

## House Bill 98

By: Representatives Fleming of the 117<sup>th</sup>, Keen of the 179<sup>th</sup>, Burkhalter of the 50<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Willard of the 49<sup>th</sup>, and others

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,  
25 is amended by revising subsection (b) as follows:



1 inserting in lieu thereof, respectively, the phrase "Senate Economic Development  
2 Committee":

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

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

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

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

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

#### 14 **SECTION 6.**

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

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

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

#### 22 **SECTION 7.**

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

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

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

#### 32 **SECTION 8.**

33 The Official Code of Georgia Annotated is amended by striking from the following Code  
34 sections the phrases "Appropriations and Education committees of the House of

1 Representatives and the Senate", "Education and Appropriations committees of the House  
 2 of Representatives and the Senate of the General Assembly" and "Appropriations and  
 3 Education committees of the House of Representatives and Senate of the General Assembly"  
 4 wherever the same shall occur and inserting in lieu thereof, respectively, the phrase  
 5 "Appropriations Committees of the House of Representatives and the Senate, the House  
 6 Education Committee, and the Senate Education and Youth Committee":

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

#### 10 **SECTION 9.**

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

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

#### 19 **SECTION 10.**

20 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in  
 21 Code Section 20-2-320, relating to the Education Information Steering Committee, by  
 22 revising subsection (c) as follows:

23 "(c) For the purpose of this article, authorized educational agencies shall be the  
 24 Department of Education; the Department of Early Care and Learning; the Board of  
 25 Regents of the University System of Georgia; the Department of Technical and Adult  
 26 Education; the Education Coordinating Council; the Professional Standards Commission;  
 27 the State Data and Research Center and units under contract to the State Data and Research  
 28 Center; the Office of Student Achievement; the education policy and research components  
 29 of the office of the Governor; the Office of Planning and Budget; the Legislative Budget  
 30 Office; the House Research Office; and the Senate Research Office. Any information  
 31 collected over the state-wide comprehensive educational information system, including  
 32 individual student records and individual personnel records, shall be accessible by  
 33 authorized educational agencies, provided that any information which is planned for  
 34 collection over the system but which is temporarily being collected by other means shall  
 35 also be accessible by authorized educational agencies and provided, further, that adequate

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

16 **SECTION 11.**

17 Said Title 20 is further amended in Code Section 20-14-27, relating to required reports by  
 18 the Office of Student Achievement, by revising subsection (b) as follows:

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

30 **SECTION 12.**

31 The Official Code of Georgia Annotated is amended by striking from the following Code  
 32 sections the phrases "Senate Finance and Public Utilities Committee", "Finance and Public  
 33 Utilities Committee of the Senate", and "Finance and Public Utilities Committee of the  
 34 Georgia Senate" wherever the same shall occur and inserting in lieu thereof, respectively, the  
 35 phrase "Senate Finance Committee":

- 1 (1) Code Section 36-81-8, relating to annual local government finances reports and local  
 2 independent authority indebtedness reports;
- 3 (2) Code Section 48-5-349.5, relating to an annual report on examination of county tax  
 4 digests; and
- 5 (3) Code Section 50-16-34, relating to the powers and duties of the State Properties  
 6 Commission.

7 **SECTION 13.**

8 The Official Code of Georgia Annotated is amended by striking from the following Code  
 9 sections the phrases "Finance and Public Utilities Committee of the Senate" and "Finance  
 10 and Public Utilities Committee of the Georgia Senate" wherever the same shall occur and  
 11 inserting in lieu thereof, respectively, the phrase "Senate Regulated Industries and Utilities  
 12 Committee":

- 13 (1) Code Section 46-2-23, relating to rate-making power of the Public Service  
 14 Commission generally; and
- 15 (2) Code Section 46-10-3, relating to the creation of consumers' utility counsel and the  
 16 appointment, qualifications, and compensation thereof.

17 **SECTION 14.**

18 The Official Code of Georgia Annotated is amended by striking from the following Code  
 19 sections the phrases "Natural Resources Committee of the Senate", "Senate Natural  
 20 Resources Committee", "Georgia Senate Natural Resources Committee", and "Senate  
 21 Committee on Natural Resources" wherever the same shall occur and inserting in lieu  
 22 thereof, respectively, the phrase "Senate Natural Resources and the Environment  
 23 Committee":

- 24 (1) Code Section 12-5-327, relating to the duty of the Department of Natural Resources  
 25 to prepare a document reflecting the Georgia coastal management program for  
 26 submission to the Governor;
- 27 (2) Code Section 12-5-443, relating to a comprehensive land and water use plan;
- 28 (3) Code Section 12-5-580, relating to the creation of coordinating committees by the  
 29 Metropolitan North Georgia Water Planning District Governing Board;
- 30 (4) Code Section 12-5-581, relating to the creation of advisory councils by the  
 31 Metropolitan North Georgia Water Planning District Governing Board;
- 32 (5) Code Section 12-5-586, relating to an annual report detailing activities of the  
 33 Metropolitan North Georgia Water Planning District; and
- 34 (6) Code Section 12-11-11, relating to the Conservation Corps Advisory Council.

**SECTION 15.**

Code Section 28-8-1 of the Official Code of Georgia Annotated, relating to the creation of the Georgia Criminal Justice Improvement Council and its membership and operations, is amended by revising paragraphs (3) and (4) of subsection (a) as follows:

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

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

**SECTION 16.**

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

(1) Code Section 49-5-224, relating to reporting with respect to severely troubled children and adolescents; 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 17.**

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

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

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

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

**SECTION 18.**

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

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

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

**SECTION 19.**

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

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

**SECTION 20.**

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

"9-10-150.

A member of the General Assembly who is a party to or the attorney for a party to a case, or any member of the staff of the Lieutenant Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the House of Representatives, or the chairperson of the Judiciary Committee or Special Judiciary Committee of ~~either~~ the Senate or of the Judiciary Committee or Judiciary, Non-civil Committee of the House of Representatives who is the lead counsel for a party to a case pending in any trial or appellate court or before any administrative agency of this state, shall be granted a continuance and stay of the case. The continuance and stay shall apply to all aspects of the case, including, but not limited to, the filing and serving of an answer to a complaint, the making of any discovery or motion, or of any response to any subpoena, discovery, or motion, and appearance at any hearing, trial, or argument. Unless a shorter length of time is requested by the member, the continuance and stay shall last the length of any regular or extraordinary session of the General Assembly and during the first three weeks following any recess or adjournment including an adjournment sine die of any

1 regular or extraordinary session. A continuance and stay shall also be granted for such  
 2 other times as the member of the General Assembly or staff member certifies to the court  
 3 that his or her presence elsewhere is required by his or her duties with the General  
 4 Assembly. Notwithstanding any other provision of law, rule of court, or administrative  
 5 rule or regulation, the time for doing any act in the case which is delayed by the  
 6 continuance provided by this Code section shall be automatically extended by the same  
 7 length of time as the continuance or stay covered."

#### 8 **SECTION 21.**

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

12 "(d) A rule or regulation promulgated by the Judicial Council pursuant to this Code section  
 13 shall not become effective unless that council provides to the chairperson of the Judiciary  
 14 Committee of the House of Representatives, the chairperson of the ~~Special~~ Special Judiciary,  
 15 Non-civil Committee of the House of Representatives, the chairperson of the Judiciary  
 16 Committee of the Senate, and the chairperson of the Special Judiciary Committee of the  
 17 Senate, at least 30 days prior to the date that council intends to adopt such rule or  
 18 regulation, written notice which includes an exact copy of the proposed rule or regulation  
 19 and the intended date of its adoption. After July 1, 1986, no rule or regulation adopted by  
 20 the Judicial Council pursuant to this Code section shall be valid unless adopted in  
 21 conformity with this subsection. A proceeding to contest any rule or regulation on the  
 22 grounds of noncompliance with this subsection must be commenced within two years from  
 23 the effective date of the rule or regulation."

#### 24 **SECTION 22.**

25 This Act is intended to reflect the current internal organization of the Georgia Senate and  
 26 House of Representatives and is not otherwise intended to change substantive law. In the  
 27 event of a conflict with any other Act of the 2007 General Assembly, such other Act shall  
 28 control over this Act.

#### 29 **SECTION 23.**

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

#### 32 **SECTION 24.**

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