

House Bill 293 (RULES COMMITTEE SUBSTITUTE)

By: Representative O`Neal of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, Title 12
3 of the Official Code of Georgia Annotated, relating to conservation and natural resources,
4 Title 15 of the Official Code of Georgia Annotated, relating to courts, Title 19 of the Official
5 Code of Georgia Annotated, relating to domestic relations, Title 20 of the Official Code of
6 Georgia Annotated, relating to education, Title 28 of the Official Code of Georgia Annotated,
7 relating to the General Assembly, Title 34 of the Official Code of Georgia Annotated,
8 relating to labor and industrial relations, Title 45 of the Official Code of Georgia Annotated,
9 relating to public officers and employees, Title 47 of the Official Code of Georgia Annotated,
10 relating to retirement and pensions, and Title 48 of the Official Code of Georgia Annotated,
11 relating to revenue and taxation, so as to create the State Accounting Office; to provide for
12 a state accounting officer; to provide for the appointment and removal of such officer; to
13 provide for staff and offices; to provide for duties and responsibilities of such officer; to
14 provide for certain reports and information to be provided to such officer by state
15 organizations; to provide a definition; to authorize such officer to promulgate certain rules
16 and regulations relating to travel expenses; to provide for related matters; to transfer certain
17 duties and functions from the state auditor to the state accounting officer; to provide for the
18 state accounting officer to receive certain reports; to change certain references from the
19 Department of Audits and Accounts to the State Accounting Office; to remove certain
20 functions and responsibilities from the state auditor; to repeal Resolution Act No. 48 (Senate
21 Resolution No. 101), approved April 19, 1979 (Ga. L. 1979, p. 1365), relating to the
22 development, issuance, review, and revision of employee travel reimbursement policies by
23 the Department of Audits and the Office of Planning and Budget; to provide for effective
24 dates; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 293 (SUB)

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new Chapter 5B to read as follows:

"CHAPTER 5B**50-5B-1.**

(a) The State Accounting Office is created and shall be administered by the state accounting officer.

(b) The state accounting officer shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(c) Beginning July 1, 2005, the state accounting officer shall receive an annual salary to be set by the Governor. The state accounting officer shall also be reimbursed for all actual and necessary expenses incurred by him or her in carrying out his or her official duties.

(d) The state accounting officer shall be required to take and subscribe before the Governor an oath to discharge faithfully and impartially the duties of such office, which oath shall be in addition to the oath required of all civil officers.

50-5B-2.

(a) The state accounting officer shall establish such units within the State Accounting Office as he or she deems proper for its administration and shall designate persons to be directors and assistant directors of such units to exercise such authority as he or she may delegate to them in writing.

(b) The state accounting officer shall have the authority, within budgetary limitations, to employ as many persons as he or she deems necessary for the administration of the office and for the discharge of the duties of the office. The state accounting officer shall issue all necessary directions, instructions, orders, and rules applicable to such persons. He or she shall have authority, as he or she deems proper, to employ, assign, compensate, and discharge employees of the office within the limitations of the office's appropriation, the requirements of the state merit system, and restrictions set forth by law.

50-5B-3.

(a) The state accounting officer shall:

(1) Prescribe state-wide accounting policies, procedures, and practices;

(2) Prescribe, develop, operate, and maintain uniform state accounting systems for all state organizations which facilitate financial accounting and reporting in accordance with

- 1 generally accepted accounting principles and also meet state and federal accounting and
2 financial reporting requirements;
- 3 (3) Prescribe the manner in which disbursements shall be made by state organizations;
- 4 (4) Prescribe and supervise the installation of any changes in the state accounting
5 information systems necessary to secure and maintain internal control and facilitate the
6 recording of accounting data for the purpose of preparing reliable, timely, and meaningful
7 statements and reports;
- 8 (5) Manage the state's accounting, payroll, and human capital systems;
- 9 (6) Using generally accepted accounting principles, prepare the state's financial
10 statements and other reports in accordance with legal requirements;
- 11 (7) Provide annual financial statements and other reports to the state auditor and other
12 auditors, as appropriate, for review and certification when required by statute or federal
13 regulation;
- 14 (8) Develop interim reports on the financial condition and budgetary compliance of the
15 state and various state organizations;
- 16 (9) Determine the proper classification for accounting and reporting purposes of all
17 assets, liabilities, revenues, expenditures, fund balances, funds, and accounts in
18 compliance with legal requirements and generally accepted accounting principles and
19 prescribe a uniform classification of accounts and other accounting identifiers which shall
20 be used by all state organizations;
- 21 (10) Develop processes and systems to improve accountability and enhanced collection
22 of accounts receivable due to the state. In developing these processes, the state
23 accounting officer may prescribe procedures to allow for the recognition of uncollectible
24 accounts for financial reporting purposes. He or she may also develop guidelines to
25 allow uncollectible debts to be removed from active collection processes. This
26 recognition shall not remove or diminish the state's claim on accounts or debt owed to
27 the state; and
- 28 (11) Develop processes and systems to improve accountability and enhance efficiency
29 for disbursement of funds and management of accounts payable.
- 30 (b) The state accounting officer may recommend processes and systems to improve the
31 cash management practices of the state to the State Depository Board. The state accounting
32 officer in cooperation with the Office of Treasury and Fiscal Services may prescribe
33 policies and procedures to implement the policies of the board.

1 50-5B-4.

2 (a) As used in this chapter, the term 'organization of state government' shall mean, without
3 limitation, any agency, authority, department, institution, board, bureau, commission,
4 committee, office, or instrumentality of the State of Georgia. Such term shall not include
5 any entity of local government, including, but not limited to, a county, municipality,
6 consolidated government, board of education, or local authority, or an instrumentality of
7 any such entity.

8 (b) All organizations of state government and all officers, agents, and employees thereof
9 shall conform to and comply with the rules, regulations, policies, procedures, and forms
10 devised, promulgated, and installed by the state accounting officer.

11 (c) All organizations of state government shall submit statements, reports, information, and
12 data necessary to enable the state accounting officer to complete the reports required under
13 this Code section and Code Section 50-5B-3.

14 (d) All organizations of state government may only create and maintain accounting
15 systems or subsidiary accounting systems that have been approved by the state accounting
16 officer.

17 (e) All organizations of state government shall provide lease information to the state
18 accounting officer to permit the state accounting officer to properly account for and report
19 all capital and operating leases.

20 (f) All organizations of state government shall provide information to the state accounting
21 officer necessary to properly account for and report real property and personal property.

22 (g) All information and reports required in this Code section shall be provided in the form
23 and within the time frame prescribed by the state accounting officer.

24 50-5B-5.

25 The state accounting officer in cooperation with the Office of Planning and Budget is
26 authorized to and shall adopt rules and regulations governing in-state and out-of-state travel
27 and travel reimbursement that promote economy and efficiency in state government and
28 which treat employees fairly and equitably."

29

30 **SECTION 2.**

31 Said title is further amended by striking subsection (e) of Code Section 50-5-196, relating
32 to the Distance Learning and Telemedicine Network Governing Board, and inserting in lieu
33 thereof a new subsection (e) to read as follows:

34 "(e) Members of the governing board shall serve without compensation but, subject to fund
35 availability, shall be reimbursed by the state department in which employed for all
36 necessary expenses that may be incurred in the performance of their duties under this part

1 in accordance with state travel regulations promulgated by the ~~Office of Planning and~~
 2 ~~Budget and the Department of Audits and Accounts~~ State Accounting Office in the same
 3 manner that employees of the state merit system are reimbursed."

4 SECTION 3.

5 Said title is further amended by striking paragraph (2) of subsection (a) of Code Section
 6 50-5A-7, relating to duties of the Office of Treasury and Fiscal Services generally, and
 7 inserting in lieu thereof a new paragraph (2) to read as follows:

8 "(2) To keep good and sufficient accounting records of every sum of money received
 9 into, or disbursed from, the state treasury, utilizing an accounting system in conformity
 10 with generally accepted accounting principles and approved by the state ~~auditor~~
 11 accounting officer;"

12 SECTION 4.

13 Said title is further amended by striking paragraph (5) of subsection (e) of Code Section
 14 50-5A-11, relating to exceptions from public inspection for records of the Office of Treasury
 15 and Fiscal Services, and inserting in lieu thereof a new paragraph (5) to read as follows:

16 "(5) Given to the Governor, the Attorney General and the Department of Law, the Office
 17 of Planning and Budget, officers of the General Assembly, the ~~Legislative Budget Office~~
 18 legislative budget offices, the state accounting officer and the State Accounting Office,
 19 the state auditor and the Department of Audits and Accounts, or the State Depository
 20 Board for use and public disclosure in the ordinary performance of those officers' and
 21 offices' duties."

22 SECTION 5.

23 Said title is further amended by striking Code Section 50-6-7, relating to state officials to
 24 conform to rules of state auditor and produce books, records, and other papers for
 25 examination, and inserting in lieu thereof a new Code Section 50-6-7 to read as follows;

26 "50-6-7.

27 All officers, agents, employees, departments, institutions, commissions, and bureaus of the
 28 state ~~are directed and required to conform to and comply with all rules, regulations, and~~
 29 ~~forms devised, promulgated, and installed by the state auditor in conformity with this~~
 30 ~~chapter and~~ shall produce and turn over to the state auditor or his or her assistants for
 31 examination and audit, whenever demanded by the state auditor, all of their books, records,
 32 accounts, vouchers, warrants, bills, and other papers dealing with or reflecting upon the
 33 financial transactions and management of such department, institution, agency,
 34 commission, bureau, or officer, including any and all cash on hand, but not including cash

1 in banks, the amount of cash in banks to be ascertained by certificate furnished the state
2 auditor by the bank."

3 **SECTION 6.**

4 Said title is further amended by striking paragraph (1) of Code Section 50-6-24, relating to
5 the duties and powers of the state auditor generally, and inserting in lieu thereof a new
6 paragraph (1) to read as follows:

7 ~~"(1) To devise and, with the approval of the Governor, to promulgate, install, and~~
8 ~~establish forms and records for the collecting and paying out of all moneys, funds, and~~
9 ~~revenues of the state and to ensure the protection and proper use of all stores, equipment,~~
10 ~~and property of the state Reserved."~~

11 **SECTION 7.**

12 Said title is further amended by striking Code Section 50-6-26, relating to the preparation and
13 publication of forms by the state auditor, and inserting in lieu thereof a new Code Section
14 50-6-26 to read as follows:

15 "50-6-26.

16 ~~The state auditor shall prepare and publish, by and with the approval of the Governor,~~
17 ~~complete forms applicable to the business transacted in each of the several boards, offices,~~
18 ~~institutions, departments, and commissions of the executive department of the state~~
19 ~~government, the same to be as uniform as the business respectively transacted therein shall~~
20 ~~permit; provided, however, that the Department of Administrative Services shall in all~~
21 ~~cases require each and every one of the several boards, offices, institutions, departments,~~
22 ~~and commissions of the executive department of state government to use consecutively~~
23 ~~numbered requisitions, purchase orders, and field purchase orders, which documents shall~~
24 ~~be retained and filed in numerical sequence to provide a procurement audit trail. It shall~~
25 ~~be the duty of each of the boards, offices, institutions, departments, and commissions, as~~
26 ~~directed by the Governor, to employ such forms and none other in transacting and~~
27 ~~recording their several financial transactions of every nature Reserved."~~

28 **SECTION 8.**

29 Said title is further amended by striking Code Section 50-9-81, relating to the director and
30 employees of the Agency for Removal of Hazardous Materials, and inserting in lieu thereof
31 a new Code Section 50-9-81 to read as follows:

1 "50-9-81.

2 The Governor shall appoint a director of the agency who shall serve at the pleasure of the
3 Governor. The Governor may appoint as the director an officer or employee of another
4 department or authority of the state, and if he or she does so, such person shall hold the
5 office of director ex officio without further compensation except for normal reimbursement
6 of actual expenses as provided for in the rules of the state ~~auditor~~ accounting officer and
7 the Office of Planning and Budget. The director shall employ such employees of the
8 agency as may be necessary to carry out its purposes."

9 **SECTION 9.**

10 Said title is further amended by striking Code Section 50-12-77, relating to reports by
11 overview committees concerning the Georgia Aviation Hall of Fame, and inserting in lieu
12 thereof a new Code Section 50-12-77 to read as follows:

13 "50-12-77.

14 The Georgia Aviation Hall of Fame Board shall cooperate with the committees, the
15 Attorney General, the state auditor, the state accounting officer, and other state agencies
16 in order that the charges of the committees, set forth in this subpart, may be timely and
17 efficiently discharged. The board shall submit to the committees such reports and data as
18 the committees shall reasonably require of the board in order that the committees may
19 adequately perform their functions. The Attorney General is authorized to bring
20 appropriate legal actions to enforce any laws specifically or generally relating to the
21 Georgia Aviation Hall of Fame or the Georgia Aviation Hall of Fame Board. The
22 committees shall, on or before the first day of January of each year, and at such other times
23 as they deem necessary, submit to the General Assembly a report of their findings and
24 recommendations based upon the review of the Georgia Aviation Hall of Fame, as set forth
25 in this subpart."

26 **SECTION 10.**

27 Said title is further amended by striking subsection (b) of Code Section 50-16-18, relating
28 to writing off small amounts due to the state, and inserting in lieu thereof a new subsection
29 (b) to read as follows:

30 "(b) All state agencies and departments, in order to preserve public funds, are authorized
31 to develop appropriate standards, ~~in conjunction with the Department of Audits and~~
32 ~~Accounts,~~ that comply with the policies prescribed by the state accounting officer which
33 will provide a mechanism to consider administratively discharging any obligation or charge
34 in favor of such agency or department when such obligation or charge is \$100.00 or any
35 lesser amount unless the agency or department belongs to the Board of Regents of the

1 University System of Georgia or the Department of Technical and Adult Education, in
 2 which case the obligation or charge in favor of the institution under the Board of Regents
 3 of the University System of Georgia or the Department of Technical and Adult Education
 4 may be \$3,000.00 or any lesser amount. This procedure shall not be available to such
 5 agency or department in those instances where the obligor has more than one such debt or
 6 obligation in any given fiscal year, and this provision shall be construed in favor of the
 7 state agency or department so as not to alter the unquestioned ability of such state agency
 8 or department to pursue any debt, obligation, or claim in any amount whatsoever. In those
 9 instances where a debt or obligation of \$100.00 or less, or \$3,000.00 or less for the
 10 institutions of the Board of Regents of the University System of Georgia or the Department
 11 of Technical and Adult Education, has been deemed to be uncollectable, the proper
 12 individual making such determination shall transmit a recapitulation of the efforts made to
 13 collect the debt together with all other appropriate information, which shall include a
 14 reasonable estimate of the cost to pursue administratively or judicially the account together
 15 with a recommendation to the commissioner of such state agency or department. In those
 16 instances where the commissioner makes a determination that further collection efforts
 17 would be detrimental to the public's financial interest, a certificate reflecting this
 18 determination shall be executed, and this certificate shall serve as the authority to remove
 19 such uncollectable accounts from the financial records of such state agency or department.
 20 Such certificates shall be forwarded to the state ~~auditor~~ accounting officer in a manner and
 21 at such times as are reflected in the standards developed by the state ~~auditor~~ accounting
 22 officer and the state agency or department."

23 **SECTION 11.**

24 Said title is further amended by striking subsection (b) of Code Section 50-16-18, relating
 25 to writing off small amounts due to the state, and inserting in lieu thereof a new subsection
 26 (b) to read as follows:

27 "(b) All state agencies and departments, in order to preserve public funds, are authorized
 28 to develop appropriate standards, ~~in conjunction with the Department of Audits and~~
 29 ~~Accounts, that comply with the policies prescribed by the state accounting officer~~ which
 30 will provide a mechanism to consider administratively discharging any obligation or charge
 31 in favor of such agency or department when such obligation or charge is \$100.00 or any
 32 lesser amount. This procedure shall not be available to such agency or department in those
 33 instances where the obligor has more than one such debt or obligation in any given fiscal
 34 year, and this provision shall be construed in favor of the state agency or department so as
 35 not to alter the unquestioned ability of such state agency or department to pursue any debt,
 36 obligation, or claim in any amount whatsoever. In those instances where a debt or

1 obligation of \$100.00 or less has been deemed to be uncollectable, the proper individual
 2 making such determination shall transmit a recapitulation of the efforts made to collect the
 3 debt together with all other appropriate information, which shall include a reasonable
 4 estimate of the cost to pursue administratively or judicially the account together with a
 5 recommendation to the commissioner of such state agency or department. In those
 6 instances where the commissioner makes a determination that further collection efforts
 7 would be detrimental to the public's financial interest, a certificate reflecting this
 8 determination shall be executed, and this certificate shall serve as the authority to remove
 9 such uncollectable accounts from the financial records of such state agency or department.
 10 Such certificates shall be forwarded to the state ~~auditor~~ accounting officer in a manner and
 11 at such times as are reflected in the standards developed by the state ~~auditor~~ accounting
 12 officer and the state agency or department."

13

SECTION 12.

14 Said title is further amended by striking subsections (a) and (b) of Code Section 50-16-32,
 15 relating to the State Properties Commission, and inserting in lieu thereof new subsections (a)
 16 and (b) to read as follows:

17 "(a) There is created within the executive branch of state government a public body which
 18 shall be known as the State Properties Commission and which shall consist of ten members
 19 and be composed of the Governor; the Secretary of State; the director of the Office of
 20 Treasury and Fiscal Services; the state ~~auditor~~ accounting officer; three citizens appointed
 21 by the Speaker of the House of Representatives for terms ending on April 1 in each
 22 odd-numbered year; and three citizens appointed by the Lieutenant Governor for terms
 23 ending on April 1 in each odd-numbered year. The term of office of the appointed
 24 members of the commission is continued until their successors are duly appointed and
 25 qualified. The Lieutenant Governor may serve as an appointed citizen member.

26 (b) The Governor shall be the chairperson of the commission, the state ~~auditor~~ accounting
 27 officer shall be its vice chairperson, and the Secretary of State shall be its secretary. Six
 28 members of the commission shall constitute a quorum. No vacancy on the commission
 29 shall impair the right of the quorum to exercise the powers and perform the duties of the
 30 commission. With the sole exception of acquisitions of real property, which acquisitions
 31 shall require six affirmative votes of the membership of the commission present and voting
 32 at any meeting, the business, powers, and duties of the commission may be transacted,
 33 exercised, and performed by a majority vote of the commission members present and
 34 voting at a meeting when more than a quorum is present and voting or by a majority vote
 35 of a quorum when only a quorum is present and voting at a meeting. An abstention in
 36 voting shall be considered as that member not being present and not voting in the matter

1 on which the vote is taken. No person may be appointed, elected, or serve on the
 2 commission who is a member of the legislative or judicial branch of government. In the
 3 event any ex officio member is determined to be in either the legislative or judicial branch
 4 of government, the General Assembly declares that it would have passed this article
 5 without such ex officio position on the commission and would have reduced the quorum
 6 and vote required of the commission on all actions accordingly."

7 **SECTION 13.**

8 Said title is further amended by striking paragraph (3) of subsection (b) of Code Section
 9 50-17-23, relating to general obligation and guaranteed revenue debt, and inserting in lieu
 10 thereof a new paragraph (3) to read as follows:

11 "(3) MINIMUM BALANCE REQUIRED; EXCESS MONEYS; INVESTMENTS. The amount to the
 12 credit of the common reserve fund shall at all times be at least equal to the aggregate
 13 highest annual debt service requirements on all outstanding guaranteed revenue
 14 obligations entitled to the benefit of such fund. If at the end of any fiscal year of the state
 15 the fund is in excess of the required amount, the director of the Office of Treasury and
 16 Fiscal Services, upon certification of the state ~~auditor~~ accounting officer, shall transfer
 17 such excess to the general funds of the state, free of such trust. The funds in the common
 18 reserve shall be as fully invested as is practical, consistent with the requirements of
 19 guaranteeing the principal and interest payments on the revenue obligations guaranteed
 20 by the state. Any such investments shall be restricted to obligations constituting direct
 21 and general obligations of the United States government or obligations unconditionally
 22 guaranteed as to the payment of principal and interest by the United States government,
 23 maturing no longer than 12 months from the date of purchase."

24 **SECTION 14.**

25 Said title is further amended by striking Code Section 50-17-50, relating to the State
 26 Depository Board, and inserting in lieu thereof a new Code Section 50-17-50 to read as
 27 follows:

28 "50-17-50.

29 The State Depository Board, referred to in this article as the 'board,' is created, consisting
 30 of the Governor, the Commissioner of Insurance, the state ~~auditor~~ accounting officer, the
 31 commissioner of banking and finance, the state revenue commissioner, the commissioner
 32 of transportation, and the director of the Office of Treasury and Fiscal Services, referred
 33 to in this article as the 'director,' who shall act as administrative officer of the board. A
 34 majority of the board shall constitute a quorum, and the acts of the majority shall be the
 35 acts of the board. The board, in its discretion, may name and appoint, from time to time,

1 as state depositories of state funds any bank or trust company which has its deposits insured
 2 by the Federal Deposit Insurance Corporation. The board may also name and appoint as
 3 state depositories of state funds any building and loan association or federal savings and
 4 loan association which has its deposits insured by the Savings Association Insurance Fund
 5 of the Federal Deposit Insurance Corporation or the Georgia Credit Union Deposit
 6 Corporation. The board may also authorize any department, board, bureau, or other agency
 7 of the state which has a foreign office to deposit state funds for current operating expenses
 8 in certain foreign banks, the deposits of which are not insured by the Federal Deposit
 9 Insurance Corporation, provided the balance of such deposits in any one foreign bank does
 10 not exceed limits prescribed by the State Depository Board. For the purposes of this article,
 11 'foreign bank' shall mean a bank organized under the laws of a foreign country. The board
 12 is assigned to the Department of Administrative Services for administrative purposes only
 13 as prescribed in Code Section 50-4-3."

14 **SECTION 15.**

15 Said title is further amended by striking Code Section 50-25-7.10, relating to quarterly
 16 reports required of executive director of Georgia Technology Authority, and inserting in lieu
 17 thereof a new Code Section 50-25-7.10 to read as follows:

18 "50-25-7.10.

19 The executive director shall submit to the director of the Office of Planning and Budget and
 20 the state ~~auditor~~ accounting officer on a quarterly basis a report of all activity regarding
 21 technology and technology resources for each agency and the authority. The report shall
 22 accurately represent all financial details including current cash balances, line item detail
 23 on expenditures including systems development, personal services, and equipment from
 24 the previous quarter and anticipated expenditures for the upcoming quarter, projected
 25 year-end balance, depreciated value of capital equipment, and balances of reserve funds
 26 established for capital equipment, as well as a status report on personnel position changes
 27 including new technology related positions created and existing technology related
 28 positions eliminated. The authority spending reports shall comply with the state accounting
 29 system object codes."

30 **SECTION 16.**

31 Said title is further amended by striking Code Section 50-25-7.12, relating to joint
 32 development of budgeting and accounting system for technology resources, and inserting in
 33 lieu thereof a new Code Section 50-25-7.12 to read as follows:

1 "50-25-7.12.

2 The authority, the Office of Planning and Budget, and the state ~~auditor~~ accounting officer
 3 shall jointly develop a system for budgeting and accounting of expenditures for technology
 4 resources. This system must integrate seamlessly with the technology portfolio
 5 management system. Annual reports regarding technology shall be coordinated by the
 6 authority with the Office of Planning and Budget and the state ~~auditor~~ accounting officer
 7 and submitted to the Governor, General Assembly, and the board on or before October 1
 8 of each year. The authority may adopt an accrual method of accounting."

9 **SECTION 17.**

10 Said title is further amended by striking paragraph (7) of subsection (a) of Code Section
 11 50-27-11, relating to duties of the chief executive officer of the Georgia Lottery Corporation,
 12 and inserting in lieu thereof a new paragraph (7) to read as follows:

13 "(7) Report quarterly to the state auditor, the state accounting officer, and the board a full
 14 and complete statement of lottery revenues and expenses for the preceding quarter; and".

15 **SECTION 18.**

16 Said title is further amended by striking subsection (f) of Code Section 50-27-13, relating to
 17 disposition of lottery proceeds, and inserting in lieu thereof a new subsection (f) to read as
 18 follows:

19 "(f) In compliance with the requirement of the Constitution that there shall be a separate
 20 accounting of lottery proceeds, no deficiency in the Lottery for Education Account shall
 21 be replenished by book entries reducing any nonlottery reserve of general funds, including
 22 specifically but without limitation the revenue shortfall reserve or the midyear adjustment
 23 reserve; nor shall any program or project started specifically from lottery proceeds be
 24 continued from the general fund; such programs must be adjusted or discontinued
 25 according to available lottery proceeds unless the General Assembly by general law
 26 establishes eligibility requirements and appropriates specific funds within the general
 27 appropriations Act; nor shall any nonlottery surplus in the general fund be reduced. No
 28 surplus in the Lottery for Education Account shall be reduced to correct any nonlottery
 29 deficiencies in sums available for general appropriations, and no surplus in the Lottery for
 30 Education Account shall be included in any surplus calculated for setting aside any
 31 nonlottery reserve or midyear adjustment reserve. In calculating net revenue collections for
 32 the revenue shortfall reserve and midyear adjustment reserve, the state ~~auditor~~ accounting
 33 officer shall not include the net proceeds."

SECTION 19.

Said title is further amended by striking Code Section 50-27-33, relating to reports by the Georgia Lottery Corporation, and inserting in lieu thereof a new Code Section 50-27-33 to read as follows:

"50-27-33.

To ensure the financial integrity of the lottery, the corporation through its board of directors shall:

(1) Submit quarterly and annual reports to the Governor, state auditor, the state accounting officer, and the oversight committee created by Code Section 50-27-34, disclosing the total lottery revenues, prize disbursements, operating expenses, and administrative expenses of the corporation during the reporting period. The annual report shall additionally describe the organizational structure of the corporation and summarize the functions performed by each organizational division within the corporation;

(2) Adopt a system of internal audits;

(3) Maintain weekly or more frequent records of lottery transactions, including the distribution of tickets or shares to retailers, revenues received, claims for prizes, prizes paid, prizes forfeited, and other financial transactions of the corporation;

(4) Contract with a certified public accountant or firm for an annual financial audit of the corporation. The certified public accountant or firm shall have no financial interest in any vendor with whom the corporation is under contract. The certified public accountant or firm shall present an audit report not later than ~~seven~~ four months after the end of the fiscal year. The certified public accountant or firm shall evaluate the internal auditing controls in effect during the audit period. The cost of this annual financial audit shall be an operating expense of the corporation. The state auditor may at any time conduct an audit of any phase of the operations of the Georgia Lottery Corporation at the expense of the state and shall receive a copy of the annual independent financial audit. A copy of any audit performed by the certified public accountant or firm or the state auditor shall be transmitted to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives, the state auditor, the state accounting officer, and the oversight committee chairperson;

(5) Submit to the Office of Planning and Budget, ~~and~~ the state auditor, and the state accounting officer by June 30 of each year a copy of the annual operating budget for the corporation for the next fiscal year. This annual operating budget shall be approved by the board and be on such forms as prescribed by the Office of Planning and Budget;

(6) For informational purposes only, submit to the Office of Planning and Budget on September 1 of each year a proposed operating budget for the corporation for the succeeding fiscal year. This budget proposal shall also be accompanied by an estimate

1 of the net proceeds to be deposited into the Lottery for Education Account during the
 2 succeeding fiscal year. This budget shall be on such forms as prescribed by the Office
 3 of Planning and Budget; and

4 (7) Adopt the same fiscal year as that used by state government."

5 **SECTION 20.**

6 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
 7 amended by striking Code Section 10-9-22, relating to authority of the Geo. L. Smith II
 8 World Congress Center Authority to cooperate with certain entities, and inserting in lieu
 9 thereof a new Code Section 10-9-22 to read as follows:

10 "10-9-22.

11 The Geo. L. Smith II Georgia World Congress Center Authority shall cooperate with the
 12 committee, its authorized personnel, the Attorney General, the state auditor, the state
 13 accounting officer, and other state agencies in order that the charges of the committee, set
 14 forth in this article, may be timely and efficiently discharged. The authority shall submit
 15 to the committee such reports and data as the committee shall reasonably require of the
 16 authority in order that the committee may adequately perform its functions. The Attorney
 17 General is authorized to bring appropriate legal actions to enforce any laws specifically or
 18 generally relating to the Geo. L. Smith II Georgia World Congress Center Authority. The
 19 committee shall, on or before the first day of January of each year, and at such other times
 20 as it deems necessary, submit to the General Assembly a report of its findings and
 21 recommendations based upon the review of the Geo. L. Smith II Georgia World Congress
 22 Center Authority, as set forth in this chapter."

23 **SECTION 21.**

24 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
 25 resources, is amended by striking Code Section 12-3-22, relating to the reporting
 26 requirements of certain associations and authorities, and inserting in lieu thereof a new Code
 27 Section 12-3-22 to read as follows:

28 "12-3-22.

29 The Stone Mountain Memorial Association, the Jekyll Island—State Park Authority, the
 30 North Georgia Mountains Authority, and the Lake Lanier Islands Development Authority
 31 shall cooperate with the committee, its agents, the Attorney General, the state auditor, the
 32 state accounting officer, and other state agencies in order that the duties of the committee
 33 set forth in this part may be timely and efficiently discharged. Each of the named
 34 authorities shall submit to the committee such reports and data as the committee shall
 35 reasonably require of the authority in order that the committee may adequately perform its

1 functions. At least annually the commissioner of natural resources and the department's
 2 director of state parks and historic sites shall make a report to the committee of any
 3 legislative changes or revisions that may be needed to assist the named authorities in
 4 accomplishing their statutory duties and functions as provided in this chapter, either
 5 individually or as a group. The Attorney General is authorized to bring appropriate legal
 6 actions to enforce any laws specifically or generally relating to the authorities named in this
 7 part. The committee shall, on or before the first day of January of each year, and at such
 8 other times as it deems necessary, submit to the chairpersons of the appropriate standing
 9 committees of each house of the General Assembly a report of its findings and
 10 recommendations based upon the review of each of the named authorities, as set forth in
 11 this part."

12 SECTION 22.

13 Said title is further amended by striking Code Section 12-3-502, relating to the cooperation
 14 of the Georgia Agricultural Exhibition Authority, and inserting in lieu thereof a new Code
 15 Section 12-3-502 to read as follows:

16 "12-3-502.

17 The Georgia Agricultural Exposition Authority shall cooperate with the committee, its
 18 authorized personnel, the Attorney General, the state auditor, the state accounting officer,
 19 and other state agencies in order that the charges of the committee, set forth in this part,
 20 may be timely and efficiently discharged. The authority shall submit to the committee such
 21 reports and data as the committee shall reasonably require of the authority in order that the
 22 committee may adequately perform its functions. The Attorney General is authorized to
 23 bring appropriate legal actions to enforce any laws specifically or generally relating to the
 24 Georgia Agricultural Exposition Authority. The committee shall, on or before the first day
 25 of January of each year, and at such other times as it deems necessary, submit to the
 26 General Assembly a report of its findings and recommendations based upon the review of
 27 the Georgia Agricultural Exposition Authority, as set forth in this part."

28 SECTION 23.

29 Said title is further amended by striking Code Section 12-3-552, relating to the cooperation
 30 of the Georgia Music Hall of Fame Authority, and inserting in lieu thereof a new Code
 31 Section 12-3-552 to read as follows:

32 "12-3-552.

33 The Georgia Music Hall of Fame Authority shall cooperate with the committee, its
 34 authorized personnel, the Attorney General, the state auditor, the state accounting officer,
 35 and other state agencies in order that the charges of the committee, set forth in this part,

1 may be timely and efficiently discharged. The authority shall submit to the committee such
 2 reports and data as the committee shall reasonably require of the authority in order that the
 3 committee may adequately perform its functions. The Attorney General is authorized to
 4 bring appropriate legal actions to enforce any laws specifically or generally relating to the
 5 Georgia Music Hall of Fame Authority. The committee shall, on or before the first day of
 6 January of each year, and at such other times as it deems necessary, submit to the General
 7 Assembly a report of its findings and recommendations based upon the review of the
 8 Georgia Music Hall of Fame Authority, as set forth in this part."

9 **SECTION 24.**

10 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code
 11 Section 15-21-145, relating to the duties of the Brain and Spinal Injury Trust Fund
 12 Commission, by striking paragraph (6) of subsection (a) and inserting in lieu thereof a new
 13 paragraph (6) to read as follows:

14 "(6) Conform to the standards and requirements prescribed by the state ~~auditor~~
 15 accounting officer pursuant to ~~Chapter 6~~ Chapter 5B of Title 50."

16 **SECTION 25.**

17 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
 18 amended in Code Section 19-14-5, relating to the powers and duties of the State Children's
 19 Trust Fund Commission, by striking paragraph (7) of subsection (a) and inserting in lieu
 20 thereof a new paragraph (7) to read as follows:

21 "(7) Conform to the standards and requirements prescribed by the state ~~auditor~~
 22 accounting officer pursuant to ~~Chapter 6~~ Chapter 5B of Title 50."

23 **SECTION 26.**

24 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
 25 striking subsections (b) and (c) of Code Section 20-2-896, relating to the administrative
 26 discharge of certain debts, and inserting in lieu thereof new subsections (b) and (c) to read
 27 as follows:

28 "(b) In order to conserve the health insurance funds, the commissioner of community
 29 health is authorized, ~~in conjunction with the state auditor,~~ to develop a procedure that
 30 complies with the policies prescribed by the state accounting officer for the administrative
 31 discharge of any debt or obligation due the insurance fund when such debt or obligation
 32 is \$400.00 or less. This provision shall not be construed to deny to the commissioner the
 33 authority to pursue the collection of any debt, obligation, or claim in any amount
 34 whatsoever when such pursuit is in the best interest of the insurance fund.

1 (c) Upon a formal determination that a debt or obligation to the insurance fund of \$400.00
 2 or less is uncollectable, or that the costs of collection would equal or exceed the amount
 3 due the fund, the commissioner of community health shall execute and transmit to the state
 4 ~~auditor~~ accounting officer a certification which includes the following: a recapitulation of
 5 the efforts made to collect the debt or obligation; an estimate of the costs to pursue
 6 collection of the debt or obligation administratively or judicially; such other information
 7 as may be required by the procedure developed by the commissioner and the state ~~auditor~~
 8 accounting officer; and a statement that further collection effort would be detrimental to
 9 the financial interests of the fund. The certification shall be made under oath or affirmation
 10 and shall be sent to the state ~~auditor~~ accounting officer at such times as shall be prescribed
 11 in the procedure developed by the commissioner and the state ~~auditor~~ accounting officer.
 12 Upon receipt of the certification, the state ~~auditor~~ accounting officer shall be authorized to
 13 approve the removal of such uncollectable amounts from the financial records of the fund."

14

SECTION 27.

15 Said title is further amended by striking subsections (b) and (c) of Code Section 20-2-924,
 16 relating to the administrative discharge of certain debts, and inserting in lieu thereof new
 17 subsections (b) and (c) to read as follows:

18 "(b) In order to conserve the health insurance funds, the commissioner of community
 19 health is authorized, ~~in conjunction with the state auditor,~~ to develop a procedure that
 20 complies with the policies prescribed by the state accounting officer for the administrative
 21 discharge of any debt or obligation due the insurance fund when such debt or obligation
 22 is \$400.00 or less. This provision shall not be construed to deny to the commissioner the
 23 authority to pursue the collection of any debt, obligation, or claim in any amount
 24 whatsoever when such pursuit is in the best interest of the insurance fund.

25 (c) Upon a formal determination that a debt or obligation to the insurance fund of \$400.00
 26 or less is uncollectable, or that the costs of collection would equal or exceed the amount
 27 due the fund, the commissioner of community health shall execute and transmit to the state
 28 ~~auditor~~ accounting officer a certification which includes the following: a recapitulation of
 29 the efforts made to collect the debt or obligation; an estimate of the costs to pursue
 30 collection of the debt or obligation administratively or judicially; such other information
 31 as may be required by the procedure developed by the commissioner and the state ~~auditor~~
 32 accounting officer; and a statement that further collection effort would be detrimental to
 33 the financial interests of the fund. The certification shall be made under oath or affirmation
 34 and shall be sent to the state ~~auditor~~ accounting officer at such times as shall be prescribed
 35 in the procedure developed by the commissioner and the state ~~auditor~~ accounting officer.

1 Upon receipt of the certification, the state ~~auditor~~ accounting officer shall be authorized to
 2 approve the removal of such uncollectable amounts from the financial records of the fund."

3 **SECTION 28.**

4 Said title is further amended by striking Code Section 20-4-12, relating to expenses and
 5 mileage allowance of the State Board of Technical and Adult Education, and inserting in lieu
 6 thereof a new Code Section 20-4-12 to read as follows:

7 "20-4-12.

8 The members of the State Board of Technical and Adult Education who are in state
 9 employment shall serve without compensation but, subject to fund availability, shall be
 10 reimbursed by the state department in which employed for all necessary expenses that may
 11 be incurred in the performance of their duties under this article in accordance with state
 12 travel regulations promulgated by the ~~Office of Planning and Budget and the Department~~
 13 ~~of Audits and Accounts~~ State Accounting Office in the same manner that employees of the
 14 state merit system are reimbursed. For those State Board of Technical and Adult Education
 15 members who are not in state employment, the expense and mileage allowance shall be the
 16 same as that authorized for the General Assembly and shall be payable, subject to fund
 17 availability, by the State Board of Technical and Adult Education."

18 **SECTION 29.**

19 Said title is further amended by striking subsections (b) and (c) of Code Section 20-15-15,
 20 relating to the Georgia Medical Center Authority Overview Committee, and inserting in lieu
 21 thereof new subsections (b) and (c) to read as follows:

22 "(b) The state auditor, the state accounting officer, the Attorney General, and all other
 23 agencies of state government, upon request by the committee, shall assist the committee
 24 in the discharge of its duties set forth in this chapter. The committee may employ not more
 25 than two staff members and may secure the services of independent accountants, engineers,
 26 and consultants.

27 (c) The Georgia Medical Center Authority shall cooperate with the committee, its
 28 authorized personnel, the Attorney General, the state auditor, the state accounting officer,
 29 and other state agencies in order that the charges of the committee, set forth in this chapter,
 30 may be timely and efficiently discharged. The authority shall submit to the committee such
 31 reports and data as the committee shall reasonably require of the authority in order that the
 32 committee may adequately perform its functions. The Attorney General is authorized to
 33 bring appropriate legal actions to enforce any laws specifically or generally relating to the
 34 Georgia Medical Center Authority. The committee shall, on or before the first day of
 35 January of each year, and at such other times as it deems necessary, submit to the General

1 Assembly a report of its findings and recommendations based upon the review of the
2 Georgia Medical Center Authority, as set forth in this chapter."

3 **SECTION 30.**

4 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
5 amended by striking paragraph (3) of subsection (b) of Code Section 28-1-8, relating to
6 salary and allowances of members and officers of the General Assembly, and inserting in lieu
7 thereof a new paragraph (3) to read as follows:

8 "(3) Notwithstanding any other provision of this subsection to the contrary,
9 reimbursement of authorized transportation costs incurred by a member of the General
10 Assembly for air travel inside or outside the state at any time shall be limited to the
11 amounts provided for in the state-wide contract. As used in this paragraph, the term
12 'state-wide contract' means the state-wide contract for airline travel incorporated in the
13 state travel regulations established by the ~~Department of Audits and Accounts and the~~
14 ~~Office of Planning and Budget~~ State Accounting Office. This limitation shall not apply,
15 however, if the air travel is between pairs of cities not covered in the state-wide contract,
16 if no state-wide contract is in effect, if the contracted flight is other than a nonstop flight,
17 the contracted flight would cause the member undue hardship or would conflict with the
18 member's schedule, or if passage under a state-wide contract is otherwise not reasonably
19 available. When reimbursement is requested for an amount in excess of the amount
20 provided in the state-wide contract, the member shall sign a statement indicating which
21 of the foregoing exceptions applies."

22 **SECTION 31.**

23 Said title is further amended by striking Code Section 28-10-4, relating to the cooperation
24 of the Georgia Rail Passenger Authority, and inserting a new Code Section 28-10-4 to read
25 as follows:

26 "28-10-4.

27 The Georgia Rail Passenger Authority shall cooperate with the committee, its authorized
28 personnel, the Attorney General, the state accounting officer, and the state auditor in order
29 that the committee may efficiently and effectively carry out its duties. The Georgia Rail
30 Passenger Authority shall submit to the committee such reports and data as the committee
31 shall reasonably require of said authority in order that the committee may adequately
32 inform itself of the activities of said authority. The committee shall, on or before the first
33 day of January of each year, and at such other times as it deems to be in the public interest,
34 submit to the General Assembly a report of its findings and recommendations based upon
35 the review of the operations of the Georgia Rail Passenger Authority."

SECTION 34.

Said title is further amended by striking paragraph (2) of subsection (b) of Code Section 34-8-173, relating to the release or subordination of property subject to lien, and inserting in lieu thereof a new paragraph (2) to read as follows:

"(2) The Commissioner shall file an annual report with the Attorney General, the members of the Senate Insurance and Labor Committee, and the members of the House Industrial Relations Committee, which report shall state the number of cases and the total amount of debt which is compromised under this Code section. The Commissioner shall retain on file for five years a detailed statement listing the names of the employers whose debt was compromised, the amount of debt compromised, the number of cases, and the specified reasons for each debt compromise under this Code section. This statement shall be available for review by members of the General Assembly, the Attorney General, the state accounting officer, and the state auditor."

SECTION 35.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by striking paragraph (10) of Code Section 45-10-20, relating to definitions concerning conflicts of interest, and inserting in lieu thereof a new paragraph (10) to read as follows:

"(10) 'State-wide powers' means those powers exercised by public officials which affect and influence all of state government. Public officials who exercise such powers include but are not limited to the Governor, the Lieutenant Governor, members of the General Assembly, Justices of the Supreme Court, Judges of the Court of Appeals, the Secretary of State, the Attorney General, the state auditor, the state accounting officer, the commissioner of administrative services, the commissioner of the State Merit System of Personnel Administration and members of the State Personnel Board, the director of the Office of Planning and Budget, judges of the superior courts, and district attorneys."

SECTION 36.

Said title is further amended by striking subsections (b) and (c) of Code Section 45-18-18, relating to the discharge of certain debts and obligations due the health insurance fund, and inserting in lieu thereof new subsections (b) and (c) to read as follows:

"(b) In order to conserve the health insurance funds, the commissioner of community health is authorized, ~~in conjunction with the state auditor,~~ to develop a procedure that complies with the policies prescribed by the state accounting officer for the administrative discharge of any debt or obligation due the insurance fund when such debt or obligation is \$400.00 or less. This provision shall not be construed to deny to the commissioner the

1 authority to pursue the collection of any debt, obligation, or claim in any amount
2 whatsoever when such pursuit is in the best interest of the insurance fund.

3 (c) Upon a formal determination that a debt or obligation to the insurance fund of \$400.00
4 or less is uncollectable, or that the costs of collection would equal or exceed the amount
5 due the fund, the commissioner of community health shall execute and transmit to the state
6 ~~auditor~~ accounting officer a certification which includes the following: a recapitulation of
7 the efforts made to collect the debt or obligation; an estimate of the costs to pursue
8 collection of the debt or obligation administratively or judicially; such other information
9 as may be required by the procedure developed by the commissioner and the state ~~auditor~~
10 accounting officer; and a statement that further collection effort would be detrimental to
11 the financial interests of the fund. The certification shall be made under oath or affirmation
12 and shall be sent to the state ~~auditor~~ accounting officer at such times as shall be prescribed
13 in the procedure developed by the commissioner and the state ~~auditor~~ accounting officer.
14 Upon receipt of the certification, the state ~~auditor~~ accounting officer shall be authorized to
15 approve the removal of such uncollectable amounts from the financial records of the fund."

16 SECTION 37.

17 Said title is further amended by striking subsection (b) of Code Section 45-18-51, relating
18 to the Employee Benefit Plan Council, and inserting in lieu thereof a new subsection (b) to
19 read as follows:

20 "(b) The members of the council who are in state employment shall serve without
21 compensation but, subject to fund availability, shall be reimbursed by the state department
22 in which they are employed for all necessary expenses that may be incurred in the
23 performance of their duties under this article in accordance with state travel regulations
24 promulgated by the ~~Office of Planning and Budget and the Department of Audits and~~
25 ~~Accounts~~ State Accounting Office in the same manner that employees of the state merit
26 system are reimbursed. For those councilmembers who are not in state employment, the
27 expense and mileage allowance shall be the same as that authorized for the General
28 Assembly and shall be payable, subject to fund availability, from the state merit system."

29 SECTION 38.

30 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is
31 amended in Code Section 47-1-14, relating to certain records of retirement systems being
32 exempt from public disclosure, by striking paragraph (5) of subsection (e) and inserting in
33 lieu thereof a new paragraph (5) to read as follows:

34 "(5) Given to the Attorney General and the Department of Law, the Office of Planning
35 and Budget, the state accounting officer and the State Accounting Office, or the state

1 auditor and the Department of Audits and Accounts for use and public disclosure in the
2 ordinary performance of those officers' and offices' duties."

3 **SECTION 39.**

4 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
5 amended by striking Code Section 48-3-23.1, relating to authorization for the state revenue
6 commissioner to develop standards to discharge debts or obligations barred by the statute of
7 limitations, and inserting in lieu thereof a new Code Section 48-3-23.1 to read as follows:
8 "48-3-23.1.

9 In order to preserve public funds and to limit efforts to collect debts or obligations barred
10 by the statute of limitations, the commissioner is authorized to develop appropriate
11 standards, ~~in conjunction with the Department of Audits and Accounts, that comply with~~
12 the policies prescribed by the state accounting officer which will provide a mechanism to
13 administratively discharge any debt or obligation in favor of the department when the
14 collection of any obligation or charge, regardless of amount, is barred by the applicable
15 statute of limitations. Certificates identifying such uncollectable accounts shall be
16 forwarded to the state ~~auditor~~ accounting officer in a manner and at such times as are
17 reflected in the standards developed by the state ~~auditor~~ accounting officer and the
18 department."

19 **SECTION 40.**

20 Resolution Act No. 48 (Senate Resolution No. 101), approved April 19, 1979 (Ga. L. 1979,
21 p. 1365), relating to the development, issuance, review, and revision of employee travel
22 reimbursement policies by the Department of Audits and the Office of Planning and Budget,
23 is repealed in its entirety.

24 **SECTION 41.**

25 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become
26 effective on July 1, 2005.
27 (b) Sections 10 and 11 of this Act shall become effective on June 30, 2006.

28 **SECTION 42.**

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