

The House Committee on Rules offers the following substitute to SB 502:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to regulate and provide for certain activities by state government; to expand a
3 prohibition on certain companies bidding on or submitting a proposal for a state contract to
4 include all companies owned or operated by foreign adversaries; to prohibit state agencies
5 from contracting for advertising or marketing services with certain companies or from
6 supporting certain companies; to provide for definitions; to provide for certifications; to
7 provide for exceptions; to authorize county boards of health and community service boards
8 to conduct meetings via teleconference; to authorize district health directors to attend county
9 board of health meetings by teleconference; to authorize the Georgia Environmental Finance
10 Authority to finance and perform certain duties in connection with projects relating to natural
11 gas facilities; to revise definitions; to provide for rules and regulations; to provide for limited
12 liability; to provide for related matters; to provide effective dates; to repeal conflicting laws;
13 and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising Code Section 50-5-84.2, relating to contracting with companies owned by China, as follows:

"50-5-84.2.

(a) As used in this Code section, the term:

(1) 'Company' means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit.

(1.1) 'Company of concern' means a company in which the government of China has an ownership stake.

(1.2) 'Foreign adversary' means:

(A) Republic of Cuba (Cuba);

(B) Islamic Republic of Iran (Iran);

(C) Democratic People's Republic of Korea (North Korea);

(D) Russian Federation (Russia); and

(E) Venezuelan politician Nicolás Maduro (Maduro Regime).

(2) 'Government of China' means the People's Republic of China led by the Chinese Communist Party.

(3) 'Scrutinized company' means any company owned or operated by the government of China a foreign adversary.

(b) A scrutinized company shall be ineligible to, and shall not, bid on or submit a proposal for a contract with a state agency for goods or services.

(b.1) A company of concern shall be ineligible to, and shall not, bid on or submit a proposal for a contract, directly or through a third-party seller, with a state agency for

42 goods, services, or the procurement or purchase of computers, printers, software, hardware,
 43 connecting cables, or other information technology equipment needed for an office
 44 environment.

45 (c) A state agency shall require a company that submits a bid or proposal with respect to
 46 a contract for goods or services to certify that the company is not a company of concern or
 47 a scrutinized company.

48 (d) If the Department of Administrative Services determines that a company has submitted
 49 a false certification under subsection (c) of this Code section:

50 (1) The company shall be liable for a civil penalty in an amount that is equal to the
 51 greater of \$250,000.00 or twice the amount of the contract for which a bid or proposal
 52 was submitted;

53 (2) The state agency or the Department of Administrative Services shall terminate the
 54 contract with the company; and

55 (3) The company shall be ineligible to, and shall not, bid on a state contract."

56 **SECTION 2.**

57 Said title is further amended by adding a new Code section to read as follows:

58 "50-5-86.

59 (a) As used in this Code section, the term:

60 (1) 'Agency' means any entity of this state, including any department, agency, division,
 61 council, bureau, board, commission, public corporation, or authority; provided, however,
 62 that such term shall not mean a political subdivision of this state.

63 (2) 'Company' means any sole proprietorship, organization, association, corporation,
 64 partnership, joint venture, limited partnership, limited liability partnership, limited
 65 liability company, or other entity or business association, including all wholly owned
 66 subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities

67 or business associations that exist for the purpose of making a profit or are nonprofit
68 entities.

69 (3) 'Media reliability and bias monitor' means any company the primary or principal
70 function of which is to:

71 (A) Rate or rank news and information sources for the factual accuracy of their
72 content, whether published online, in print, by audio, or digitally, or by broadcasting
73 via radio, television, cable, streaming service, or any other ways news is delivered to
74 the public; or

75 (B) Provide ratings or an opinion on news sources regarding misinformation, bias,
76 adherence to journalistic standards, or ethics, including, but not limited to,
77 organizations that claim to engage in fact checking;

78 The term 'media reliability and bias monitor' does not include organizations that do not
79 engage in the activities described in subparagraph (A) or (B) of this paragraph; that rate
80 media outlets for audience size, viewership, and demographic information; or that
81 monitor media outlets for the purposes of compiling press or video clippings or
82 aggregating news sources for the purposes of public relations and public awareness.

83 (b) No agency shall:

84 (1) Enter into any contract or other agreement with a media reliability and bias monitor
85 or with any advertising or marketing agency that utilizes a media reliability and bias
86 monitor on services provided to the state; or

87 (2) Provide support of any form, other than nondiscretionary actions otherwise required
88 by law, to a media reliability and bias monitor.

89 (c)(1) An agency shall require a company that submits a bid or proposal with respect to
90 a contract for advertising services to certify that the company is in compliance with
91 paragraph (1) of subsection (b) of this Code section.

92 (2) An agency, prior to extending, renewing, or otherwise changing or modifying an
93 agreement or contract for advertising or marketing services in effect on the effective date

94 of this Code section, shall obtain from the contractor a certification that the contractor is
95 in compliance with paragraph (1) of subsection (b) of this Code section.
96 (3) Nothing in this subsection shall prevent an agency from contracting for services
97 which aggregate news articles and information relevant to the agency or its constituents
98 or prevent a company from providing analytical information on the performance of
99 advertisements placed by an agency."

100 SECTION 3.

101 Said title is further amended by revising Code Section 50-14-1, relating to meetings open
102 to the public, limitation on action to contest agency action, recording, notice of time and
103 place, access to minutes, and teleconferences, by adding new subsections to read as follows:
104 "(h)(1) County boards of health established pursuant to Code Section 31-3-1 and
105 community service boards established pursuant to Code Section 37-2-6 shall be
106 authorized to conduct meetings by teleconference, provided that any such meeting shall
107 be considered to be conducted in compliance with this chapter so long as the notice
108 required by this chapter is provided and, if fewer than a quorum of the members of a
109 board thereof are physically present, means have been afforded for the public to have
110 simultaneous access to the teleconference meeting.
111 (2) The participation by teleconference of members of such boards thereof means full
112 participation in the same manner as if such members were physically present. In the
113 event such teleconference meeting is a public hearing, and if fewer than a quorum of the
114 members of a body or committee thereof are physically present, then members of the
115 public shall be afforded the means to participate fully in the same manner as if such
116 members of the public were physically present.
117 (i) The district health director for each health district who serves on one or more county
118 boards of health established pursuant to Code Section 31-3-1 shall be authorized to attend
119 meetings of such boards by teleconference. A district health director participating in such

120 board meeting via teleconference shall be considered present at such meeting for the
121 purpose of establishing a quorum as if he or she was physically present at such meeting."

122 **SECTION 4.**

123 Said title is further amended in Code Section 50-23-4, relating to definitions, by revising
124 paragraphs (5), (6), (10.1), and (10.2) and adding a new paragraph to read as follows:

125 "(5) 'Environmental facilities' means any projects, structures, and other real or personal
126 property acquired, rehabilitated, constructed, or planned:

127 (A) For the purposes of supplying, distributing, and treating water and diverting,
128 channeling, or controlling water flow and head including, but not limited to, surface or
129 ground water, canals, reservoirs, channels, basins, dams, aqueducts, standpipes,
130 penstocks, conduits, pipelines, mains, pumping stations, water distribution systems,
131 compensating reservoirs, intake stations, waterworks or sources of water supply, wells,
132 purification or filtration plants or other treatment plants and works, connections, water
133 meters, mechanical equipment, electric generating equipment, rights of flowage or
134 division and other plant structures, equipment, conveyances, real or personal property
135 or rights therein and appurtenances, furnishings, accessories, and devices thereto
136 necessary or useful and convenient for the collection, conveyance, distribution,
137 pumping, treatment, storing, or disposing of water;

138 (B) For the purposes of collecting, treating, or disposing of sewage including, but not
139 limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall,
140 pumping stations, treatment and disposal plants, ground water recharge basins,
141 backflow prevention devices, sludge dewatering or disposal equipment and facilities,
142 clarifiers, filters, phosphorus removal equipment and other plants, soil absorption
143 systems, innovative systems or equipment, structures, equipment, vehicles,
144 conveyances, real or personal property or rights therein, and appurtenances thereto

145 necessary or useful and convenient for the collection, conveyance, pumping, treatment,
146 neutralization, storing, and disposing of sewage;

147 (C) For the purposes of collecting, treating, recycling, composting, or disposing of
148 solid waste, including, but not limited to, trucks, dumpsters, intermediate reception
149 stations or facilities, transfer stations, incinerators, shredders, treatment plants, landfills,
150 landfill equipment, barrels, binders, barges, alternative technologies and other plant
151 structures, equipment, conveyances, improvements, real or personal property or rights
152 therein, and appurtenances, furnishings, accessories, and devices thereto necessary or
153 useful and convenient for the collection, treatment, or disposal of solid waste; or

154 (D) For the purposes of carrying out a community land conservation project or a state
155 land conservation project pursuant to Chapter 22 of Title 36; or

156 (E) For the purposes of storing, supplying, and distributing natural gas, including, but
157 not limited to, pipelines, storage tanks and facilities, natural gas distribution systems,
158 equipment, vehicles, conveyances, real or personal property or rights therein and
159 appurtenances, furnishings, accessories, and devices thereto necessary or useful and
160 convenient for the storage, supply, and distribution of natural gas.

161 (6) 'Environmental services' means the provision, collectively or individually, of water
162 facilities, sewerage facilities, solid waste facilities, natural gas facilities, community land
163 conservation projects or state land conservation projects pursuant to Chapter 22 Title 36,
164 or management services."

165 "(10.1) 'Natural gas facility' means any environmental facility described in subparagraph
166 (E) of paragraph (5) of this Code section.

167 (10.2) 'Nongovernmental entity' means a nonprofit organization the primary purposes of
168 which are the permanent protection and conservation of land and natural resources.

169 ~~(10.2)~~(10.3) 'Nonprofit corporation' means any corporation qualified as a not for profit
170 corporation by the Internal Revenue Service under Section 501(c)(3) or Section 501(c)(4)
171 of the Internal Revenue Code."

172 **SECTION 5.**

173 Said title is further amended in subsection (b) of Code Section 50-23-5, relating to purpose,
174 powers, and duties, by deleting "and" at the end of paragraph (33), by deleting the period and
175 substituting in lieu thereof "; and" at the end of subparagraph (J) of paragraph (34), and by
176 adding a new paragraph to read as follows:

177 "(35) To promulgate and adopt rules and regulations to carry out the purposes of this
178 chapter."

179 **SECTION 6.**

180 Said title is further amended in Code Section 50-23-12, relating to personal liability of
181 members, officers, and employees of the authority, by revising paragraph (2) as follows:

182 "(2) The construction, ownership, maintenance, or operation of any solid waste system,
183 sewerage system, natural gas system, environmental facility, or water system owned by
184 a local government; or"

185 **SECTION 7.**

186 (a) This Act shall become effective on July 1, 2024, except as otherwise provided in
187 subsection (b) of this section.

188 (b) Section 1 of this Act shall become effective on July 1, 2027.

189 **SECTION 8.**

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