

House Bill 553 (COMMITTEE SUBSTITUTE)

By: Representatives Dempsey of the 13th, Cooper of the 43rd, Oliver of the 82nd, Welch of the 110th, and Houston of the 170th

A BILL TO BE ENTITLED
AN ACT

1 To amend various titles of the Official Code of Georgia Annotated so as to repeal provisions
2 creating inactive boards, panels, authorities, centers, commissions, committees, councils, task
3 forces, and other such bodies; to remove inapplicable references; to provide for a revision;
4 to amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the
5 regulation of alcoholic beverages generally, so as to repeal Article 3, relating to prohibited
6 conduct on licensed premises; to amend Code Sections 35-6-2 and 49-5-281 of the Official
7 Code of Georgia Annotated, relating to the membership of the State Victim Services
8 Commission and the bill of rights for foster parents, respectively, so as to delete references
9 to an obsolete entity; to provide for related matters; to provide for an effective date; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 PART I
13 SECTION 1-1.

14 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
15 repealing Chapter 15, relating to Pacific White Shrimp Aquaculture Development, and
16 designating said chapter as reserved.

17 PART II
18 SECTION 2-1.

19 Said title is further amended by repealing Chapter 18, relating to the Georgia Tobacco
20 Community Development Board, and designating said chapter as reserved.

SECTION 2-2.

Any assets of the Georgia Tobacco Community Development Board existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Georgia Tobacco Community Development Board existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

SECTION 2-3.

Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, is amended by revising subsection (a) as follows:

"(a) Each member of the boards and commissions enumerated in this Code section shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of a board or commission is in attendance at a meeting of such board or commission, plus reimbursement for actual transportation costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile in connection with such attendance. The expense allowance and reimbursement provided for in this Code section shall be paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance. The existing law relative to any limitation on the number of meeting days and remuneration for service on committees or subcommittees of any such board or commission shall remain in effect. The boards and commissions to which this Code section shall be applicable are as follows:

- (1) State Board of Education;
- (2) Board of Regents of the University System of Georgia;
- (2.1) Board of Community Supervision;
- (3) Board of Corrections;
- (4) Board of Economic Development;
- (5) Board of Natural Resources;
- (6) Georgia Emergency Communications Authority;
- (7) Dental Education Board;
- (8) Georgia Student Finance Commission;
- (9) Veterans Service Board;
- (10) Georgia Agricultural Exposition Authority;
- (11) Georgia Board for Physician Workforce;
- (12) Georgia Music Hall of Fame Authority;
- (13) Georgia Sports Hall of Fame Authority;

(14) Georgia Rail Passenger Authority;
~~(15) Georgia Tobacco Community Development Board;~~
~~(16)(15) State Board of the Technical College System of Georgia; and~~
~~(17)(16) Civil War Commission; and~~
~~(18) The delegation from the State of Georgia to the Southern Dairy Compact Commission."~~

SECTION 2-4.

Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions for state government administrative procedure, is amended by revising paragraph (1) as follows:

"(1) 'Agency' means each state board, bureau, commission, department, activity, or officer authorized by law expressly to make rules and regulations or to determine contested cases, except the General Assembly; the judiciary; the Governor; the State Board of Pardons and Paroles; the State Financing and Investment Commission; the State Properties Commission; the Board of Bar Examiners; the Board of Corrections and its penal institutions; the State Board of Workers' Compensation; all public authorities except as otherwise expressly provided by law; the State Personnel Board; the Department of Administrative Services or commissioner of administrative services; the Board of Regents of the University System of Georgia; the Technical College System of Georgia; the Nonpublic Postsecondary Education Commission; the Department of Labor when conducting hearings related to unemployment benefits or overpayments of unemployment benefits; the Department of Revenue when conducting hearings relating to alcoholic beverages, tobacco, or bona fide coin operated amusement machines or any violations relating thereto; ~~the Georgia Tobacco Community Development Board;~~ the Georgia Higher Education Savings Plan; the Georgia ABLE Program Corporation; any school, college, hospital, or other such educational, eleemosynary, or charitable institution; or any agency when its action is concerned with the military or naval affairs of this state. Such term shall include the State Board of Education and Department of Education, subject to the following qualifications:

(A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid rules adopted by the State Board of Education and Department of Education prior to January 1, 1990, are ratified and validated and shall be effective until January 1, 1991, whether or not such rules were adopted in compliance with the requirements of this chapter; and

(B) Effective January 1, 1991, any rule of the State Board of Education or Department of Education which has not been proposed, submitted, and adopted in accordance with the requirements of this chapter shall be void and of no effect."

PART III**SECTION 3-1.**

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by repealing Chapter 20, relating to the Southern Dairy Compact, and designating said chapter as reserved.

PART IV**SECTION 4-1.**

Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic areas, memorials, and recreation, is amended by repealing Code Section 12-3-73, relating to creation of the Heritage Trust Commission, appointment and criteria for selection of members, terms of office, reimbursement of members for expenses, and duties, and designating said Code section as reserved.

PART V**SECTION 5-1.**

Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning, is amended by repealing Article 3, relating to the Child Care Council.

SECTION 5-2.

Any assets of the Child Care Council existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Child Care Council existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

SECTION 5-3.

Said chapter is further amended by revising subsection (d) of Code Section 20-1A-3, relating to the commissioner, board, duties and powers, salary, personnel, and rules and regulations, as follows:

"(d) The board shall determine policies and promulgate rules and regulations for the operation of the department including:

(1) Functions formerly performed by the Office of School Readiness, including, but not limited to, Even Start;

(2) Functions transferred to the department from the Department of Human Resources (now known as the Department of Human Services) relating to day-care centers (now known as child care learning centers), group day-care homes (now known as child care learning centers), family day-care homes (now known as family child care learning homes), and other functions as agreed upon by the department and the Department of Human Resources (now known as the Department of Human Services) in accordance with Code Section 20-1A-8; and

~~(3) Functions transferred to the department from the Georgia Child Care Council pursuant to Code Section 20-1A-63; and~~

~~(4) Functions relating to early childhood education programs transferred from the Department of Education by agreement in accordance with Code Section 20-1A-17."~~

SECTION 5-4.

Said chapter is further amended by revising paragraph (6) of Code Section 20-1A-4, relating to powers and duties of the Department of Early Care and Learning, as follows:

~~"(6) To perform the functions set out in Code Section 20-1A-64, relating to improvement~~
~~of improve the quality, availability, and affordability of child care in this state;"~~

SECTION 5-5.

Said chapter is further amended by revising subsection (b) of Code Section 20-1A-8, relating to transfer of functions, powers, personnel, equipment, and assets of the department, as follows:

~~"(b) Effective October 1, 2004, notwithstanding the advisory functions of the Georgia Child Care Council included in Code Section 20-1A-63, the department shall carry out the functions and exercise the powers formerly held by the Georgia Child Care Council under former Article 11 of Chapter 5 of Title 49. Subject to subsection (c) of this Code section, all persons employed by and positions authorized for the Georgia Child Care Council to perform functions relating to the recommendation of measures to improve the quality, availability, and affordability of child care in this state on September 30, 2004, shall on October 1, 2004, be transferred to the department. All office equipment, furniture, and other assets in possession of the Georgia Child Care Council or the Department of Human Resources, (now known as the Department of Human Services) which are used or held exclusively or principally by personnel transferred under this subsection shall be transferred to the department on October 1, 2004."~~

PART VI**SECTION 6-1.**

Code Section 20-3-73.3 of the Official Code of Georgia Annotated, relating to the Georgia Southern University Herty Advanced Materials Development Center and its advisory board, is amended by repealing subsection (f).

PART VII**SECTION 7-1.**

Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, is amended by repealing Article 6, relating to the Private Colleges and Universities Authority, and designating said article as reserved.

SECTION 7-2.

Any assets of the Private Colleges and Universities Authority existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Private Colleges and Universities Authority existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART VIII**SECTION 8-1.**

Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to education accountability assessment programs, is amended by repealing Part 7, relating to the Education Information Steering Committee, and designating said part as reserved.

SECTION 8-2.

Any assets of the Education Information Steering Committee existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Education Information Steering Committee existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART IX**SECTION 9-1.**

Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to care and protection of indigent and elderly patients, is amended by repealing Article 9, relating to the Federal and State Funded Health Care Financing Programs Overview Committee, and designating said article as reserved.

SECTION 9-2.

Any assets of the Federal and State Funded Health Care Financing Programs Overview Committee existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Federal and State Funded Health Care Financing Programs Overview Committee existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART X**SECTION 10-1.**

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by repealing Chapter 43, relating to the Commission on Men's Health, and designating said chapter as reserved.

SECTION 10-2.

Any assets of the Commission on Men's Health existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Commission on Men's Health existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART XI**SECTION 11-1.**

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising Code Section 31-44-3, relating to adoption of rules by the Board of Community Health, as follows:

"31-44-3.

(a) The board shall adopt rules to implement this chapter, including but not limited to requirements for the issuance, renewal, denial, suspension, and revocation of a license to operate an end stage renal disease facility. The rules adopted by the board pursuant to this Code section shall not conflict with any federal law or regulation applicable to end stage renal disease facilities or personnel thereof and shall set forth minimum standards for the health, safety, and protection of the patient being served.

~~(b) The department shall establish a Renal Dialysis Advisory Council to advise the department regarding licensing and inspection of end stage renal disease facilities. The council shall be composed of a minimum of 13 persons appointed by the board: one member recommended by the Dogwood Chapter of the American Nephrology Nurses Association; one member recommended by the Georgia Association of Kidney Patients; two physicians specializing in nephrology recommended by the Georgia Renal Physicians Association; one member recommended by the National Kidney Foundation of Georgia; two administrators of facilities certified as outpatient dialysis facilities in Georgia; three members of the general public, two of whom shall be dialysis patients or family members of dialysis patients; one member representing technicians working in renal dialysis facilities; one member representing social workers working in renal dialysis facilities; and one member representing dietitians working in renal dialysis facilities.~~

~~(c) Members of the council shall serve four-year terms and until their successors are appointed and qualified. No member of the council shall serve more than two consecutive terms. The council shall meet as frequently as the department considers necessary, but not less than twice each year. The council shall be consulted and have the opportunity to evaluate all rules promulgated by the department under this chapter applicable to end stage renal disease facilities prior to their adoption. Members shall serve without compensation."~~

SECTION 11-2.

Any assets of the Renal Dialysis Advisory Council existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Renal Dialysis Advisory Council existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART XII**SECTION 12-1.**

Code Section 31-47-1 of the Official Code of Georgia Annotated, relating to the purpose of the Arthritis Prevention and Control Program, is amended by revising subsections (c) through (e) as follows:

~~"(c) The Department of Public Health shall establish and coordinate an advisory panel on arthritis which shall provide nongovernmental input regarding the Arthritis Prevention and Control Program. Membership shall include, but shall not be limited to, persons with arthritis, public health educators, medical experts on arthritis, providers of arthritis health care, persons knowledgeable in health promotion and education, and representatives of national arthritis organizations and their local chapters.~~

~~(d)~~(c) The Department of Public Health shall use, but shall not be limited to, strategies consistent with the National Arthritis Action Plan and existing state planning efforts to raise public awareness and knowledge about the causes and nature of arthritis, personal risk factors, the value of prevention and early detection, ways to minimize preventable pain, and options for diagnosing and treating the disease.

~~(e)~~(d)(1) Subject to appropriation or access to other private or public funds, the Department of Public Health may replicate and use successful arthritis programs and enter into contracts and purchase materials or services from entities with appropriate expertise for such services and materials as are necessary to carry out the goals of the Arthritis Prevention and Control Program.

(2) Subject to appropriation or access to other private or public funds, the Department of Public Health may enter into agreements with national organizations with expertise in arthritis to implement parts of the Arthritis Prevention and Control Program."

SECTION 12-2.

Any assets of the Arthritis Prevention and Control Program advisory panel existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Arthritis Prevention and Control Program advisory panel existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART XIII**SECTION 13-1.**

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by repealing Code Section 33-1-19, relating to the Special Advisory Commission on Mandated Health Insurance Benefits, and designating said Code section as reserved.

SECTION 13-2.

Any assets of the Special Advisory Commission on Mandated Health Insurance Benefits existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Special Advisory Commission on Mandated Health Insurance Benefits existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART XIV**SECTION 14-1.**

Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to individual health insurance coverage, is amended by repealing Article 2, relating to the Commission on the Georgia Health Insurance Risk Pool, and designating said article as reserved.

SECTION 14-2.

Any assets of the Commission on the Georgia Health Insurance Risk Pool existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Commission on the Georgia Health Insurance Risk Pool existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART XV**SECTION 15-1.**

Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to services for the aging, is amended by repealing Article 3, relating to the Georgia Silver-Haired Legislature, and designating said article as reserved.

SECTION 15-2.

Any assets of the Georgia Silver-Haired Legislature existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Georgia Silver-Haired Legislature existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART XVI**SECTION 16-1.**

Code Section 50-7-115 of the Official Code of Georgia Annotated, relating to the placing of signage at film and television production sites along the Georgia Film and Television Trail, is amended by revising subsection (c) as follows:

"(c) Notwithstanding the provisions of any other statute concerning the improvement of land held in fee simple by the State of Georgia, the Department of Transportation shall be authorized to expend state funds, subject to appropriations, for construction, placement, and maintenance of the signs indicating the film or television production locations designated by the department ~~and may through purchase, easement, lease, or donation.~~"

PART XVII**SECTION 17-1.**

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by repealing Code Section 50-36-3, relating to the Immigration Enforcement Review Board, membership, duties, sanctions, and civil actions, and designating said Code section as reserved.

SECTION 17-2.

Any assets of the Immigration Enforcement Review Board existing as of June 30, 2019, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the Immigration Enforcement Review Board existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same.

PART XVIII**SECTION 18-1.**

Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the regulation of alcoholic beverages generally, is amended by repealing in its entirety Article 3, relating to prohibited conduct on licensed premises.

SECTION 18-2.

Code Section 35-6-2 of the Official Code of Georgia Annotated, relating to the membership of the State Victim Services Commission, is amended by revising subsections (a) and (b) as follows:

"(a) The State Victim Services Commission shall consist of ~~15~~ 14 members as follows:

(1) The executive director of the Prosecuting Attorneys' Council of Georgia or his or her designee;

(2) The president of the Georgia Sheriffs' Association or his or her designee;

(3) The executive director of the Criminal Justice Coordinating Council or his or her designee;

(4) The chairperson of the Georgia Commission on Family Violence or his or her designee;

(5) The executive director of the Georgia Coalition Against Domestic Violence or his or her designee;

(6) The executive director of the Association County Commissioners of Georgia or his or her designee;

(7) The executive director of the Children's Advocacy Centers of Georgia or his or her designee;

(8) The executive director of the Georgia Superior Court Clerks' Cooperative Authority or his or her designee;

~~(9) The executive director of the Georgia Association of Homes and Services for Children or his or her designee;~~

~~(10)~~(9) The executive director of the Georgia Municipal Association or his or her designee;

~~(11)~~(10) The executive director of the Georgia Network to End Sexual Assault or his or her designee;

~~(12)~~(11) A district attorney appointed by the Prosecuting Attorneys' Council of Georgia;

~~(13)~~(12) One member appointed by the Governor;

~~(14)~~(13) One member appointed by the Lieutenant Governor; and

~~(15)~~(14) One member appointed by the Speaker of the House of Representatives.

(b) ~~The term of appointment shall be three years for initial members appointed in accordance with the provisions of paragraphs (13) and (15) of subsection (a) of this Code section. The term of appointment shall be two years for initial members appointed in accordance with the provisions of paragraphs (12) and (14) of subsection (a) of this Code section.~~ The letter of appointment shall set out the term for which each member is appointed. Thereafter, each member shall be appointed for a term of two years, and no member may serve more than two consecutive terms. All vacancies shall be filled for the unexpired term by an appointee of the original appointing official."

SECTION 18-3.

Code Section 49-5-281 of the Official Code of Georgia Annotated, relating to the bill of rights for foster parents, is amended by revising subsection (e) as follows:

"(e) The Department of Human Services, in consultation with ~~the representatives of Georgia Association of Homes and Services for Children and other~~ appropriate provider associations and the Adoptive and Foster Parent Association of Georgia, shall develop a grievance procedure for dealing with any grievances their foster parents have in response to any violation of this article, no later than July 1, 2007. The department shall enforce this provision through policies and procedures and through its contracts with providers."

PART XIX

SECTION 19-1.

This Act shall become effective on July 1, 2019.

SECTION 19-2.

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