

House Bill 180

By: Representatives Caldwell of the 20th, Welch of the 110th, Blackmon of the 146th, Kelley of the 16th, Werkheiser of the 157th, and others

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 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **PART I**
8 **SECTION 1-1.**

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

12 **PART II**
13 **SECTION 2-1.**

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

16 **SECTION 2-2.**

17 Any assets of the Georgia Tobacco Community Development Board existing as of June 30,
18 2019, shall devolve by operation of law and without further action to the State of Georgia on
19 July 1, 2019. Any liabilities and obligations of the Georgia Tobacco Community
20 Development Board existing as of June 30, 2019, shall be transferred to and assumed by the
21 State of Georgia, by such instruments as may be required to maintain the same.

SECTION 2-3.

22
23 Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense
24 allowance and travel cost reimbursement for members of certain boards and commissions,
25 is amended by revising subsection (a) as follows:

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

- 38 (1) State Board of Education;
- 39 (2) Board of Regents of the University System of Georgia;
- 40 (2.1) Board of Community Supervision;
- 41 (3) Board of Corrections;
- 42 (4) Board of Economic Development;
- 43 (5) Board of Natural Resources;
- 44 (6) Georgia Emergency Communications Authority;
- 45 (7) Dental Education Board;
- 46 (8) Georgia Student Finance Commission;
- 47 (9) Veterans Service Board;
- 48 (10) Georgia Agricultural Exposition Authority;
- 49 (11) Georgia Board for Physician Workforce;
- 50 (12) Georgia Music Hall of Fame Authority;
- 51 (13) Georgia Sports Hall of Fame Authority;
- 52 (14) Georgia Rail Passenger Authority;
- 53 ~~(15) Georgia Tobacco Community Development Board;~~
- 54 ~~(16)~~(15) State Board of the Technical College System of Georgia; and
- 55 ~~(17)~~(16) Civil War Commission; and
- 56 ~~(18) The delegation from the State of Georgia to the Southern Dairy Compact~~
- 57 ~~Commission."~~

58 **SECTION 2-4.**

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

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

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

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

88 **PART III**

89 **SECTION 3-1.**

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

93

PART IV

94

SECTION 4-1.

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

100

PART V

101

SECTION 5-1.

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

104

SECTION 5-2.

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

110

SECTION 5-3.

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

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

115

PART VI

116

SECTION 6-1.

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

120

PART VII

121

SECTION 7-1.

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

125

SECTION 7-2.

126 Any assets of the Private Colleges and Universities Authority existing as of June 30, 2019,
127 shall devolve by operation of law and without further action to the State of Georgia on July
128 1, 2019. Any liabilities and obligations of the Private Colleges and Universities Authority
129 existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by
130 such instruments as may be required to maintain the same.

131

PART VIII

132

SECTION 8-1.

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

136

SECTION 8-2.

137 Any assets of the Education Information Steering Committee existing as of June 30, 2019,
138 shall devolve by operation of law and without further action to the State of Georgia on July
139 1, 2019. Any liabilities and obligations of the Education Information Steering Committee
140 existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by
141 such instruments as may be required to maintain the same.

142

PART IX

143

SECTION 9-1.

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

148 **SECTION 9-2.**

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

155 **PART X**

156 **SECTION 10-1.**

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

160 **SECTION 10-2.**

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

166 **PART XI**

167 **SECTION 11-1.**

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

171 "31-44-3.

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

178 ~~(b) The department shall establish a Renal Dialysis Advisory Council to advise the~~
 179 ~~department regarding licensing and inspection of end stage renal disease facilities. The~~

180 ~~council shall be composed of a minimum of 13 persons appointed by the board: one~~
 181 ~~member recommended by the Dogwood Chapter of the American Nephrology Nurses~~
 182 ~~Association; one member recommended by the Georgia Association of Kidney Patients;~~
 183 ~~two physicians specializing in nephrology recommended by the Georgia Renal Physicians~~
 184 ~~Association; one member recommended by the National Kidney Foundation of Georgia;~~
 185 ~~two administrators of facilities certified as outpatient dialysis facilities in Georgia; three~~
 186 ~~members of the general public, two of whom shall be dialysis patients or family members~~
 187 ~~of dialysis patients; one member representing technicians working in renal dialysis~~
 188 ~~facilities; one member representing social workers working in renal dialysis facilities; and~~
 189 ~~one member representing dietitians working in renal dialysis facilities.~~
 190 ~~(c) Members of the council shall serve four-year terms and until their successors are~~
 191 ~~appointed and qualified. No member of the council shall serve more than two consecutive~~
 192 ~~terms. The council shall meet as frequently as the department considers necessary, but not~~
 193 ~~less than twice each year. The council shall be consulted and have the opportunity to~~
 194 ~~evaluate all rules promulgated by the department under this chapter applicable to end stage~~
 195 ~~renal disease facilities prior to their adoption. Members shall serve without compensation."~~

196 **SECTION 11-2.**

197 Any assets of the Renal Dialysis Advisory Council existing as of June 30, 2019, shall
 198 devolve by operation of law and without further action to the State of Georgia on July 1,
 199 2019. Any liabilities and obligations of the Renal Dialysis Advisory Council existing as of
 200 June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
 201 instruments as may be required to maintain the same.

202 **PART XII**
 203 **SECTION 12-1.**

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

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

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

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

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

226 **SECTION 12-2.**

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

233 **PART XIII**

234 **SECTION 13-1.**

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

238 **SECTION 13-2.**

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

245

PART XIV

246

SECTION 14-1.

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

250

SECTION 14-2.

251 Any assets of the Commission on the Georgia Health Insurance Risk Pool existing as of June
 252 30, 2019, shall devolve by operation of law and without further action to the State of Georgia
 253 on July 1, 2019. Any liabilities and obligations of the Commission on the Georgia Health
 254 Insurance Risk Pool existing as of June 30, 2019, shall be transferred to and assumed by the
 255 State of Georgia, by such instruments as may be required to maintain the same.

256

PART XV

257

SECTION 15-1.

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

261

SECTION 15-2.

262 Any assets of the Georgia Silver-Haired Legislature existing as of June 30, 2019, shall
 263 devolve by operation of law and without further action to the State of Georgia on July 1,
 264 2019. Any liabilities and obligations of the Georgia Silver-Haired Legislature existing as of
 265 June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
 266 instruments as may be required to maintain the same.

267

PART XVI

268

SECTION 16-1.

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

272 "(c) Notwithstanding the provisions of any other statute concerning the improvement of
 273 land held in fee simple by the State of Georgia, the Department of Transportation shall be
 274 authorized to expend state funds, subject to appropriations, for construction, placement, and

275 maintenance of the signs indicating the film or television production locations designated
276 by the department ~~and may through purchase, easement, lease, or donation."~~

277 **PART XVII**
278 **SECTION 17-1.**

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

280 **SECTION 17-2.**

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