

Senate Bill 23

By: Senators Kirkpatrick of the 32nd, Dolezal of the 27th, Beach of the 21st, Tillery of the 19th, Hufstetler of the 52nd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend various titles of the Official Code of Georgia Annotated so as to revise committee
2 names; to repeal provisions relating to inactive boards, panels, authorities, centers,
3 commissions, committees, councils, task forces, and other such bodies and certain procedures
4 of the General Assembly; to make conforming changes throughout the Code; to amend Part
5 3 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating
6 to the Georgia Data Analytic Center, so as to provide for definitions; to establish the Georgia
7 Data Analytic Center as an agent of all executive state agencies; to provide for resolution of
8 data sharing disputes between state agencies; to provide for statutory construction; to provide
9 for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **PART I**

12 *Senate Appropriations Subcommittee Name Correction*

13 **SECTION 1-1.**

14 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
 15 revising paragraph (1) of subsection (a) of Code Section 2-10-53.1, relating to oversight by
 16 legislative advisory committee, membership, duties, and expiration, as follows:

17 "(1) The chairpersons of the House Appropriations Subcommittee for Economic
 18 Development and Tourism and the Senate Appropriations Subcommittee for Agriculture
 19 and ~~Consumer Affairs~~ Natural Resources or their designees, ex officio;"

20 PART II

21 *Senate Committee Name Correction*

22 SECTION 2-1.

23 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
 24 amended by revising Code Section 10-9-20, relating to Geo. L. Smith II Georgia World
 25 Congress Center Authority Overview Committee created, composition, officers, and duties,
 26 as follows:

27 "10-9-20.

28 There is created as a joint committee of the General Assembly the Geo. L. Smith II Georgia
 29 World Congress Center Authority Overview Committee to be composed of five members
 30 of the House of Representatives appointed by the Speaker of the House, one of whom shall
 31 be a member of the minority party, five members of the Senate appointed by the Senate
 32 Committee on Assignments, one of whom shall be a member of the minority party, the
 33 chairperson of the House Committee on Economic Development and Tourism or his or her
 34 designee, and the chairperson of the Senate Committee on Economic Development and
 35 Tourism ~~Senate Economic Development Committee~~ or his or her designee. The members
 36 of the committee shall serve two-year terms concurrent with their terms as members of the
 37 General Assembly. The chairperson of the committee shall be appointed by the Senate
 38 Committee on Assignments from the membership of the committee, and the vice

39 chairperson of the committee shall be appointed by the Speaker of the House from the
 40 membership of the committee. The chairperson and vice chairperson shall serve terms of
 41 two years concurrent with their terms as members of the General Assembly. Vacancies in
 42 an appointed member's position or in the offices of chairperson or vice chairperson of the
 43 committee shall be filled for the unexpired term in the same manner as the original
 44 appointment. The committee shall periodically inquire into and review the operations of
 45 the Geo. L. Smith II Georgia World Congress Center Authority, as well as periodically
 46 review and evaluate the success with which the authority is accomplishing its statutory
 47 duties and functions as provided in this chapter."

48 **PART III**

49 *Georgia Education Authority (Schools)*

50 **SECTION 3-1.**

51 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
 52 Article 11 of Chapter 2, relating to public school property and facilities, by repealing Part 3,
 53 relating to the Georgia Education Authority (Schools), and designating said part as reserved.

54 **SECTION 3-2.**

55 Said title is further amended in Code Section 20-3-152, relating to the Georgia Education
 56 Authority (University) creation, members, officers, and staff, quorum, procedural rules and
 57 regulations, and assignment to Department of Administrative Services, by revising
 58 subsection (b) as follows:

59 "(b) The authority shall elect one of its members as ~~chairman~~ chairperson and another as
 60 ~~vice-chairman~~ vice-chairperson and a secretary and treasurer, who need not necessarily be
 61 a member of the authority ~~but who shall be the same as the secretary and treasurer of the~~
 62 ~~Georgia Education Authority (Schools)~~. The majority of the members of the authority shall

63 constitute a quorum. No vacancy on the authority shall impair the right of the quorum to
64 exercise all the rights and perform all the duties of the authority. The members of the
65 authority shall not be entitled to compensation for their services but shall be entitled to and
66 shall be reimbursed for their actual expenses necessarily incurred in the performance of
67 their duties. ~~The staff of the authority shall be the same as the staff of the Georgia~~
68 ~~Education Authority (Schools).~~ The authority shall make rules and regulations for its own
69 government. It shall have perpetual existence. Any change in name or composition of the
70 authority shall in no way affect the vested rights of any person under the provisions of this
71 article or impair the obligations of any contracts existing under this article."

72 **SECTION 3-3.**

73 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
74 amended in Code Section 29-3-32, relating to investment of funds, by repealing paragraph
75 (8) and designating said paragraph as reserved.

76 **SECTION 3-4.**

77 Said title is further amended in Code Section 29-5-32, relating to investment of estate funds
78 by conservator, by repealing paragraph (8) and designating said paragraph as reserved.

79 **SECTION 3-5.**

80 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
81 is amended by revising Code Section 45-15-13, relating to representation of state authorities
82 by Attorney General, as follows:

83 "45-15-13.

84 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
85 following instrumentalities of the state: Georgia Building Authority, ~~Georgia Education~~
86 ~~Authority (Schools),~~ Georgia Education Authority (University), Georgia Highway

87 Authority, Georgia Ports Authority, State Road and Tollway Authority, Jekyll
88 Island—State Park Authority, Stone Mountain Memorial Association, Georgia Emergency
89 Communications Authority, and Savannah-Georgia Convention Center Authority.”

90

SECTION 3-6.

91 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
92 in Code Section 50-17-21, relating to definitions, by revising paragraph (9) as follows:

93 “(9) 'State authorities' means the following instrumentalities of the state: Georgia
94 Building Authority, ~~Georgia Education Authority (Schools)~~, Georgia Education Authority
95 (University), Georgia Highway Authority, State Road and Tollway Authority, Georgia
96 Ports Authority, Georgia Development Authority, Jekyll Island—State Park Authority,
97 Stone Mountain Memorial Association, North Georgia Mountains Authority, Lake Lanier
98 Islands Development Authority, Groveland Lake Development Authority, Georgia
99 Higher Education Assistance Authority, the Georgia Housing and Finance Authority, and
100 other instrumentalities of the state created by the General Assembly and authorized to
101 issue debt and not specifically exempt from this article.”

102

SECTION 3-7.

103 Said title is further amended in Code Section 50-17-22, relating to State Financing and
104 Investment Commission, by revising paragraph (2) of subsection (b) as follows:

105 “(2) There shall be a construction division of the commission administered by a director
106 who shall not be a member of the commission and who shall also serve as the executive
107 secretary for the commission. The director and the staff of the construction division shall
108 be appointed by and serve at the pleasure of the commission, shall provide administrative
109 support for all personnel of the commission, and shall account for and keep all records
110 pertaining to the operation and administration of the commission and its staff. The
111 director, as executive secretary, shall prepare agendas and keep minutes of all meetings

112 of the commission. In construction and construction related matters, the construction
113 division shall act in accordance with the policies, resolutions, and directives of the
114 ~~Georgia Education Authority (Schools)~~ and the Georgia Education Authority (University)
115 until such time as such policies, resolutions, or directives are changed or modified by the
116 commission. In carrying out its responsibilities in connection with the application of any
117 funds under its control, including the proceeds of any debt or any appropriation made
118 directly to it for construction purposes, the commission is specifically authorized to
119 acquire and construct projects for the benefit of any department or agency of the state or
120 to contract with any such department or agency for the acquisition or construction of
121 projects under policies, standards, and operating procedures to be established by the
122 commission; provided, however, that the commission shall contract with the Department
123 of Transportation or the Georgia Highway Authority or the State Road and Tollway
124 Authority or any combination of the foregoing for the supervision of and contracting for
125 design, planning, building, rebuilding, constructing, reconstructing, surfacing,
126 resurfacing, laying out, grading, repairing, improving, widening, straightening, operating,
127 owning, maintaining, leasing, and managing any public roads and bridges for which
128 general obligation debt has been authorized. The construction division also shall perform
129 such construction related services and grant administration services for state agencies and
130 instrumentalities and for local governments, instrumentalities of local governments, and
131 other political subdivisions as may be assigned to the commission or to the construction
132 division by executive order of the Governor."

133 **SECTION 3-8.**

134 Any assets of the Georgia Education Authority (Schools) existing as of June 30, 2023, shall
135 devolve by operation of law and without further action to the State of Georgia on July 1,
136 2023. Any liabilities and obligations of the Georgia Education Authority (Schools) existing

137 as of June 30, 2023, shall be transferred and assumed by the State of Georgia, by such
138 instruments as may be required to maintain the same.

139 **PART IV**

140 *General Assembly*

141 **SECTION 4-1.**

142 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
143 amended by repealing Code Section 28-1-17, relating to prefiling of proposed bills and
144 resolutions prior to each legislative session and administrative procedure.

145 **SECTION 4-2.**

146 Said title is further amended in Code Section 28-3-24.1, relating to public distribution of
147 legislative information in electronic format, by revising subsection (b) as follows:

148 "(b) The Secretary of the Senate and the Clerk of the House of Representatives may
149 provide legislative information in electronic format to the GeorgiaNet Division of the
150 Georgia Technology Authority for purposes of public distribution as provided in Code
151 Section 50-25-14. The information may be provided on at least a daily basis in the most
152 current format available. The information provided may include at a minimum: available
153 schedules and agenda for committee meetings; available bill and resolution status
154 information; and full text of all available ~~prefiled~~ and introduced versions of bills and
155 resolutions, including amendments and substitutes. The information provided may include
156 such other matters as will in the determination of the Secretary and the Clerk contribute to
157 the purposes of this Code section. The Georgia Technology Authority shall work with the
158 General Assembly to develop a single Internet site for the Georgia General Assembly. The
159 content and the format of the General Assembly Internet site shall be determined by the
160 Legislative Services Committee."

161

PART V

162

Georgia Rail Passenger Authority Overview Committee

163

SECTION 5-1.

164 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
165 amended by repealing Chapter 10, relating to the Georgia Rail Passenger Authority
166 Overview Committee, and designating said chapter as reserved.

167

SECTION 5-2.

168 Any assets of the Georgia Rail Passenger Authority Overview Committee existing as of June
169 30, 2023, shall devolve by operation of law and without further action to the State of Georgia
170 on July 1, 2023. Any liabilities and obligations of the Georgia Rail Passenger Authority
171 Overview Committee existing as of June 30, 2023, shall be transferred and assumed by the
172 State of Georgia, by such instruments as may be required to maintain the same.

173

PART VI

174

Reports of the Office of Health Strategy and Coordination

175

SECTION 6-1.

176 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
177 Code Section 31-53-6, relating to the compiling of reports and public dissemination of data,
178 as follows:

179 "31-53-6.

180 (a) The office shall compile reports received from the following boards, commissions,
181 committees, councils, and offices pursuant to each such entity's respective statutory
182 reporting requirements:

183 (1) The Maternal Mortality Review Committee;

184 ~~(2) The Office of Women's Health;~~
 185 ~~(3) The Kidney Disease Advisory Committee;~~
 186 ~~(4)(2) The Hemophilia Advisory Board;~~
 187 ~~(5)(3) The Georgia Council on Lupus Education and Awareness;~~
 188 ~~(6)(4) The Georgia Palliative Care and Quality of Life Advisory Council;~~
 189 ~~(7)(5) The Georgia Trauma Care Network Commission;~~
 190 ~~(8)(6) The Behavioral Health Coordinating Council;~~
 191 ~~(9)(7) The Department of Public Health on behalf of the Georgia Coverdell Acute Stroke~~
 192 ~~Registry;~~
 193 ~~(10)(8) The Office of Cardiac Care; and~~
 194 ~~(11)(9) The Brain and Spinal Injury Trust Fund Commission.~~
 195 (b) The office shall maintain a website that permits public dissemination of data compiled
 196 by the boards, commissions, committees, councils, and offices listed in subsection (a) of
 197 this Code section."

198 **PART VII**

199 *Partnership for Public Facilities and Infrastructure Act Guidelines Committee*

200 **SECTION 7-1.**

201 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
 202 by repealing Code Section 36-91-111, relating to the creation and administration of the
 203 Partnership for Public Facilities and Infrastructure Act Guidelines Committee, and
 204 designating said Code section as reserved.

205 **SECTION 7-2.**

206 Said title is further amended in Code Section 36-91-112, relating to model guidelines, by
 207 revising subsection (a) as follows:

208 "(a) Prior to executing any comprehensive agreement for the development or operation of
209 a qualifying project pursuant to an unsolicited proposal received by a local government
210 under this article, the local government shall adopt either:
211 ~~(1) The model guidelines from the Partnership for Public Facilities and Infrastructure Act~~
212 ~~Guidelines Committee; or~~
213 ~~(2) Its~~ its own guidelines as a policy, rule, regulation, or ordinance, which shall contain
214 each of the factors identified in subsection (b) of this Code section."

215 **PART VIII**

216 *Georgia World War I Centennial Commission*

217 **SECTION 8-1.**

218 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
219 is amended by repealing Article 3 of Chapter 13, relating to the Georgia World War I
220 Centennial Commission, and designating said article as reserved.

221 **SECTION 8-2.**

222 Any assets of the Georgia World War I Centennial Commission existing as of June 30, 2023,
223 shall devolve by operation of law and without further action to the State of Georgia on July
224 1, 2023. Any liabilities and obligations of the Georgia World War I Centennial Commission
225 existing as of June 30, 2023, shall be transferred and assumed by the State of Georgia, by
226 such instruments as may be required to maintain the same.

227

PART IX

228

State Personnel Oversight Commission

229

SECTION 9-1.

230 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
231 is amended by repealing Chapter 24, relating to the "Governmental Reorganization and
232 Termination from Employment Reform Act of 1977."

233

SECTION 9-2.

234 Any assets of the State Personnel Oversight Commission existing as of June 30, 2023, shall
235 devolve by operation of law and without further action to the State of Georgia on July 1,
236 2023. Any liabilities and obligations of the State Personnel Oversight Commission existing
237 as of June 30, 2023, shall be transferred and assumed by the State of Georgia, by such
238 instruments as may be required to maintain the same.

239

PART X

240

Small Business Assistance Advisory Council

241

SECTION 10-1.

242 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
243 by repealing Part 3 of Article 3 of Chapter 5, relating to small business assistance, and
244 designating said part as reserved.

245

PART XI

246

Commission on Regional Planning

247

SECTION 11-1.

248 Said title is further amended by repealing Part 2 of Article 2 of Chapter 8, relating to the
249 Commission on Regional Planning.

250

SECTION 11-2.

251 Any assets of the Commission on Regional Planning existing as of June 30, 2023, shall
252 devolve by operation of law and without further action to the State of Georgia on July 1,
253 2023. Any liabilities and obligations of the Commission on Regional Planning existing as
254 of June 30, 2023, shall be transferred and assumed by the State of Georgia, by such
255 instruments as may be required to maintain the same.

256

PART XII

257

Commission on the Preservation of the State Capitol

258

SECTION 12-1.

259 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
260 by repealing Code Section 50-16-5.1, relating to the Commission on the Preservation of the
261 State Capitol.

262

SECTION 12-2.

263 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
264 is amended in Code Section 45-13-72, relating to submission of recommendations to achieve
265 highest museum standards, and designation of area as Georgia Capitol Agricultural History
266 Museum, by revising subsection (b) as follows:

267 "(b) The Capitol Art Standards Commission, in cooperation with the Board of Regents of
 268 the University System of Georgia ~~and the Commission on the Preservation of the State~~
 269 ~~Capitol~~, shall designate areas within the capitol museum as the Georgia Capitol
 270 Agricultural History Museum areas. Such areas shall include information, artifacts,
 271 photographs, monuments, or other related items which tell the history and importance of
 272 agriculture to this state's economic growth. Except as provided for in this part, the Georgia
 273 Capitol Agricultural History Museum areas of the capitol museum shall be maintained,
 274 operated, and managed in the same manner as the other areas of the capitol museum."

275 **SECTION 12-3.**

276 Any assets of the Commission on the Preservation of the State Capitol existing as of June 30,
 277 2023, shall devolve by operation of law and without further action to the State of Georgia on
 278 July 1, 2023. Any liabilities and obligations of the Commission on the Preservation of the
 279 State Capitol existing as of June 30, 2023, shall be transferred and assumed by the State of
 280 Georgia, by such instruments as may be required to maintain the same.

281 **PART XIII**

282 *Senate Committee Name Correction*

283 **SECTION 13-1.**

284 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 285 by revising subsection (a) of Code Section 50-27-34, relating to the Georgia Lottery
 286 Corporation Legislative Oversight Committee, as follows:

287 "(a) There is created as a joint committee of the General Assembly, the Georgia Lottery
 288 Corporation Legislative Oversight Committee, to be composed of the members of the
 289 House Committee on Regulated Industries and the Senate Committee on Economic
 290 Development and Tourism ~~Senate Economic Development Committee~~. The chairpersons

291 of such committees shall serve as cochairpersons of the oversight committee. The
 292 oversight committee shall periodically inquire into and review the operations of the
 293 Georgia Lottery Corporation, as well as periodically review and evaluate the success with
 294 which the authority corporation is accomplishing its statutory duties and functions as
 295 provided in this chapter. The oversight committee may conduct any independent audit or
 296 investigation of the authority corporation it deems necessary."

297 **PART XIII**

298 *Georgia Data Analytic Center*

299 **SECTION 13A-1.**

300 Part 3 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated,
 301 relating to the Georgia Data Analytic Center, is amended by adding two new paragraphs to
 302 Code Section 45-12-150, relating to definitions, to read as follows:

303 "(2.1)(A) 'Executive state agency' means any agency, authority, board, bureau,
 304 commission, department, division, office, or other unit of the executive branch of state
 305 government whether established by or pursuant to the Constitution of the State of
 306 Georgia, the Official Code of Georgia, any administrative rule or regulation, or any
 307 executive order.

308 (B) Such term shall not include:

309 (i) The legislative or judicial branches of state government;

310 (ii) Any political subdivision;

311 (iii) The Georgia State Financing and Investment Commission; or

312 (iv) The Board of Regents of the University System of Georgia."

313 "(3.1)(A) 'Government information' means any information created, received,
 314 maintained, or stored by, or otherwise in the control of, an executive state agency,
 315 regardless of the form or the media on which the information is recorded.

316 (B) Such term shall not include:

- 317 (i) Investigative records of law enforcement agencies;
318 (ii) Confidential investigative records related to an ongoing investigation and any
319 related information classified as confidential; or
320 (iii) Confidential advisory opinions requested or given by the office of the inspector
321 general."

322 **SECTION 13A-2.**

323 Said part is further amended by revising Code Section 45-12-153, relating to access to data,
324 as follows:

325 "45-12-153.

326 (a) Any state agency or department that creates, receives, or maintains publicly supported
327 program, fiscal, or health data shall, only after execution of an enforceable data use, data
328 sharing, or other similar agreement that is acceptable to the state agency or department,
329 transmit or allow access to such data as is necessary and appropriate to further the purposes
330 of this part and shall cooperate with GDAC Project requests for receipt of or access to such
331 data. Notwithstanding the foregoing, any state agency or department shall not be required
332 to transmit data which it creates, receives, or maintains to the GDAC Project or to allow
333 access to such data if the Attorney General's review or the applicable state agency's or
334 department's review determines that such transmission or access would violate state or
335 federal law. The Attorney General's review shall include consideration of an analysis from
336 the state agency or department whose data are being requested, and shall include the
337 reason, if any, that the requested data cannot be transmitted or allowed for access to the
338 Georgia Data Analytic Center as an agent of the state agency or department as provided in
339 subsection (c) of this Code section.

340 (b) This Code section shall not prohibit the office or any agency or department from
341 creating, receiving, maintaining, or transmitting data in data systems that are separate and
342 distinct from the GDAC Project.

343 (c) The Georgia Data Analytic Center is considered to be an agent of all executive state
344 agencies sharing government information and is an authorized receiver of government
345 information under the statutory or administrative law that governs such government
346 information.

347 (d) Interagency and intra-agency data sharing under this part does not constitute a
348 disclosure or release under any statutory or administrative law that governs the government
349 information. In no event shall government information accessed, received, or obtained by
350 the Georgia Data Analytic Center, which is protected by any form of confidentiality or
351 privilege, cause such information to be subject to disclosure, including, but not limited to,
352 disclosure pursuant to Code Sections 50-18-70 and 50-18-72.

353 (e) The director of the Office of Planning and Budget shall have the authority to review
354 data sharing disputes between executive state agencies where a data request made by one
355 agency to another is denied following a department or agency's finding that transmission
356 or access would violate state or federal law. At the request of an agency, such director
357 shall perform a review of a data request and issue a final determination as to whether such
358 transmission or access to data from one agency to another would violate state or federal
359 law. The director's review shall include consideration of an analysis from the state agency
360 or department whose data are being requested. The director shall consult with the
361 chairpersons of the Senate and House appropriations committees prior to making a final
362 determination. In the event that the director's final determination concludes that such
363 transmission or access to data does not violate state or federal law, the final determination
364 shall have the effect of overturning the agency's finding and compelling it to cooperate with
365 the data transfer as requested by the requesting agency.

366 (f) Nothing in this part is intended to or shall be construed to limit the authority of the state
367 auditor pursuant to Chapter 6 of Title 50 to obtain information directly from executive state
368 agencies."

369

370

PART XIV

371

General Repealer

372

SECTION 14-1.

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