

Senate Bill 433

By: Senators Lee of the 29th, Williams of the 19th, Harp of the 16th, Tolleson of the 18th,
Hall of the 22nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the Attorney General, so as to provide for certain conditions and limitations with
3 respect to the use of outside counsel to provide legal services to state government; to define
4 a term; to provide for the compilation and availability of reports of fees paid to outside
5 counsel; to provide for a budgetary ceiling on the total fees paid to outside counsel and to
6 provide for exceptions; to prohibit the employment of outside counsel also acting as counsel
7 in actions against the state; to provide for related matters; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 1 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the
12 Attorney General, is amended by adding at its end a new Code Section 45-15-21 to read as
13 follows:

14 "45-15-21.

15 (a) As used in this Code section, the term 'outside counsel' includes without limitation all
16 private counsel, special assistant attorneys general, attorneys under independent contract,
17 or attorneys in any other capacity who are retained or compensated, or authorized to be
18 retained or compensated, by the Attorney General for the purpose of providing legal
19 services to the state or any state government entity, officer, or employee.

20 (b) The Department of Law shall quarterly compile and make publicly available a report
21 of all fees paid to outside counsel. Such report shall include with respect to each attorney
22 or firm serving as outside counsel:

23 (1) The total fees paid for services as outside counsel;

24 (2) A general description of each distinct case or other matter for which such fees were
25 paid;

26 (3) The fees paid for each such case or matter; and

- 1 (4) A description of the hourly rate or hourly rates or other basis or bases on which such
2 fees were determined.
- 3 (c) As a part of the budgetary process there shall be established a ceiling for the total
4 amount of professional fees to be incurred by the state for the payment of outside counsel
5 in any fiscal year. Such ceiling amount shall be proposed by the Attorney General in the
6 budget estimate for the Department of Law, may be revised by the Governor in the budget
7 report, and shall be finally determined in the appropriations Act. The total expenditure for
8 outside counsel in any fiscal year shall not exceed the ceiling established in the general or
9 amended appropriations Act except with the approval of the fiscal affairs subcommittees,
10 in the same manner in which the fiscal affairs subcommittees approve budget unit object
11 class transfers.
- 12 (d) No attorney may serve as outside counsel if the attorney is currently acting, or has
13 within the past six months acted, as counsel in any civil action against the state or any state
14 government entity, officer, or employee."

15 **SECTION 2.**

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