

SENATE SUBSTITUTE TO HB 783:

AS PASSED SENATE

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 Title 45 of the Official Code of Georgia Annotated, relating to public officers and
 5 employees, so as to create the Georgia Commission on African American History and
 6 Culture; to provide for duties and objectives; to provide for membership and terms of office;
 7 to provide for reporting; to provide for funding; to provide for related matters; to provide an
 8 effective date; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **PART I**

11 **SECTION 1-1.**

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

15 **SECTION 1-2.**

16 Any assets of the Pacific White Shrimp Aquaculture Development Advisory Council existing
 17 as of June 30, 2018, shall devolve by operation of law and without further action to the State
 18 of Georgia on July 1, 2018. Any liabilities and obligations of the Pacific White Shrimp
 19 Aquaculture Development Advisory Council existing as of June 30, 2018, shall be
 20 transferred to and assumed by the State of Georgia, by such instruments as may be required
 21 to maintain the same.

22 **PART II**

23 **SECTION 2-1.**

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

26 **SECTION 2-2.**

27 Any assets of the Georgia Tobacco Community Development Board existing as of June 30,
28 2018, shall devolve by operation of law and without further action to the State of Georgia on
29 July 1, 2018. Any liabilities and obligations of the Georgia Tobacco Community
30 Development Board existing as of June 30, 2018, shall be transferred to and assumed by the
31 State of Georgia, by such instruments as may be required to maintain the same.

32 **SECTION 2-3.**

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

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

- 48 (1) State Board of Education;
- 49 (2) Board of Regents of the University System of Georgia;
- 50 ~~(2.1)~~(3) Board of Community Supervision;
- 51 ~~(3)~~(4) Board of Corrections;
- 52 ~~(4)~~(5) Board of Economic Development;
- 53 ~~(5)~~(6) Board of Natural Resources;
- 54 ~~(6) Reserved;~~
- 55 (7) Dental Education Board;

- 56 (8) Georgia Student Finance Commission;
 57 (9) Veterans Service Board;
 58 (10) Georgia Agricultural Exposition Authority;
 59 (11) Georgia Board for Physician Workforce;
 60 (12) Georgia Music Hall of Fame Authority;
 61 (13) Georgia Sports Hall of Fame Authority;
 62 (14) Georgia Rail Passenger Authority;
 63 ~~(15) Georgia Tobacco Community Development Board;~~
 64 ~~(16)~~(15) State Board of the Technical College System of Georgia; and
 65 ~~(17)~~(16) Civil War Commission; and
 66 (18) ~~The delegation from the State of Georgia to the Southern Dairy Compact~~
 67 ~~Commission."~~

68 SECTION 2-4.

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

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

90 (A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid
 91 rules adopted by the State Board of Education and Department of Education prior to

92 January 1, 1990, are ratified and validated and shall be effective until January 1, 1991,
93 whether or not such rules were adopted in compliance with the requirements of this
94 chapter; and

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

98 **PART III**

99 **SECTION 3-1.**

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

103 **PART IV**

104 **SECTION 4-1.**

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

110 **PART V**

111 **SECTION 5-1.**

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

114 **SECTION 5-2.**

115 Any assets of the Child Care Council existing as of June 30, 2018, shall devolve by operation
116 of law and without further action to the State of Georgia on July 1, 2018. Any liabilities and
117 obligations of the Child Care Council existing as of June 30, 2018, shall be transferred to and
118 assumed by the State of Georgia, by such instruments as may be required to maintain the
119 same.

120 **SECTION 5-3.**

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

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

125 **PART VI**

126 **SECTION 6-1.**

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

130 **PART VII**

131 **SECTION 7-1.**

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

135 **SECTION 7-2.**

136 Any assets of the Private Colleges and Universities Authority existing as of June 30, 2018,
137 shall devolve by operation of law and without further action to the State of Georgia on July
138 1, 2018. Any liabilities and obligations of the Private Colleges and Universities Authority
139 existing as of June 30, 2018, shall be transferred to and assumed by the State of Georgia, by
140 such instruments as may be required to maintain the same.

141 **PART VIII**

142 **SECTION 8-1.**

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

146 **SECTION 8-2.**

147 Any assets of the Education Information Steering Committee existing as of June 30, 2018,
148 shall devolve by operation of law and without further action to the State of Georgia on July

149 1, 2018. Any liabilities and obligations of the Education Information Steering Committee
150 existing as of June 30, 2018, shall be transferred to and assumed by the State of Georgia, by
151 such instruments as may be required to maintain the same.

152 **PART IX**

153 **SECTION 9-1.**

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

158 **SECTION 9-2.**

159 Any assets of the Federal and State Funded Health Care Financing Programs Overview
160 Committee existing as of June 30, 2018, shall devolve by operation of law and without
161 further action to the State of Georgia on July 1, 2018. Any liabilities and obligations of the
162 Federal and State Funded Health Care Financing Programs Overview Committee existing
163 as of June 30, 2018, shall be transferred to and assumed by the State of Georgia, by such
164 instruments as may be required to maintain the same.

165 **PART X**

166 **SECTION 10-1.**

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

170 **SECTION 10-2.**

171 Any assets of the Commission on Men's Health existing as of June 30, 2018, shall devolve
172 by operation of law and without further action to the State of Georgia on July 1, 2018. Any
173 liabilities and obligations of the Commission on Men's Health existing as of June 30, 2018,
174 shall be transferred to and assumed by the State of Georgia, by such instruments as may be
175 required to maintain the same.

176 **PART XI**

177 **SECTION 11-1.**

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

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

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

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

204 **SECTION 11-2.**

205 Any assets of the Renal Dialysis Advisory Council existing as of June 30, 2018, shall
206 devolve by operation of law and without further action to the State of Georgia on July 1,
207 2018. Any liabilities and obligations of the Renal Dialysis Advisory Council existing as of
208 June 30, 2018, shall be transferred to and assumed by the State of Georgia, by such
209 instruments as may be required to maintain the same.

210 **PART XII**

211 **SECTION 12-1.**

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

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

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

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

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

234 **SECTION 12-2.**

235 Any assets of the Arthritis Prevention and Control Program advisory panel existing as of
 236 June 30, 2018, shall devolve by operation of law and without further action to the State of
 237 Georgia on July 1, 2018. Any liabilities and obligations of the Arthritis Prevention and
 238 Control Program advisory panel existing as of June 30, 2018, shall be transferred to and
 239 assumed by the State of Georgia, by such instruments as may be required to maintain the
 240 same.

241

PART XIII

242

SECTION 13-1.

243

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

246

SECTION 13-2.

247

Any assets of the Special Advisory Commission on Mandated Health Insurance Benefits
248 existing as of June 30, 2018, shall devolve by operation of law and without further action to
249 the State of Georgia on July 1, 2018. Any liabilities and obligations of the Special Advisory
250 Commission on Mandated Health Insurance Benefits existing as of June 30, 2018, shall be
251 transferred to and assumed by the State of Georgia, by such instruments as may be required
252 to maintain the same.

253

PART XIV

254

SECTION 14-1.

255

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

258

SECTION 14-2.

259

Any assets of the Commission on the Georgia Health Insurance Risk Pool existing as of June
260 30, 2018, shall devolve by operation of law and without further action to the State of Georgia
261 on July 1, 2018. Any liabilities and obligations of the Commission on the Georgia Health
262 Insurance Risk Pool existing as of June 30, 2018, shall be transferred to and assumed by the
263 State of Georgia, by such instruments as may be required to maintain the same.

264

PART XV

265

SECTION 15-1.

266

Code Section 38-3-22.2 of the Official Code of Georgia Annotated, relating to establishment
267 of the Airport Antiterrorism Training Committee and annual training of same, is amended
268 by repealing said Code section.

269 **SECTION 15-2.**

270 Any assets of the Airport Antiterrorism Training Committee existing as of June 30, 2018,
271 shall devolve by operation of law and without further action to the State of Georgia on July 1,
272 2018. Any liabilities and obligations of the Airport Antiterrorism Training Committee
273 existing as of June 30, 2018, shall be transferred to and assumed by the State of Georgia, by
274 such instruments as may be required to maintain the same.

275 **PART XVI**

276 **SECTION 16-1.**

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

280 **SECTION 16-2.**

281 Any assets of the Georgia Silver-Haired Legislature existing as of June 30, 2018, shall
282 devolve by operation of law and without further action to the State of Georgia on July 1,
283 2018. Any liabilities and obligations of the Georgia Silver-Haired Legislature existing as of
284 June 30, 2018, shall be transferred to and assumed by the State of Georgia, by such
285 instruments as may be required to maintain the same.

286 **PART XVII**

287 **SECTION 17-1.**

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

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

296

PART XVIII

297

SECTION 18-1.

298

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,

299

is amended by adding a new chapter to read as follows:

300

"CHAPTER 25

301

45-25-1.

302

(a) There is created the Georgia Commission on African American History and Culture

303

(GCAAHC).

304

(b) The GCAAHC shall discover, document, preserve, collect, and promote Georgia's

305

African American heritage with a primary focus on educating the citizens of this state

306

about the significance of the African American experience in Georgia.

307

(c)(1) The primary objectives of the GCAAHC shall be to:

308

(A) Cultivate, present, interpret and promote the history and culture of African

309

Americans in the State of Georgia through museum collections, exhibitions,

310

commemorations, educational programs, publications, research, and public

311

participation;

312

(B) Serve as a clearinghouse for information and insights about African Americans in

313

Georgia and the nation through collaboration with other public, educational, corporate,

314

and Georgia based institutions on strategies for promoting African American history

315

and culture;

316

(C) Discover, preserve, collect, and catalog African American historical materials and

317

artifacts and establish, manage, and coordinate museums and other appropriate facilities

318

for the promotion of African American history and culture; and

319

(D) Disseminate and integrate African American historical and cultural materials into

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the mainstream of Georgia life and education as a method of fostering constructive

321

social change through better racial understanding.

322

(2) The GCAAHC shall provide technical assistance to institutions and groups with

323

similar objectives.

324

45-25-2.

325

(a) The Georgia Commission on African American History and Culture shall be composed

326

of 20 members.

327

(b) Said members shall be appointed as follows:

328

(1) On or before August 1, 2018:

329 (A) Two members by the Governor, one member by the Speaker of the House of
 330 Representatives, one member by the President of the Senate, and one member by the
 331 Georgia Legislative Black Caucus shall be appointed to each serve a one-year term;
 332 (B) Two members by the Governor, one member by the Speaker of the House of
 333 Representatives, one member by the President of the Senate, and one member by the
 334 Georgia Legislative Black Caucus shall be appointed to each serve a two-year term;
 335 (C) Two members by the Governor, one member by the Speaker of the House of
 336 Representatives, one member by the President of the Senate, and one member by the
 337 Georgia Legislative Black Caucus shall be appointed to each serve a three-year term;
 338 and
 339 (D) Two members by the Governor, one member by the Speaker of the House of
 340 Representatives, one member by the President of the Senate, and one member by the
 341 Georgia Legislative Black Caucus shall be appointed to each serve a four-year term.
 342 (2) Upon the expiration of the individual terms provided for in paragraph (1) of
 343 subsection (b) of this Code section and upon any term expiring thereafter, the respective
 344 appointing authorities shall appoint successors who shall each serve four-year terms.

345 45-25-3.

346 (a) The Governor shall designate one of such appointed members to serve as the
 347 chairperson of the commission at the Governor's pleasure.
 348 (b) The chairperson shall call all meetings of the commission.
 349 (c) A vice chairperson shall be selected by a majority of sitting commission members.
 350 (d) The commission shall meet on a quarterly basis at different locations within the state,
 351 particularly in rural areas of this state, interacting with local government officials,
 352 educational leaders, health care providers, business leaders, civic groups, and all other
 353 citizens who desire to offer input, so as to enable the commission to exercise fully and
 354 effectively its powers, perform its duties, and accomplish the objectives and purposes of
 355 this Code section.

356 45-25-4.

357 On or before December 31, 2019, the commission shall issue a comprehensive report of
 358 recommendation for the establishment of the Museum of Georgia African American
 359 History and Culture. Such report shall include information on the proposed location of the
 360 facility and a comprehensive plan for the implementation of fundraising efforts for
 361 construction and for ongoing support of the facility thereafter.

362 45-25-5.
363 (a) Legislative members of the commission shall receive the allowances provided for in
364 Code Section 28-1-8 of the Official Code of Georgia Annotated.
365 (b) Members of the commission who are state officials, other than legislative members,
366 or state employees shall receive no compensation for their services on the commission, but
367 they may be reimbursed for expenses incurred by them in the performance of their duties
368 as members of the commission in the same manner as they are reimbursed for expenses in
369 their capacities as state officials or employees.
370 (c) Citizen members of the commission shall receive a daily expense allowance in an
371 amount the same as that specified in subsection (b) of Code Section 45-7-21 of the Official
372 Code of Georgia Annotated, as well as the mileage or transportation allowance authorized
373 for state employees.
374 (d) The allowances and expenses authorized by this resolution shall not be received by any
375 member of the commission for more than five days. Funds necessary to carry out the
376 provisions of this Code section shall come from appropriated funds; provided, however,
377 that funds for the reimbursement of the expenses of state officials, other than legislative
378 members, and state employees shall come from funds appropriated to or otherwise
379 available to their respective agencies."

380 **PART XIX**
381 **SECTION 19-1.**

382 This Act shall become effective on July 1, 2018.

383 **SECTION 19-2.**

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