

The House Committee on State Planning and Community Affairs offers the following substitute to SB 344:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 2, 10, 12, 20, 46, and 50 of the Official Code of Georgia Annotated, relating to agriculture, commerce and trade, conservation and natural resources, education, public utilities and public transportation, and state government, respectively, so as to repeal and abolish certain boards and commissions that have become inactive, obsolete, antiquated, or unnecessary; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by revising Code Section 2-15-3, relating to the Pacific White Shrimp Aquaculture Development Advisory Council, as follows:

"2-15-3.

~~(a) There is created the Pacific White Shrimp Aquaculture Development Advisory Council. The council shall be composed of 15 members as follows:~~

~~(1) One member representing agriculture at large to be appointed by mutual agreement of the chairpersons of the House and Senate Committees on Agriculture and Consumer Affairs;~~

~~(2) The dean of the College of Agriculture, Home Economics, and Allied Programs of Fort Valley State University or his or her representative;~~

~~(3) The chairperson of the Committee on Agriculture and Consumer Affairs of the House of Representatives or his or her representative;~~

~~(4) The chairperson of the Committee on Agriculture and Consumer Affairs of the Senate or his or her representative;~~

~~(5) The Commissioner or his or her representative;~~

~~(6) The commissioner of natural resources or his or her representative;~~

~~(7) The commissioner of economic development or his or her representative; and~~

1 ~~(8) Eight members to be appointed as provided by this paragraph. The President of the~~
2 ~~Senate and the Speaker of the House of Representatives each shall appoint four members~~
3 ~~as follows:~~

4 ~~(A) Two members shall be representatives of the pacific white shrimp aquaculture~~
5 ~~industry;~~

6 ~~(B) One member shall be a representative of the aquaculture supply and equipment~~
7 ~~industry; and~~

8 ~~(C) One member shall be a representative of a private industry which is doing research~~
9 ~~in the promotion of pacific white shrimp aquaculture.~~

10 ~~Each of the nine appointed members shall be appointed for a term of two years and until~~
11 ~~a successor is appointed and assumes membership on the council. The terms of the first~~
12 ~~such appointed members shall begin on the effective date of this chapter.~~

13 ~~(b) The purpose of the council shall be to inform and advise the department and the~~
14 ~~Department of Natural Resources regarding important developments in aquaculture of~~
15 ~~pacific white shrimp.~~

16 ~~(c) The members of the council shall enter upon their duties without further act or~~
17 ~~formality. The council may make such bylaws for its government as it deems necessary~~
18 ~~but is under no duty to do so. The council may appoint working subcommittees based on~~
19 ~~identified needs. These subcommittees may consist of noncouncil members who exhibit~~
20 ~~an interest in the development of the pacific white shrimp aquaculture industry of Georgia.~~

21 ~~(d) Eight members of the council shall constitute a quorum necessary for the transaction~~
22 ~~of business, and a majority vote of those present at any meeting at which there is a quorum~~
23 ~~shall be sufficient to do and perform any action permitted the council by this chapter. No~~
24 ~~vacancy on the council shall impair the right of a quorum to transact any and all business~~
25 ~~of the council.~~

26 ~~(e) The members shall not receive compensation for their services on the council but those~~
27 ~~members who are public officials or employees shall be reimbursed from the funds of their~~
28 ~~employing department, agency, or branch of government for per diem, travel, and other~~
29 ~~expenses in the same manner and amount as they otherwise receive for performing services~~
30 ~~for their respective departments, agencies, or branches of government.~~

31 ~~(f) The council shall meet upon the call of its chairperson, who shall be elected by the~~
32 ~~members of the council. The chairpersons of the Committees on Agriculture and~~
33 ~~Consumer Affairs of the House of Representatives and the Senate shall serve as~~
34 ~~cochairpersons of the council until such time as a chairperson of the council is elected by~~
35 ~~the members.~~

36 ~~(g) The council is authorized to conduct meetings at such places and at such times as it~~
37 ~~considers expedient and to do all other things consistent with this chapter which are~~

1 ~~necessary or convenient to enable it to exercise its powers, perform its duties, and~~
2 ~~accomplish the objectives and purposes of this chapter~~ Reserved."

3 SECTION 2.

4 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
5 amended by revising Code Section 10-4-110, relating to the Georgia Tobacco Advisory
6 Board, as follows:

7 "10-4-110.

8 ~~To aid in the administration of this part, there is created an advisory board to be known as~~
9 ~~the Georgia Tobacco Advisory Board and to be composed of 12 members. Three members~~
10 ~~are to be members of the House of Representatives to be appointed by the Speaker of the~~
11 ~~House, and two members are to be members of the Senate to be appointed by the President~~
12 ~~of the Senate. The members of the General Assembly shall be appointed from those~~
13 ~~members who are tobacco producers or, in the absence of such producers in the General~~
14 ~~Assembly, such members may be appointed from the members of the General Assembly~~
15 ~~who represent the flue-cured leaf tobacco producing counties and districts of this state.~~
16 ~~One member shall be the Commissioner of Agriculture, ex officio, or his representative,~~
17 ~~who shall be chairman of the board. One member shall be the president of the Georgia~~
18 ~~Farm Bureau Federation, or his representative. One member shall be a member of the~~
19 ~~Georgia Flue-Cured Tobacco Warehousemen's Association to be appointed by the~~
20 ~~president of that association. Four members shall be flue-cured leaf tobacco farmers to be~~
21 ~~appointed by the Commissioner of Agriculture. The Commissioner in selecting the four~~
22 ~~tobacco farmer members shall strive to give the board geographical balance so that all~~
23 ~~flue-cured leaf tobacco producing areas of the state will be represented on the board. All~~
24 ~~members of the board shall be bona fide residents of the State of Georgia. The appointive~~
25 ~~members shall serve at the pleasure of the appointing officer. The members of the General~~
26 ~~Assembly shall receive the per diem and expense allowance provided for committee work~~
27 ~~of the General Assembly, and such sums shall be paid from the funds appropriated for the~~
28 ~~operation of the General Assembly. The other appointive members of the board shall be~~
29 ~~compensated in the amount of \$15.00 per day for each day in attendance of the duties of~~
30 ~~the board and shall be reimbursed for the necessary expenses incurred in the performance~~
31 ~~of their duties from the funds of the Department of Agriculture. The Commissioner shall~~
32 ~~be reimbursed for his expenses incurred in the performance of his duties. The members of~~
33 ~~the board shall not receive the per diem provided in this Code section for more than seven~~
34 ~~days per year~~ Reserved."

SECTION 3.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by repealing and reserving Part 4 of Article 7 of Chapter 3, relating to the Kinchafoonee Lake Authority.

SECTION 4.

Said title is further amended by repealing Article 12 of Chapter 3, relating to the Power Alley Development Authority.

SECTION 5.

Said title is further amended by revising Code Section 12-5-23.3, relating to the State Waste-water Privatization Oversight Committee, as follows:

"12-5-23.3.

(a) For purposes of this Code section only, the term:

(1) 'LAS permit' means Land Application System permit.

(2) 'NPDES permit' means National Pollutant Discharge Elimination System permit.

(3) 'Waste-water treatment facilities' means all publicly owned facilities with average monthly flow limits of 20 million gallons per day or more that have been issued NPDES permits or LAS permits.

(b) The director shall provide written notice to owners of all waste-water treatment facilities that the privatization requirements specified in subsection (c) of this Code section are in effect if the owner of such facility has violated its NPDES or LAS permit, or any interim conditions established by a federal court order, as follows:

(1) A violation of the facility's monthly effluent limitation specified in the NPDES permit or conditions of a federal court order for biochemical oxygen demand, total suspended solids, ammonia, or phosphorus for any eight months during any continuous 12 month period starting on or after January 1, 1999;

(2) A violation of the facility's monthly effluent limitation specified in the NPDES permit or conditions of a federal court order for biochemical oxygen demand, total suspended solids, ammonia, or phosphorus by a factor of 1.4 or greater for any four months during any continuous 12 month period, starting on or after January 1, 1999; or

(3) Three major treatment facility bypasses during any continuous 12 month period starting on or after January 1, 1999. For purposes of this paragraph, the term 'major treatment facility bypass' shall mean any diversion of waste water from or bypassing of waste water around the treatment facility, excluding sewer system overflows; provided, however, that this shall not include any bypass which is authorized by any NPDES or

1 LAS permit or any bypass which is necessary to prevent loss of life, bodily injury, or
2 severe property damage.

3 (c) Within 12 months of receipt of written notification from the director in accordance with
4 subsection (b) of this Code section, the owner shall enter into a binding contract with a
5 private contractor for the operation and maintenance of the waste-water facility as follows:

6 (1) The contractor shall be selected, and the contract shall be awarded, through
7 competitive bidding, ~~as follows:~~

8 (A) ~~In~~ in accordance with the public procurement processes and procedures then in
9 effect for the public owner or, at the option of the owner, through competitive bidding
10 by the Department of Administrative Services in accordance with and as permitted by
11 Part 2 of Article 3 of Chapter 5 of Title 50; and

12 ~~(B) As may otherwise be specified by the State Waste-water Privatization Oversight~~
13 ~~Committee upon its review of the privatization plan and other submittals from the~~
14 ~~owner in accordance with paragraph (2) of subsection (d) of this Code section;~~

15 (2) The scope of the contract shall include the operation and maintenance of the entire
16 facility and sewer collection system, including combined sewer overflow treatment
17 facilities, by the selected contractor;

18 (3) Notwithstanding any provisions of law to the contrary, the term of the contract shall
19 be not less than ten years nor more than 50 years; and

20 (4) The contract shall meet all applicable state and local laws, rules, and regulations
21 pertinent to the awarding, drafting, enforcement, and administration of such contract and
22 shall contain such other contractual provisions as may be reasonably necessary for the
23 effective enforcement and administration of the contract.

24 ~~(d) There is created a State Waste-water Privatization Oversight Committee, hereinafter~~
25 ~~the 'committee,' consisting of the commissioner of natural resources, the commissioner of~~
26 ~~administrative services, and one appointee each by the Governor, Lieutenant Governor, and~~
27 ~~Speaker of the House of Representatives. Within 30 days of its creation, the committee~~
28 ~~shall meet and adopt procedures for the accomplishment of its purposes under this Code~~
29 ~~section. The committee is authorized to utilize the facilities and personnel of the~~
30 ~~department for such purposes. During any privatization process, the owner shall be~~
31 ~~required to make submittals to the committee in accordance with the following milestones:~~

32 ~~(1) A privatization plan, consistent with the standards of subsection (c) of this Code~~
33 ~~section, shall be submitted to the committee within three months of the owner's receipt~~
34 ~~of the director's written notification. The committee shall review the privatization plan~~
35 ~~and either concur with the plan or provide comments to the owner. The owner must~~
36 ~~modify the privatization plan in accordance with any comments provided by the~~

1 ~~committee and meet any milestone time frame established by the committee to achieve~~
2 ~~plan concurrence;~~

3 ~~(2) A proposed contract and related bid documents, consistent with the standards of~~
4 ~~subsection (c) of this Code section, shall be submitted to the committee within six months~~
5 ~~of the owner's receipt of the director's written notification. The owner must modify the~~
6 ~~proposed contract and related bid documents in accordance with any comments provided~~
7 ~~by the committee. The owner must receive the concurrence of the committee prior to~~
8 ~~commencement of the competitive bidding process;~~

9 ~~(3) Written notification of issuance of bid documents to prospective contractors and~~
10 ~~commencement of the competitive bidding process, consistent with the standards of~~
11 ~~subsection (c) of this Code section, shall be provided to the committee within nine~~
12 ~~months of the owner's receipt of the director's notification;~~

13 ~~(4) Copies of all proposals received in response to the bid documents, and copies of draft~~
14 ~~contracts and correspondence related thereto exchanged between the owner and any~~
15 ~~prospective contractor, and copies of any additional documents from the owner or any~~
16 ~~prospective contractor that the committee deems necessary or advisable to review in order~~
17 ~~to accomplish its duties under this subsection; and~~

18 ~~(5) A copy of the fully executed contract, consistent with the standards of subsection (c)~~
19 ~~of this Code section, shall be provided to the committee within 12 months of the owner's~~
20 ~~receipt of the director's notification. In the event of an impasse in negotiations between~~
21 ~~the owner and the private contractor on one or more terms of the proposed contract, the~~
22 ~~committee shall be authorized to mediate any such impasse upon agreement of the parties~~
23 ~~to the proposed contract. In the event of any such impasse in negotiations, the committee~~
24 ~~shall extend the time for the submission of a fully executed contract for a reasonable~~
25 ~~period, as long as the owner is negotiating with a private contractor in good faith and an~~
26 ~~application for extension of time is received by the committee no later than 30 days~~
27 ~~before the expiration of the time period in which a fully executed contract must be~~
28 ~~provided to the committee.~~

29 ~~(e) Penalties for failure to comply with this Code section shall be assessed as follows:~~

30 ~~(1) If an owner fails to meet any milestone set forth in paragraph (1), (2), or (3) of~~
31 ~~subsection (d) of this Code section, the owner shall pay a civil penalty in the amount of~~
32 ~~\$50,000.00 per day to the division until that milestone is met. A separate penalty shall~~
33 ~~be assessed for each milestone that is not met; and~~

34 ~~(2) If an owner fails to meet the milestone set forth in paragraph (5) of subsection (d) of~~
35 ~~this Code section, the owner shall pay a civil penalty in the amount of \$100,000.00 per~~
36 ~~day to the division until that milestone is met, unless an extension of time is granted by~~

1 ~~the committee in accordance with the provisions of paragraph (5) of subsection (d) of this~~
2 ~~Code section.~~

3 ~~(f) Notwithstanding the provisions of subsection (e) of this Code section, if the committee~~
4 ~~determines that an owner's failure to meet a particular milestone was outside the control~~
5 ~~of the owner, the committee may, in its sole discretion, extend the time for meeting the~~
6 ~~respective milestone for a period of up to 180 days and waive any penalty that might~~
7 ~~otherwise accrue pursuant to subsection (e) of this Code section during the extended~~
8 ~~milestone period; provided, however, in the event any milestone is not met within any~~
9 ~~extended time frame for meeting the milestone, penalties shall be assessed as provided in~~
10 ~~subsection (e) of this Code section.~~

11 ~~(g) The committee shall, by rules adopted pursuant to the provisions of Title 50, establish~~
12 ~~criteria for evaluation of the eligibility of any contractors bidding on privatizations~~
13 ~~consistent with subsection (c) of this Code section, and such criteria shall include, but not~~
14 ~~be limited to, a review of such contractors' previous performance on projects of~~
15 ~~comparable magnitude, the environmental compliance record of such contractors, and any~~
16 ~~civil or criminal penalties incurred by such contractors during the five years immediately~~
17 ~~preceding the execution of the contract. Such criteria shall provide a basis for determining~~
18 ~~the eligibility of any contractor. All information required by the committee pursuant to this~~
19 ~~subsection shall be provided by the contractor under oath."~~

20 **SECTION 6.**

21 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
22 revising Code Section 20-2-301, relating to the Coordinating Committee for Exceptional
23 Individuals, as follows:

24 "20-2-301.

25 ~~The State Board of Education shall be empowered to form the Coordinating Committee for~~
26 ~~Exceptional Individuals which shall consist of a representative of the Governor's office,~~
27 ~~no fewer than three representatives of the Department of Education, no fewer than three~~
28 ~~representatives of the Department of Human Resources, and no fewer than three~~
29 ~~representatives of the Department of Corrections. At least one of each department's~~
30 ~~representatives shall be from the upper levels of management, and all representatives shall~~
31 ~~be designated by their respective department heads. The committee shall be provided a~~
32 ~~full-time staff of one professional staff member from the Department of Education and one~~
33 ~~professional staff member from the Department of Human Resources. The committee shall~~
34 ~~report annually to the Governor and the General Assembly concerning issues addressed and~~
35 ~~the progress which results. The issues which shall be addressed by the committee shall~~
36 ~~include, but shall not be limited to, clear delineation of responsibility regarding services~~

1 ~~to disabled individuals, clear delineation of referral and coordination processes, and~~
2 ~~resolution of how such understandings shall apply in specific instances, particularly when~~
3 ~~such resolution involves a conflict at the institutional and local unit of administration level~~
4 Reserved."

5 SECTION 7.

6 Said title is further amended by revising subsection (a) of Code Section 20-2-320, relating
7 to the Education Information Steering Committee and identification of data to implement
8 Quality Basic Education Program, as follows:

9 ~~"(a) The Governor shall appoint a steering committee, which shall be named the Education~~
10 ~~Information Steering Committee, composed of representatives from the Department of~~
11 ~~Education, the Department of Technical and Adult Education, the Board of Regents of the~~
12 ~~University System of Georgia, the office of the Governor, the Office of Planning and~~
13 ~~Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the~~
14 ~~Department of Early Care and Learning, the Professional Standards Commission, the~~
15 ~~Office of Student Achievement, the Georgia Public Telecommunications Commission, the~~
16 ~~Legislative Budget Office, and local school systems. The steering committee shall identify~~
17 ~~the data required to implement the Quality Basic Education Program on a fiscally sound~~
18 ~~basis and the data required to evaluate the effectiveness of the components of public~~
19 ~~education in Georgia. The steering committee shall identify data that shall be required~~
20 ~~from local units of administration for the implementation of this article. Further, the~~
21 ~~steering committee shall develop a design for~~ There shall be ~~a state-wide comprehensive~~
22 ~~educational information system which will provide for the accurate, seamless, and timely~~
23 ~~flow of information from local and regional education agencies, units of the University~~
24 ~~System of Georgia, and technical schools and colleges to the state. The~~ system ~~design shall~~
25 ~~include hardware, software, data, collection methods and times, training, maintenance,~~
26 ~~communications, security of data, and installation specifications and any other relevant~~
27 ~~specifications needed for the successful implementation of this~~ the ~~system. The state-wide~~
28 ~~comprehensive educational information system shall not use a student's social security~~
29 ~~number or an employee's social security number in violation of state or federal law to~~
30 ~~identify a student or employee. The steering committee shall present such~~
31 ~~recommendations to the Education Coordinating Council. Upon approval of the boards of~~
32 ~~the respective education agencies, such boards shall issue appropriate requests for~~
33 ~~proposals to implement a state-wide comprehensive educational information system,~~
34 ~~subject to appropriation by the General Assembly. The boards of the respective education~~
35 ~~agencies, at the direction of the Education Coordinating Council and working through the~~
36 ~~steering committee, shall initiate contracts with appropriate vendors and local units of~~

1 administration for the procurement of services, purchase of hardware and software, and for
2 any other purpose as directed by the Education Coordinating Council, consistent with
3 appropriation by the General Assembly."

4 SECTION 8.

5 Said title is further amended by revising Code Section 20-3-84, relating to the Center for
6 Trade and Technology Transfer, as follows:

7 "20-3-84.

8 ~~(a) There is created the Center for Trade and Technology Transfer, which shall function~~
9 ~~as an economic assistance, information, and technical resource service center. There is also~~
10 ~~created the Board of Directors of the Center for Trade and Technology Transfer which~~
11 ~~shall be composed of 11 members to be appointed as follows: (1) two members to be~~
12 ~~appointed by the chancellor of the University System of Georgia; (2) two members to be~~
13 ~~appointed by the Speaker of the House of Representatives; (3) two members to be~~
14 ~~appointed by the President of the Senate; (4) three members to be appointed by the~~
15 ~~Governor; and (5) two members appointed by the commissioner of economic development.~~
16 ~~The members of the board of directors shall serve for terms of two years and until their~~
17 ~~respective successors are appointed and qualified. No member may serve more than two~~
18 ~~terms as a member of the board of directors. The first members of the board of directors~~
19 ~~shall be appointed not later than July 1, 1999, and the initial terms shall begin on such date.~~
20 ~~In order to be eligible for appointment as a member, a person must have a proven interest~~
21 ~~in the advancement of economic and community development, an interest in the~~
22 ~~development of trade with emerging nations, and an interest in the purposes for which the~~
23 ~~center was created. Members of the board of directors shall not be entitled to~~
24 ~~compensation for the duties they perform as members of the board of directors. Each~~
25 ~~member shall, however, be entitled to the same pay for per diem and expenses as are~~
26 ~~members of the Georgia General Assembly.~~

27 ~~(b) The board of directors shall elect from among the members thereof a chairperson, a~~
28 ~~vice chairperson, and such other officers as the board shall deem appropriate. The~~
29 ~~chairperson, or the vice chairperson in the absence of the chairperson, shall call and preside~~
30 ~~at meetings of the board. A majority of the total membership of the board shall constitute~~
31 ~~a quorum for the transaction of business. Meetings of the board shall be held at such~~
32 ~~locations as the chairperson shall determine.~~

33 ~~(c) The board of directors shall assist and advise the Center for Trade and Technology~~
34 ~~Transfer in the performance of its functions and the accomplishment of its purposes. The~~
35 ~~board shall seek ways to enhance the development of communities throughout the state and~~

~~the world, to improve trade between this state and emerging nations, and to increase the transfer and beneficial uses and implementation of technology.~~

~~(d) The board of directors shall report annually its findings and recommendations to the Governor and the General Assembly.~~

~~(e) The Center for Trade and Technology Transfer shall be attached to the University System of Georgia for administrative purposes only Reserved.~~

SECTION 9.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-4-160.4, relating to the Natural Gas Consumer Education Advisory Board, as follows:

"46-4-160.4.

~~(a) There is created the Natural Gas Consumer Education Advisory Board, whose duty it shall be to advise and make recommendations to the director of the consumers' utility counsel division of the Governor's Office of Consumer Affairs. The board shall consist of five members who shall be appointed by the Governor and shall include at least one representative for each of the following: marketers, natural gas consumers, and electing distribution companies. There shall be one member appointed from each commission electoral district. Board members shall serve at the pleasure of the Governor.~~

~~(b) The board shall elect its chairperson and shall convene upon the call of the administrator at a time and place specified in writing by the administrator. Each member of the board shall serve without pay but shall receive standard state per diem for expenses and receive standard travel allowance while attending meetings and while in the discharge of his or her responsibilities.~~

~~(c) The board shall assist the director in an advisory capacity only in carrying out the duties and functions of such official concerning policy matters relating to the development and implementation of state-wide education programs for natural gas consumers or consumers of any other utility that may be deregulated in the future Reserved.~~

SECTION 10.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by repealing Article 5 of Chapter 5, relating to communication services.

SECTION 11.

Said title is further amended by repealing and reserving Chapter 30, relating to Georgia Institute for Community Business Development.

SECTION 12.

Said title is further amended by repealing and reserving Chapter 35, relating to the Georgia Environmental Training and Education Authority.

SECTION 13.

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

SECTION 14.

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