

House Bill 553 (AS PASSED HOUSE AND SENATE))

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 style="text-align:center">**PART I**
13 style="text-align:center">**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 style="text-align:center">**PART II**
18 style="text-align:center">**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.

21 **SECTION 2-2.**

22 Any assets of the Georgia Tobacco Community Development Board existing as of June 30,
 23 2019, shall devolve by operation of law and without further action to the State of Georgia on
 24 July 1, 2019. Any liabilities and obligations of the Georgia Tobacco Community
 25 Development Board existing as of June 30, 2019, shall be transferred to and assumed by the
 26 State of Georgia, by such instruments as may be required to maintain the same.

27 **SECTION 2-3.**

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

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

- 43 (1) State Board of Education;
- 44 (2) Board of Regents of the University System of Georgia;
- 45 (2.1) Board of Community Supervision;
- 46 (3) Board of Corrections;
- 47 (4) Board of Economic Development;
- 48 (5) Board of Natural Resources;
- 49 (6) Georgia Emergency Communications Authority;
- 50 (7) Dental Education Board;
- 51 (8) Georgia Student Finance Commission;
- 52 (9) Veterans Service Board;
- 53 (10) Georgia Agricultural Exposition Authority;
- 54 (11) Georgia Board for Physician Workforce;
- 55 (12) Georgia Music Hall of Fame Authority;
- 56 (13) Georgia Sports Hall of Fame Authority;

57 (14) Georgia Rail Passenger Authority;
 58 ~~(15) Georgia Tobacco Community Development Board;~~
 59 ~~(16)~~(15) State Board of the Technical College System of Georgia; and
 60 ~~(17)~~(16) Civil War Commission; and
 61 ~~(18) The delegation from the State of Georgia to the Southern Dairy Compact~~
 62 ~~Commission."~~

63 SECTION 2-4.

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

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

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

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

93

PART III

94

SECTION 3-1.

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

98

PART IV

99

SECTION 4-1.

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

105

PART V

106

SECTION 5-1.

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

109

SECTION 5-2.

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

115

SECTION 5-3.

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

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

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

- 123 (2) Functions transferred to the department from the Department of Human Resources
 124 (now known as the Department of Human Services) relating to day-care centers (now
 125 known as child care learning centers), group day-care homes (now known as child care
 126 learning centers), family day-care homes (now known as family child care learning
 127 homes), and other functions as agreed upon by the department and the Department of
 128 Human Resources (now known as the Department of Human Services) in accordance
 129 with Code Section 20-1A-8; and
- 130 ~~(3) Functions transferred to the department from the Georgia Child Care Council~~
 131 ~~pursuant to Code Section 20-1A-63; and~~
- 132 ~~(4) Functions relating to early childhood education programs transferred from the~~
 133 ~~Department of Education by agreement in accordance with Code Section 20-1A-17."~~

134 **SECTION 5-4.**

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

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

139 **SECTION 5-5.**

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

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

155 **PART VI**
156 **SECTION 6-1.**

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

160 **PART VII**
161 **SECTION 7-1.**

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

165 **SECTION 7-2.**

166 Any assets of the Private Colleges and Universities Authority existing as of June 30, 2019,
167 shall devolve by operation of law and without further action to the State of Georgia on July
168 1, 2019. Any liabilities and obligations of the Private Colleges and Universities Authority
169 existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by
170 such instruments as may be required to maintain the same.

171 **PART VIII**
172 **SECTION 8-1.**

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

176 **SECTION 8-2.**

177 Any assets of the Education Information Steering Committee existing as of June 30, 2019,
178 shall devolve by operation of law and without further action to the State of Georgia on July
179 1, 2019. Any liabilities and obligations of the Education Information Steering Committee
180 existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by
181 such instruments as may be required to maintain the same.

182

PART IX

183

SECTION 9-1.

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

188

SECTION 9-2.

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

195

PART X

196

SECTION 10-1.

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

200

SECTION 10-2.

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

206

PART XI

207

SECTION 11-1.

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

211 "31-44-3.

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

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

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

236

SECTION 11-2.

237 Any assets of the Renal Dialysis Advisory Council existing as of June 30, 2019, shall
 238 devolve by operation of law and without further action to the State of Georgia on July 1,
 239 2019. Any liabilities and obligations of the Renal Dialysis Advisory Council existing as of
 240 June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
 241 instruments as may be required to maintain the same.

242

PART XII

243

SECTION 12-1.

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

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

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

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

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

266

SECTION 12-2.

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

273

PART XIII

274

SECTION 13-1.

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

278

SECTION 13-2.

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

285

PART XIV

286

SECTION 14-1.

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

290

SECTION 14-2.

291 Any assets of the Commission on the Georgia Health Insurance Risk Pool existing as of June
292 30, 2019, shall devolve by operation of law and without further action to the State of Georgia
293 on July 1, 2019. Any liabilities and obligations of the Commission on the Georgia Health
294 Insurance Risk Pool existing as of June 30, 2019, shall be transferred to and assumed by the
295 State of Georgia, by such instruments as may be required to maintain the same.

296

PART XV

297

SECTION 15-1.

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

301 **SECTION 15-2.**

302 Any assets of the Georgia Silver-Haired Legislature existing as of June 30, 2019, shall
 303 devolve by operation of law and without further action to the State of Georgia on July 1,
 304 2019. Any liabilities and obligations of the Georgia Silver-Haired Legislature existing as of
 305 June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
 306 instruments as may be required to maintain the same.

307 **PART XVI**

308 **SECTION 16-1.**

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

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

317 **PART XVII**

318 **SECTION 17-1.**

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

323 **SECTION 17-2.**

324 Any assets of the Immigration Enforcement Review Board existing as of June 30, 2019, shall
 325 devolve by operation of law and without further action to the State of Georgia on July 1,
 326 2019. Any liabilities and obligations of the Immigration Enforcement Review Board existing
 327 as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
 328 instruments as may be required to maintain the same.

329

PART XVIII

330

SECTION 18-1.

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

334

SECTION 18-2.

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

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

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

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

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

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

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

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

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

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

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

356 ~~(10)~~(9) The executive director of the Georgia Municipal Association or his or her
 357 designee;

358 ~~(11)~~(10) The executive director of the Georgia Network to End Sexual Assault or his or
 359 her designee;

360 ~~(12)~~(11) A district attorney appointed by the Prosecuting Attorneys' Council of Georgia;

361 ~~(13)~~(12) One member appointed by the Governor;

362 ~~(14)~~(13) One member appointed by the Lieutenant Governor; and

363 ~~(15)~~(14) One member appointed by the Speaker of the House of Representatives.

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

372 **SECTION 18-3.**

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

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

381 **PART XIX**

382 **SECTION 19-1.**

383 This Act shall become effective on July 1, 2019.

384 **SECTION 19-2.**

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