

House Bill 117 (AS PASSED HOUSE AND SENATE)

By: Representatives Keen of the 179th, Burkhalter of the 50th, Morris of the 155th, Porter of the 143rd, and Hugley of the 133rd

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 the phrase "Senate Agriculture and Consumer Affairs
13 Committee":

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

20 **SECTION 2.**

21 Code Section 2-7-113.1 of the Official Code of Georgia Annotated, relating to local
22 regulation of pesticides and variances from regulations of the Commissioner of Agriculture,
23 is amended by revising subsection (b) as follows:

24 "(b) The governing authority of any county or municipality may, by resolution, petition
25 the Commissioner of Agriculture for a variance from a rule or regulation of the

26 Commissioner because of special circumstances relating to the use or application of a
27 pesticide. If such a petition is received by the Commissioner, it shall be the duty of the
28 Commissioner to notify the President of the Senate, the Speaker of the House of
29 Representatives, and the ~~chairmen~~ chairpersons of the Agriculture and Consumer Affairs
30 Committee and Natural Resources and the Environment Committee of the Senate and the
31 Agriculture and Consumer Affairs Committee and the Natural Resources and
32 Environment Committee of the House of Representatives that such petition has been
33 received. The Commissioner shall conduct a public hearing on such petition and issue a
34 decision on the requested variance within 60 days of the receipt of the petition. If a
35 decision is not given within 60 days of the receipt of the petition, the variance shall
36 automatically be granted. The Commissioner may grant a variance requested under this
37 subsection with or without changes."

38 **SECTION 3.**

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

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

45 **SECTION 4.**

46 The Official Code of Georgia Annotated is amended by striking from the following Code
47 section the phrase "Senate Defense, Science and Technology Committee" wherever the same
48 shall occur and inserting in lieu thereof the phrase "Senate Science and Technology
49 Committee":

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

52 **SECTION 5.**

53 The Official Code of Georgia Annotated is amended by striking from the following Code
54 sections the phrases "Senate Economic Development and Tourism Committee", "Senate
55 Economic Development, Tourism, and Cultural Affairs Committee", "Economic
56 Development, Tourism, and Cultural Affairs Committee of the Senate", and "Senate
57 Committee on Economic Development and Tourism" wherever the same shall occur and
58 inserting in lieu thereof the phrase "Senate Economic Development Committee":

- 59 (1) Code Section 10-9-20, relating to the creation and operation of the Geo. L. Smith II
60 Georgia World Congress Center Authority Overview Committee;
- 61 (2) Code Section 10-10-7, relating to the publication of an annual report by the
62 Advanced Technology Development Center;
- 63 (3) Code Section 12-3-318, relating to purposes for which income, gifts, grants,
64 appropriations, bonds, or loans may be used by the Lake Lanier Islands Development
65 Authority;
- 66 (4) Code Section 50-12-75, relating to the designation of overview committees to review
67 and evaluate the Aviation Hall of Fame Board; and
- 68 (5) Code Section 50-27-34, relating to the legislative oversight committee for the
69 Georgia Lottery Corporation.

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SECTION 6.

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

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

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

78

SECTION 7.

79 The Official Code of Georgia Annotated is amended by striking from the following Code
80 sections the phrases "Education Committees of the House of Representatives and the Senate"
81 and "House and Senate Education Committees" wherever the same shall occur and inserting
82 in lieu thereof the phrase "House Education Committee and the Senate Education and Youth
83 Committee":

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

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

88

SECTION 8.

89 The Official Code of Georgia Annotated is amended by striking from the following Code
90 sections the phrases "Appropriations and Education committees of the House of
91 Representatives and the Senate", "Education and Appropriations committees of the House
92 of Representatives and the Senate of the General Assembly", and "Appropriations and

93 Education committees of the House of Representatives and Senate of the General Assembly"
 94 wherever the same shall occur and inserting in lieu thereof the phrase "Appropriations
 95 Committees of the House of Representatives and the Senate, the House Education
 96 Committee, and the Senate Education and Youth Committee":

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

100 **SECTION 9.**

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

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

109 **SECTION 10.**

110 Title 20 of the Official Code of Georgia Annotated is amended in Code Section 20-14-27,
 111 relating to required reports by the Office of Student Achievement, by revising subsection (b)
 112 as follows:

113 "(b) Each report provided for in this Code section shall be published in a format that can
 114 be easily understood by parents and other members of the community who are not
 115 professional educators. Such reports shall be distributed to the Governor, Lieutenant
 116 Governor, the Speaker of the House of Representatives, the chairpersons of the ~~Education~~
 117 ~~and Higher Education~~ committees of the Senate and House of Representatives, the House
 118 Education Committee, and the Senate Education and Youth Committee, members of the
 119 state education governing boards or commissions, and members of the council. The office
 120 shall not be required to distribute copies of such reports to the members of the General
 121 Assembly but shall notify such members of the availability of the reports in the manner
 122 which it deems to be most effective and efficient. In addition, such reports shall be posted
 123 on the website of the office."

124 **SECTION 11.**

125 The Official Code of Georgia Annotated is amended by striking from the following Code
 126 sections the phrases "Senate Finance and Public Utilities Committee", "Finance and Public

127 Utilities Committee of the Senate", and "Finance and Public Utilities Committee of the
 128 Georgia Senate" wherever the same shall occur and inserting in lieu thereof the phrase
 129 "Senate Finance Committee":

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

136 **SECTION 12.**

137 The Official Code of Georgia Annotated is amended by striking from the following Code
 138 sections the phrases "Finance and Public Utilities Committee of the Senate" and "Finance
 139 and Public Utilities Committee of the Georgia Senate" wherever the same shall occur and
 140 inserting in lieu thereof the phrase "Senate Regulated Industries and Utilities Committee":

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

145 **SECTION 13.**

146 The Official Code of Georgia Annotated is amended by striking from the following Code
 147 sections the phrases "Natural Resources Committee of the Senate", "Senate Natural
 148 Resources Committee", "Georgia Senate Natural Resources Committee", and "Senate
 149 Committee on Natural Resources" wherever the same shall occur and inserting in lieu thereof
 150 the phrase "Senate Natural Resources and the Environment Committee":

- 151 (1) Code Section 12-5-327, relating to the duty of the Department of Natural Resources
 152 to prepare a document reflecting the Georgia coastal management program for
 153 submission to the Governor;
- 154 (2) Code Section 12-5-443, relating to a comprehensive land and water use plan;
- 155 (3) Code Section 12-5-580, relating to the creation of coordinating committees by the
 156 Metropolitan North Georgia Water Planning District Governing Board;
- 157 (4) Code Section 12-5-581, relating to the creation of advisory councils by the
 158 Metropolitan North Georgia Water Planning District Governing Board;
- 159 (5) Code Section 12-5-586, relating to an annual report detailing activities of the
 160 Metropolitan North Georgia Water Planning District; and
- 161 (6) Code Section 12-11-11, relating to the Conservation Corps Advisory Council.

162 **SECTION 14.**

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

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

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

171 **SECTION 15.**

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

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

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

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

183 **SECTION 16.**

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

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

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

192 **SECTION 17.**

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

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

199 **SECTION 18.**

200 Code Section 9-10-150 of the Official Code of Georgia Annotated, relating to grounds for
 201 continuance for a party or attorney in the General Assembly, is amended as follows:

202 "9-10-150.

203 A member of the General Assembly who is a party to or the attorney for a party to a case,
 204 or any member of the staff of the Lieutenant Governor, the Speaker of the House of
 205 Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the
 206 House of Representatives, or the chairperson of the Judiciary Committee or Special
 207 Judiciary Committee of ~~either~~ the Senate or of the Judiciary Committee or Judiciary,
 208 Non-civil Committee of the House of Representatives who is the lead counsel for a party
 209 to a case pending in any trial or appellate court or before any administrative agency of this
 210 state, shall be granted a continuance and stay of the case. The continuance and stay shall
 211 apply to all aspects of the case, including, but not limited to, the filing and serving of an
 212 answer to a complaint, the making of any discovery or motion, or of any response to any
 213 subpoena, discovery, or motion, and appearance at any hearing, trial, or argument. Unless
 214 a shorter length of time is requested by the member, the continuance and stay shall last the
 215 length of any regular or extraordinary session of the General Assembly and during the first
 216 three weeks following any recess or adjournment including an adjournment sine die of any
 217 regular or extraordinary session. A continuance and stay shall also be granted for such
 218 other times as the member of the General Assembly or staff member certifies to the court
 219 that his or her presence elsewhere is required by his or her duties with the General
 220 Assembly. Notwithstanding any other provision of law, rule of court, or administrative
 221 rule or regulation, the time for doing any act in the case which is delayed by the
 222 continuance provided by this Code section shall be automatically extended by the same
 223 length of time as the continuance or stay covered."

224 **SECTION 19.**

225 Code Section 15-5-21 of the Official Code of Georgia Annotated, relating to promulgation
226 of rules relating to transcripts and court reporters' fees, is amended by revising subsection (d)
227 as follows:

228 "(d) A rule or regulation promulgated by the Judicial Council pursuant to this Code section
229 shall not become effective unless that council provides to the chairperson of the Judiciary
230 Committee of the House of Representatives, the chairperson of the ~~Special~~ Special Judiciary,
231 Non-civil Committee of the House of Representatives, the chairperson of the Judiciary
232 Committee of the Senate, and the chairperson of the Special Judiciary Committee of the
233 Senate, at least 30 days prior to the date that council intends to adopt such rule or
234 regulation, written notice which includes an exact copy of the proposed rule or regulation
235 and the intended date of its adoption. After July 1, 1986, no rule or regulation adopted by
236 the Judicial Council pursuant to this Code section shall be valid unless adopted in
237 conformity with this subsection. A proceeding to contest any rule or regulation on the
238 grounds of noncompliance with this subsection must be commenced within two years from
239 the effective date of the rule or regulation."

240 **SECTION 20.**

241 This Act is intended to reflect the current internal organization of the Georgia Senate and
242 House of Representatives and is not otherwise intended to change substantive law. In the
243 event of a conflict with any other Act of the 2009 General Assembly, such other Act shall
244 control over this Act.

245 **SECTION 21.**

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

248 **SECTION 22.**

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