds that an act or omission of the commissioner or one of the commissioner's employees in the administration of the Motor Vehicle Certificate of Title Act (see now O.C.G.A. Ch. 3, T. 40) has caused monetary damage, the Department of Revenue can legally pay the claim. 1965-66 Op. Att'y Gen. No. 66-223.

Entering into enforceable contract for prepayment of professional services and paying pursuant to such contract is not unlawful. 1981 Op. Att'y Gen. No. 81-29.

Legality of pretrial release programs. —Pretrial release programs where defendants are allowed to pay 10 percent of the bond originally set by the court upon their satisfying certain administrative criteria are appropriate as long as the county is not put in the position of being the surety of the remaining part of the bond, which would be in violation of this section. 1980 Op. Att'y Gen. No. 80-85 (see [Ga. Const. 1983, Art. III, Sec. VI, Para. VI](#)).

Department of Medical Assistance (now Department of Community Health) may not forbear collection of overpayments made to providers. 1980 Op. Att'y Gen. No. 80-89.

Removing vegetation to facilitate viewing of privately owned billboards not violative of paragraph. —Cutting of trees and vegetation on rights-of-way, without cost or expense to taxpayers and to extent no more than minimally necessary to facilitate reasonably adequate public viewing of privately owned billboards, does not itself amount to donation of constitutionally forbidden gratuity. 1981 Op. Att'y Gen. No. 81-75.

O.C.G.A. §§ 32-6-75.2 and 32-6-75.3 do not authorize direct economic benefit to private persons. —Neither [O.C.G.A. § 32-6-75.2](#) nor [O.C.G.A. § 32-6-75.3](#) authorizes any private person to derive any economic benefit directly from disposition of material severed from rights-of-way. 1981 Op. Att'y Gen. No. 81-75.

Payroll deduction programs for public employees. —Political subdivisions may establish payroll deduction programs for public employees provided that there is statutory authority to do so and that the programs are not unconstitutional gratuities. The General Assembly, by acting in this area through various general statutory provisions, intended to permit local governments to utilize payroll deduction plans only in limited circumstances as outlined in those kinds of general laws; there is no general law authorizing local governments to undertake payroll deduction programs either through the passage of local law or through local ordinances. Absent authority to engage in such programs through the enactment of local laws, the most appropriate method for their implementation would be through the passage of general laws. 2014 Op. Att'y Gen. No. U2014-3.

Research References & Practice Aids

Cross references. Reward for first oil well in state, [§ 12-4-20](#).

Compensation for crime victims, [§ 17-14-30](#) et seq.

Indemnification for death of publicly employed emergency services personnel and prison guards, [§ 45-9-80](#) et seq.

Temporary disability compensation for officers or firefighters injured in the line of duty, [§ 45-9-101](#) et seq.

Donations of books and printed materials to nonprofit organizations, § 45-13-83 et seq.

Payment by Department of Industry and Trade of expenses of industrial prospects, [§ 50-7-15](#).

Law reviews.

For comment on [Sams v. Olah, 225 Ga. 497, 169 S.E.2d 790 \(1969\)](#) as to the constitutionality of the State Bar Act (Art. 2, Ch. 19, T. 5), see 21 Mercer L. Rev. 355 (1969).

For article, "Public Rights in Georgia's Tidelands," see 9 Ga. L. Rev. 79 (1974).

For note discussing restrictions on the creation of public purpose corporations, see 8 Ga. L. Rev. 680 (1974).

For article discussing sovereign immunity and the State Court of Claims, see 14 Ga. St. B.J. 152 (1978).

For article, "Workers' Compensation in Georgia Municipal Law," see 15 Ga. L. Rev. 57 (1980).

For annual survey of constitutional law, see 40 Mercer L. Rev. 117 (1988).

RESEARCH REFERENCES

Am. Jur. 2d. —63C Am. Jur. 2d, Public Funds, § 70 et seq.

ALR. —Power of Legislature to grant extra compensation for past services of individual public officer or employee, 23 A.L.R. 612.

Ga. Const. Art. III, § VI, Para. VI

Validity of contract by officer with public for rendition of new or special services to be paid for in addition to regular compensation, 159 A.L.R. 606.

Validity and effect of agreement by public officer or employee to accept less than compensation of fees fixed by law, or of acceptance of reduced amount, 160 A.L.R. 490.

Statutes providing for governmental compensation for victims of crime, 20 A.L.R.4th 63.

State or local governmental body's action or inaction, in provision of public utility services, benefiting private company as constituting gift of money, or pledge of credit, to private party in violation of state constitutional provision, 122 A.L.R.5th 337.

Hierarchy Notes:

[Ga. Const. Note](#)

[Ga. Const. Art. III](#)

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