

House Bill 1095

By: Representative Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend the Official Code of Georgia Annotated so as to change references to certain  
2 committees of the Georgia Senate and House of Representatives in the Official Code of  
3 Georgia Annotated to conform such references to committee names as adopted by resolution  
4 by the Georgia Senate and the Georgia House of Representatives, respectively; to provide  
5 for editorial revision; to provide an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 The Official Code of Georgia Annotated is amended by striking from the following Code  
10 sections the phrases "Agriculture Committee of the Senate", "Senate Agriculture  
11 Committee", and "Committee on Agriculture of the Senate" wherever the same shall occur  
12 and inserting in lieu thereof, respectively, the phrase "Senate Agriculture and Consumer  
13 Affairs Committee":

- 14 (1) Code Section 2-4-7, relating to an advisory board to the Georgia Seed Development  
15 Commission;
- 16 (2) Code Section 2-8-14, relating to the composition, appointments, memberships, and  
17 compensation of the agriculture commodity commissions;
- 18 (3) Code Section 4-15-1, relating to the establishment of a dog and cat reproductive  
19 sterilization support program; and
- 20 (4) Code Section 27-4-253, relating to the creation, membership, and operation of the  
21 Aquaculture Development Commission.

22 **SECTION 2.**

23 Code Section 2-7-113.1 of the Official Code of Georgia Annotated, relating to local  
24 regulation of pesticides and variances from regulations of the Commissioner of Agriculture,

1 is amended by striking subsection (b) in its entirety and inserting in lieu thereof the  
2 following:

3 "(b) The governing authority of any county or municipality may, by resolution, petition  
4 the Commissioner of Agriculture for a variance from a rule or regulation of the  
5 Commissioner because of special circumstances relating to the use or application of a  
6 pesticide. If such a petition is received by the Commissioner, it shall be the duty of the  
7 Commissioner to notify the President of the Senate, the Speaker of the House of  
8 Representatives, and the ~~chairmen~~ chairpersons of the Agriculture and Consumer Affairs  
9 Committee and Natural Resources and the Environment Committee of the Senate and the  
10 Agriculture and Consumer Affairs Committee and the Natural Resources and  
11 Environment Committee of the House of Representatives that such petition has been  
12 received. The Commissioner shall conduct a public hearing on such petition and issue a  
13 decision on the requested variance within 60 days of the receipt of the petition. If a  
14 decision is not given within 60 days of the receipt of the petition, the variance shall  
15 automatically be granted. The Commissioner may grant a variance requested under this  
16 subsection with or without changes."

17 **SECTION 3.**

18 The Official Code of Georgia Annotated is amended by striking from the following Code  
19 section the phrase "Corrections, Correctional Institutions and Property Committee of the  
20 Senate" wherever the same shall occur and inserting in lieu thereof the phrase "Senate State  
21 Institutions and Property Committee":

22 (1) Code Section 42-5-53, relating to the establishment of county correctional institutions  
23 and the supervision and operation of such institutions.

24 **SECTION 4.**

25 The Official Code of Georgia Annotated is amended by striking from the following Code  
26 section the phrase "Senate Defense, Science and Technology Committee" wherever the same  
27 shall occur and inserting in lieu thereof respectively the phrase "Senate Science and  
28 Technology Committee":

29 (1) Code Section 50-13-4, relating to the procedural requirements for adoption,  
30 amendment, or repeal of rules.

31 **SECTION 5.**

32 The Official Code of Georgia Annotated is amended by striking from the following Code  
33 sections the phrases "Senate Economic Development and Tourism Committee", "Senate  
34 Economic Development, Tourism, and Cultural Affairs Committee", "Economic

1 Development, Tourism, and Cultural Affairs Committee of the Senate", and "Senate  
2 Committee on Economic Development and Tourism" wherever the same shall occur and  
3 inserting in lieu thereof, respectively, the phrase "Senate Economic Development  
4 Committee":

5 (1) Code Section 10-9-20, relating to the creation and operation of the Geo. L. Smith II  
6 Georgia World Congress Center Authority Overview Committee;

7 (2) Code Section 10-10-7, relating to the publication of an annual report by the  
8 Advanced Technology Development Center;

9 (3) Code Section 12-3-318, relating to purposes for which income, gifts, grants,  
10 appropriations, bonds, or loans may be used by the Lake Lanier Islands Development  
11 Authority;

12 (4) Code Section 50-12-75, relating to the designation of overview committees to review  
13 and evaluate the Aviation Hall of Fame Board; and

14 (5) Code Section 50-27-34, relating to the legislative oversight committee for the  
15 Georgia Lottery Corporation.

16 **SECTION 6.**

17 The Official Code of Georgia Annotated is amended by striking from the following Code  
18 sections the phrase "Senate Education Committee" wherever the same shall occur and  
19 inserting in lieu thereof, the phrase "Senate Education and Youth Committee":

20 (1) Code Section 20-2-285.1, relating to provisions applicable to third grade  
21 criterion-referenced reading assessment students; and

22 (2) Code Section 20-3-519.13, relating to the creation and reporting requirements of the  
23 HOPE/Pre-K Legislative Oversight Committee.

24 **SECTION 7.**

25 The Official Code of Georgia Annotated is amended by striking from the following Code  
26 sections the phrases "Education Committees of the House of Representatives and the Senate"  
27 and "House and Senate Education Committees" wherever the same shall occur and inserting  
28 in lieu thereof, respectively, the phrase "House Education Committee and the Senate  
29 Education and Youth Committee":

30 (1) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage  
31 and criteria for determining the shortages; and

32 (2) Code Section 20-3-250.5, relating to the administration and general powers and  
33 duties of the Nonpublic Postsecondary Education Commission.

**SECTION 8.**

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrases "Appropriations and Education committees of the House of Representatives and the Senate", "Education and Appropriations committees of the House of Representatives and the Senate of the General Assembly" and "Appropriations and Education committees of the House of Representatives and Senate of the General Assembly" wherever the same shall occur and inserting in lieu thereof, respectively, the phrase "Appropriations Committees of the House of Representatives and the Senate, the House Education Committee, and the Senate Education and Youth Committee":

- (1) Code Section 20-2-250, relating to projects to improve effectiveness;
- (2) Code Section 20-2-260, relating to capital outlay funds generally; and
- (3) Code Section 20-2-321, relating to expense record requirements.

**SECTION 9.**

The Official Code of Georgia Annotated is amended by striking from the following Code sections the phrase "House and Senate Education Committees" wherever the same shall occur and inserting in lieu thereof, respectively, the phrase "House Education Committee, the Senate Education and Youth Committee":

- (1) Code Section 49-5-224, relating to the submission of an annual report by the commissioner of human resources; and
- (2) Code Section 49-5-227, relating to the Children and Youth Coordinating Council to comment and provide recommendations on the plan for the Coordinated System of Care.

**SECTION 10.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Code Section 20-2-320, relating to the Education Information Steering Committee, by striking subsection (c) in its entirety and inserting in lieu thereof the following:

"(c) For the purpose of this article, authorized educational agencies shall be the Department of Education; the Department of Early Care and Learning; the Board of Regents of the University System of Georgia; the Department of Technical and Adult Education; the Education Coordinating Council; the Professional Standards Commission; the State Data and Research Center and units under contract to the State Data and Research Center; the Office of Student Achievement; the education policy and research components of the office of the Governor; the Office of Planning and Budget; the Legislative Budget Office; the House Research Office; and the Senate Research Office. Any information collected over the state-wide comprehensive educational information system, including individual student records and individual personnel records, shall be accessible by

1 authorized educational agencies, provided that any information which is planned for  
 2 collection over the system but which is temporarily being collected by other means shall  
 3 also be accessible by authorized educational agencies and provided, further, that adequate  
 4 security provisions are employed to protect the privacy of individuals. All data maintained  
 5 for this system shall be used for educational purposes only. In no case shall information be  
 6 released by an authorized educational agency which would violate the privacy rights of any  
 7 individual student or employee. Information released by an authorized educational agency  
 8 in violation of the privacy rights of any individual student or employee shall subject the  
 9 authorized educational agency to all penalties under applicable state and federal law. Any  
 10 information collected over the state-wide comprehensive educational information system  
 11 which is not stored in an individual student or personnel record format shall be made  
 12 available to the Governor, ~~and the House and Senate Appropriations, Education, and~~  
 13 ~~Higher Education committees, the House Education Committee, and the Senate Education~~  
 14 ~~and Youth Committee,~~ except information otherwise prohibited by statute. Data which are  
 15 included in an individual student record or individual personnel record format shall be  
 16 extracted from such records and made available in nonindividual record format for use by  
 17 the Governor, committees of the General Assembly, and agencies other than authorized  
 18 educational agencies."

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#### SECTION 11.

20 Said Title 20 is further amended in Code Section 20-14-27, relating to required reports by  
 21 the Office of Student Achievement, by striking subsection (b) in its entirety and inserting in  
 22 lieu thereof the following:

23 "(b) Each report provided for in this Code section shall be published in a format that can  
 24 be easily understood by parents and other members of the community who are not  
 25 professional educators. Such reports shall be distributed to the Governor, Lieutenant  
 26 Governor, the Speaker of the House of Representatives, the chairpersons of the ~~Education~~  
 27 ~~and Higher Education committees of the Senate and House of Representatives,~~ the House  
 28 Education Committee, and the Senate Education and Youth Committee, members of the  
 29 state education governing boards or commissions, and members of the council. The office  
 30 shall not be required to distribute copies of such reports to the members of the General  
 31 Assembly but shall notify such members of the availability of the reports in the manner  
 32 which it deems to be most effective and efficient. In addition, such reports shall be posted  
 33 on the website of the office."



1 (4) Code Section 12-5-580, relating to the creation of coordinating committees by the  
2 Metropolitan North Georgia Water Planning District Governing Board;

3 (5) Code Section 12-5-581, relating to the creation of advisory councils by the  
4 Metropolitan North Georgia Water Planning District Governing Board;

5 (6) Code Section 12-5-586, relating to an annual report detailing activities of the  
6 Metropolitan North Georgia Water Planning District;

7 (7) Code Section 12-11-11, relating to the Conservation Corps Advisory Council;

8 (8) Code Section 40-2-49.1, relating to license plates promoting the Bobwhite Quail  
9 Restoration Initiative; and

10 (9) Code Section 40-2-86.6, relating to license plates promoting conservation and  
11 enhancement of trout populations.

### 12 SECTION 15.

13 Code Section 28-8-1 of the Official Code of Georgia Annotated, relating to the creation of  
14 the Georgia Criminal Justice Improvement Council and its membership and operations, is  
15 amended by striking paragraph (3) of subsection (a) in its entirety and inserting in lieu  
16 thereof the following:

17 "(3) The ~~chairmen~~ chairpersons of the Judiciary, Special Judiciary, Public Safety and  
18 Homeland Security, and ~~Corrections, Correctional~~ State Institutions and Property  
19 committees of the Senate;"

### 20 SECTION 16.

21 The Official Code of Georgia Annotated is amended by striking from the following Code  
22 section the phrase "Senate Committee on Health and Human Services" wherever the same  
23 shall occur and inserting in lieu thereof the phrase "Senate Health and Human Services  
24 Committee":

25 (1) Code Section 49-5-227, relating to the Children and Youth Coordinating Council to  
26 comment and provide recommendations on the plan for the Coordinated System of Care.

### 27 SECTION 17.

28 The Official Code of Georgia Annotated is amended by striking from the following Code  
29 sections the phrases "Health and Human Services Committee of the House of  
30 Representatives", "Health and Human Services Committee of the House", and "House  
31 Committee on Health and Human Services" wherever the same shall occur and inserting in  
32 lieu thereof, respectively, the phrase "House Health and Human Services Committee":

33 (1) Code Section 31-6-21.1, relating to procedures for rule making by the Department  
34 of Community Health;

1 (2) Code Section 31-6-46, relating to an annual report by the Department of Community  
2 Health;

3 (3) Code Section 31-43-4, relating to members of the Commission on Men's Health;

4 (4) Code Section 44-5-150, relating to duties of Advisory Board on Anatomical Gift  
5 Procurement; and

6 (5) Code Section 49-4-149.1, relating to the submission by the Department of  
7 Community Health of a plan for family supplementation of Medicaid payments;

8  
9 **SECTION 18.**

10 The Official Code of Georgia Annotated is amended by striking from the following Code  
11 sections the phrases "Industry Committee of the House of Representatives", "Industry  
12 Committee of the Georgia House of Representatives", and "House Committee on Industry"  
13 wherever the same shall occur and inserting in lieu thereof, respectively, the phrase "House  
14 Public Utilities and Telecommunications Committee":

15 (1) Code Section 46-2-23, relating to the rate-making power of the Public Service  
16 Commission generally;

17 (2) Code Section 46-10-3, relating to the creation of consumers' utility counsel and the  
18 appointment, qualifications, and compensation thereof; and

19 (3) Code Section 50-13-4, relating to the procedural requirements for adoption,  
20 amendment, or repeal of rules.

21 **SECTION 19.**

22 The Official Code of Georgia Annotated is amended by striking from the following Code  
23 sections the phrases "Industry Committee of the House of Representatives" and "House  
24 Committee on Industry" wherever the same shall occur and inserting in lieu thereof,  
25 respectively, the phrase "House Economic Development and Tourism Committee":

26 (1) Code Section 50-5-124, relating to reports required of an advisory council to the  
27 Department of Administrative Services; and

28 (2) Code Section 50-12-75, relating to the designation of overview committees to review  
29 and evaluate the Aviation Hall of Fame Board.

30 **SECTION 20.**

31 The Official Code of Georgia Annotated is amended by striking from the following Code  
32 section the phrase "Journals Committee of the House of Representatives" wherever the same  
33 shall occur and inserting in lieu thereof the phrase "House Information and Audits  
34 Committee":



1 (1) Code Section 28-1-8, relating to salary and allowances of members and officers of  
2 the General Assembly.

3 **SECTION 21.**

4 Code Section 9-10-150 of the Official Code of Georgia Annotated, relating to grounds for  
5 continuance for a party or attorney in the General Assembly, is amended by striking such  
6 Code section in its entirety and inserting in lieu thereof the following:

7 "9-10-150.

8 A member of the General Assembly who is a party to or the attorney for a party to a case,  
9 or any member of the staff of the Lieutenant Governor, the Speaker of the House of  
10 Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the  
11 House of Representatives, or the chairperson of the Judiciary Committee or Special  
12 Judiciary Committee of ~~either the Senate or of the~~ Judiciary Committee or Judiciary,  
13 Non-civil Committee of the House of Representatives who is the lead counsel for a party  
14 to a case pending in any trial or appellate court or before any administrative agency of this  
15 state, shall be granted a continuance and stay of the case. The continuance and stay shall  
16 apply to all aspects of the case, including, but not limited to, the filing and serving of an  
17 answer to a complaint, the making of any discovery or motion, or of any response to any  
18 subpoena, discovery, or motion, and appearance at any hearing, trial, or argument. Unless  
19 a shorter length of time is requested by the member, the continuance and stay shall last the  
20 length of any regular or extraordinary session of the General Assembly and during the first  
21 three weeks following any recess or adjournment including an adjournment sine die of any  
22 regular or extraordinary session. Notwithstanding any other provision of law, rule of court,  
23 or administrative rule or regulation, the time for doing any act in the case which is delayed  
24 by the continuance provided by this Code section shall be automatically extended by the  
25 same length of time as the continuance or stay covered."

26 **SECTION 22.**

27 Code Section 15-5-21 of the Official Code of Georgia Annotated, relating to promulgation  
28 of rules relating to transcripts and court reporters' fees, is amended by striking subsection (d)  
29 in its entirety and inserting in lieu thereof the following:

30 "(d) A rule or regulation promulgated by the Judicial Council pursuant to this Code section  
31 shall not become effective unless that council provides to the chairperson of the Judiciary  
32 Committee of the House of Representatives, the chairperson of the ~~Special Judiciary,~~  
33 Non-civil Committee of the House of Representatives, the chairperson of the Judiciary  
34 Committee of the Senate, and the chairperson of the Special Judiciary Committee of the  
35 Senate, at least 30 days prior to the date that council intends to adopt such rule or

1 regulation, written notice which includes an exact copy of the proposed rule or regulation  
2 and the intended date of its adoption. After July 1, 1986, no rule or regulation adopted by  
3 the Judicial Council pursuant to this Code section shall be valid unless adopted in  
4 conformity with this subsection. A proceeding to contest any rule or regulation on the  
5 grounds of noncompliance with this subsection must be commenced within two years from  
6 the effective date of the rule or regulation."

7 **SECTION 23.**

8 Code Section 28-8-1 of the Official Code of Georgia Annotated, relating to the creation,  
9 membership, and operation of the Georgia Criminal Justice Improvement Council, is  
10 amended by striking paragraph (4) of subsection (a) in its entirety and inserting in lieu  
11 thereof the following:

12 "(4) The ~~chairmen~~ chairpersons of the Judiciary; ~~Special Judiciary, Non-civil;~~ Public  
13 Safety; ~~and~~ State Institutions and Property committees of the House of Representatives;"

14 **SECTION 24.**

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

17 **SECTION 25.**

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