

Senate Bill 76

By: Senators Johnson of the 1st and Williams of the 19th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 10, 15, 17, 20, 21, 31, 33, 45, and 49 of the Official Code of Georgia  
2 Annotated, relating respectively to commerce and trade, courts, criminal procedure,  
3 education, elections, health, insurance, public officers and employees, and social services,  
4 so as to change provisions relating to powers, duties, and responsibilities of the Senate  
5 Committee on Assignments; to transfer certain powers of appointment from that committee  
6 to the Lieutenant Governor; to provide for related matters; to provide for an effective date;  
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
11 amended by revising Code Section 10-9-20, relating to the Geo. L. Smith II Georgia World  
12 Congress Center Authority Overview Committee, as follows:

13 "10-9-20.

14 There is created as a joint committee of the General Assembly the Geo. L. Smith II Georgia  
15 World Congress Center Authority Overview Committee to be composed of five members  
16 of the House of Representatives appointed by the Speaker of the House, one of whom shall  
17 be a member of the minority party, five members of the Senate appointed by the ~~Senate~~  
18 ~~Committee on Assignments~~ Lieutenant Governor, one of whom shall be a member of the  
19 minority party, the chairperson of the House Committee on Economic Development and  
20 Tourism or his or her designee, and the chairperson of the Senate Economic Development  
21 and Tourism Committee or his or her designee. The members of the committee shall serve  
22 two-year terms concurrent with their terms as members of the General Assembly. The  
23 chairperson of the committee shall be appointed by the ~~Senate Committee on Assignments~~  
24 Lieutenant Governor from the membership of the committee, and the vice chairperson of  
25 the committee shall be appointed by the Speaker of the House from the membership of the  
26 committee. The chairperson and vice chairperson shall serve terms of two years concurrent

1 with their terms as members of the General Assembly. Vacancies in an appointed  
 2 member's position or in the offices of chairperson or vice chairperson of the committee  
 3 shall be filled for the unexpired term in the same manner as the original appointment. The  
 4 committee shall periodically inquire into and review the operations of the Geo. L. Smith  
 5 II Georgia World Congress Center Authority, as well as periodically review and evaluate  
 6 the success with which the authority is accomplishing its statutory duties and functions as  
 7 provided in this chapter."

## 8 SECTION 2.

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
 10 subparagraph (b) (1) (E) of Code Section 15-6-94, relating to the Georgia Superior Court  
 11 Clerks' Cooperative Authority, as follows:

12 "(E) One member who shall be a superior court clerk appointed by the ~~Senate Committee~~  
 13 ~~on Assignments or such person or entity as established by Senate rule~~ Lieutenant  
 14 Governor;"

## 15 SECTION 3.

16 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
 17 amended by revising subsections (a) and (b) of Code Section 17-12-10.1, relating to the  
 18 General Oversight Committee for the Georgia Public Defender Standards Council, as  
 19 follows:

20 "(a) There is created the General Oversight Committee for the Georgia Public Defender  
 21 Standards Council which shall be composed of eight persons: three members of the House  
 22 of Representatives appointed by the Speaker of the House of Representatives, three  
 23 members of the Senate appointed by the ~~Senate Committee on Assignments or such person~~  
 24 ~~or entity as established by Senate rule~~ Lieutenant Governor, and one member of the House  
 25 of Representatives and one member of the Senate appointed by the Governor. The  
 26 members of such committee shall be selected within ten days after the convening of the  
 27 General Assembly in each odd-numbered year and shall serve until their successors are  
 28 appointed.

29 (b) The Speaker of the House of Representatives shall appoint a member of the committee  
 30 to serve as chairperson and the ~~Senate Committee on Assignments or such person or entity~~  
 31 ~~as established by Senate rule~~ Lieutenant Governor shall appoint one member of the  
 32 committee to serve as vice chairperson during each even-numbered year. The ~~Senate~~  
 33 ~~Committee on Assignments or such person or entity as established by Senate rule~~  
 34 Lieutenant Governor shall appoint a member of the committee to serve as chairperson and  
 35 the Speaker of the House of Representatives shall appoint one member to serve as vice

1 chairperson during each odd-numbered year. Such committee shall meet at least six times  
 2 each year and, upon the call of the chairperson, at such additional times as deemed  
 3 necessary by the chairperson."

#### 4 SECTION 4.

5 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
 6 revising subsection (a) of Code Section 20-2-2100, relating to legislative committee to  
 7 review operations of high school athletic associations, as follows:

8 "(a) There is created as a joint committee of the General Assembly the High School  
 9 Athletics Overview Committee to be composed of five members of the House of  
 10 Representatives appointed by the Speaker of the House, one of whom shall be a member  
 11 of the minority party; five members of the Senate appointed by the ~~Senate Committee on~~  
 12 ~~Assignments~~ Lieutenant Governor, one of whom shall be a member of the minority party;  
 13 the chairperson of the House Committee on Education or his or her designee; and the  
 14 chairperson of the Senate Education and Youth Committee or his or her designee. The  
 15 members of the committee shall serve two-year terms concurrent with their terms as  
 16 members of the General Assembly. The Speaker of the House of Representatives and the  
 17 ~~Senate Committee on Assignments~~ Lieutenant Governor shall each designate a  
 18 cochairperson from among the appointees of their respective houses. The cochairpersons  
 19 shall serve terms of two years concurrent with their terms as members of the General  
 20 Assembly. Vacancies in an appointed member's position or in the offices of cochairperson  
 21 of the committee shall be filled for the unexpired term in the same manner as the original  
 22 appointment. The committee shall periodically inquire into and review the operations of  
 23 high school athletic associations, as defined in subsection (c) of this Code section."

#### 24 SECTION 5.

25 Said title is further amended by revising subsection (a) of Code Section 20-3-519.13, relating  
 26 to the HOPE Scholarship/Pre-K Legislative Oversight Committee, as follows:

27 "(a) There is created as a joint committee of the General Assembly the HOPE  
 28 Scholarship/Pre-K Legislative Oversight Committee, to be composed of three members of  
 29 the House Committee on Higher Education and three members of the House Committee  
 30 on Education, to be appointed by the Speaker of the House of Representatives; and three  
 31 members of the Senate Higher Education Committee and three members of the Senate  
 32 Education Committee, to be appointed by the ~~Committee on Assignments~~ Lieutenant  
 33 Governor. The chairpersons of the House Committee on Higher Education and the Senate  
 34 Higher Education Committee shall serve as cochairpersons for the oversight committee.  
 35 The oversight committee shall study, inquire into, and review the operations of the Georgia

1 Student Finance Commission with respect to the administration of HOPE scholarships and  
 2 grants under this part, as well as review and evaluate the conditions, needs, and issues of  
 3 the HOPE scholarship and grant program as provided for under this part, Georgia's Pre-K  
 4 program, and any other programs that receive funds from the Lottery for Education  
 5 Account, as provided for in Article 1 of Chapter 27 of Title 50. Such study and review shall  
 6 be conducted during the first year of each biennium of the General Assembly so as to  
 7 determine whether any legislative action may be necessary. The oversight committee may  
 8 conduct any independent audit or investigation of the commission or any other appropriate  
 9 agency it deems necessary."

#### 10 SECTION 6.

11 Said title is further amended by revising subsections (b) and (c) of Code Section 20-14-90,  
 12 relating to the Agricultural Education Advisory Commission, as follows:

13 "(b)(1) The commission shall consist of three members of the House of Representatives  
 14 to be appointed by the Speaker of the House, at least one of whom shall be from the  
 15 House Committee on Agriculture and Consumer Affairs and at least one of whom shall  
 16 be from the House Committee on Education; three members of the Senate to be appointed  
 17 by the ~~Senate Committee on Assignments~~ Lieutenant Governor, at least one of whom  
 18 shall be from the Senate Agriculture and Consumer Affairs Committee and at least one  
 19 of whom shall be from the Senate Education and Youth Committee; three members who  
 20 are not members of the General Assembly to be appointed by the Governor; and three  
 21 members who are not members of the General Assembly to be appointed by the State  
 22 School Superintendent.

23 (2) Vacancies in the commission shall be filled in the same manner as the original  
 24 appointments.

25 (3)(A) Legislative members of the commission shall serve two-year terms concurrent  
 26 with their terms as members of the General Assembly.

27 (B) Nonlegislative members of the commission shall serve for ~~two year~~ two-year terms  
 28 concurrent with those terms of legislative members of the commission.

29 (c) The Speaker of the House shall designate one of the commission members from the  
 30 House of Representatives as a ~~co-chairperson~~ cochairperson of the commission, and the  
 31 ~~Senate Committee on Assignments~~ Lieutenant Governor shall designate one of the  
 32 commission members from the Senate as a ~~co-chairperson~~ cochairperson of the  
 33 commission. Each ~~co-chairperson~~ cochairperson shall serve as such concurrent with his  
 34 or her term as a member of the commission."



1 Except as otherwise provided by paragraph (1) of this subsection, members shall serve for  
 2 terms of office of four years each and until the appointment and qualification of their  
 3 respective successors. Any elected or appointed state, county, municipal, or school board  
 4 official or employee, except members of the board of regents and officials and employees  
 5 of the legislative or judicial branches of state government, are authorized to be appointed  
 6 as members of the authority, and any person so appointed is authorized to serve as a  
 7 member of the authority."

8 **SECTION 9.**

9 Said title is further amended by revising subsection (a) of Code Section 20-16-18, relating  
 10 to the creation of Georgia Higher Education Facilities Authority Committee, as follows:

11 "(a) There is created as a joint committee of the General Assembly the Georgia Higher  
 12 Education Facilities Authority Committee to be composed of five members of the House  
 13 of Representatives appointed by the Speaker of the House, two of whom shall be members  
 14 of the minority party, five members of the Senate appointed by the ~~Senate Committee on~~  
 15 ~~Assignments~~ Lieutenant Governor, two of whom shall be members of the minority party,  
 16 the chairperson of the House Committee on Higher Education or his or her designee, and  
 17 the chairperson of the Senate Higher Education Committee or his or her designee. The  
 18 members of the committee shall serve two-year terms concurrent with their terms as  
 19 members of the General Assembly. The ~~Senate Committee on Assignments~~ Lieutenant  
 20 Governor shall appoint a cochairperson from the Senate members of the committee, and  
 21 the Speaker of the House shall appoint a cochairperson from the House of Representatives  
 22 members of the committee. The cochairpersons shall serve terms of two years concurrent  
 23 with their terms as members of the General Assembly. Vacancies in an appointed  
 24 member's position or in the offices of cochairperson of the committee shall be filled for the  
 25 unexpired term in the same manner as the original appointment. The committee shall  
 26 periodically inquire into and review the operations of the Georgia Higher Education  
 27 Facilities Authority, as well as periodically review and evaluate the success with which the  
 28 authority is accomplishing its statutory duties and functions as provided in this chapter."

29 **SECTION 10.**

30 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
 31 revising subsection (b) of Code Section 21-5-4, relating to the State Ethics Commission, as  
 32 follows:

33 "(b) There is created the State Ethics Commission, with such duties and powers as are set  
 34 forth in this chapter. The commission shall be a successor to the State Campaign and  
 35 Financial Disclosure Commission in all matters pending before the State Campaign and

1 Financial Disclosure Commission on March 1, 1987, and may continue to investigate,  
 2 prosecute, and act upon all such matters. The commission shall be governed by five  
 3 members appointed as follows: three members, not more than two of whom shall be from  
 4 the same political party, shall be appointed by the Governor two for terms of three years  
 5 and one for a term of two years; one member shall be appointed by the ~~Senate Committee~~  
 6 ~~on Assignments~~ Lieutenant Governor for a term of four years; and one member shall be  
 7 appointed by the Speaker of the House of Representatives for a term of four years. The  
 8 initial members shall take office on March 2, 1987. Upon the expiration of a member's  
 9 term of office, a new member, appointed in the same manner as the member whose term  
 10 of office expired as provided in this subsection, shall become a member of the commission  
 11 and shall serve for a term of four years and until such member's successor is duly  
 12 appointed and qualified. If a vacancy occurs in the membership of the commission, a new  
 13 member shall be appointed to the unexpired term of office by the state official or the  
 14 committee that appointed the vacating member. Members of the commission shall not  
 15 serve for more than one complete term of office; provided, however, that the members of  
 16 the State Campaign and Financial Disclosure Commission serving on March 1, 1987, shall  
 17 be eligible for appointment as initial members of the State Ethics Commission."

18

#### SECTION 11.

19 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
 20 Code Section 31-43-4, relating to members of the Commission on Men's Health, as follows:

21 "31-43-4.

22 The commission shall consist of 11 members: seven members appointed by the Governor;  
 23 two members of the Senate appointed by the ~~Senate Committee on Assignments~~ Lieutenant  
 24 Governor, one of whom shall be the chairperson of the Senate Health and Human Services  
 25 Committee or his or her designee; and two members of the House of Representatives  
 26 appointed by the Speaker of the House, one of whom shall be the chairperson of the House  
 27 Committee on Health and Human Services or his or her designee. The Governor may also  
 28 appoint an honorary chairperson to serve as a member of the commission."

29

#### SECTION 12.

30 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by  
 31 revising subsection (c) of Code Section 33-29A-21, relating to creation, membership, duties,  
 32 and functions of the Commission on the Georgia Health Insurance Risk Pool, as follows:

33 "(c) The ~~Senate Committee on Assignments~~ Lieutenant Governor shall appoint two  
 34 members of the Senate and one citizen of this state who is familiar with health insurance  
 35 matters to the commission."

**SECTION 13.**

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by revising subsection (b) of Code Section 45-13-70, relating to the Capitol Art Standards Commission, as follows:

"(b) The Capitol Art Standards Commission shall be ~~comprised~~ composed of 15 members. Three members shall be appointed by the Governor, of whom one shall be designated as chairperson. Three members shall be appointed by the ~~Senate Committee on Assignments~~ Lieutenant Governor and three members shall be appointed by the Speaker of the House of Representatives. One member each shall be appointed by the Georgia Historical Society, the Georgia Council for the Humanities, and the Georgia Council for the Arts. One member each shall be appointed by the Board of Regents of the University System of Georgia and the Georgia Foundation for Independent Colleges, each of whom shall be proficient in the history of the State of Georgia. Each of the appointed members shall serve two-year terms of office and shall be eligible to succeed themselves. In addition, the director of the Georgia Capitol Museum or his or her designee shall be a member of the commission. Vacancies in the positions of appointed members of the commission shall be filled for the remainder of the unexpired term of office by the original appointing authority."

**SECTION 14.**

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising subsection (g) of Code Section 49-6-62, relating to the establishment of community care unit within the aging section, as follows:

"(g) The department shall submit on January 1 of each year, beginning in 1984, a progress report on the implementation of the plan required by subsection (e) of this Code section to the Speaker of the House of Representatives, the ~~Senate Committee on Assignments~~ Lieutenant Governor, the ~~chairman~~ chairperson of the House Health and Human Services Committee, and the ~~chairman~~ chairperson of the Senate Health and Human Services Committee."

**SECTION 15.**

It is not the intention of this Act to remove from office any person appointed under prior law, but rather this Act is intended only to change the power of appointment for appointments made on or after the effective date of this Act.

1 **SECTION 16.**

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

4 **SECTION 17.**

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