

Senate Bill 254

By: Senators Hill of the 4th, Williams of the 19th and Johnson of the 1st

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture; Title 8
 2 of the Official Code of Georgia Annotated, relating to buildings; Title 15 of the Official Code
 3 of Georgia Annotated, relating to courts; Title 17 of the Official Code of Georgia Annotated,
 4 relating to criminal procedure; Title 20 of the Official Code of Georgia Annotated, relating
 5 to education; Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and
 6 cosmetics; Title 28 of the Official Code of Georgia Annotated, relating to the General
 7 Assembly; Title 35 of the Official Code of Georgia Annotated, relating to law enforcement;
 8 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles; Title 43 of
 9 the Official Code of Georgia Annotated, relating to professions; Title 45 of the Official Code
 10 of Georgia Annotated, relating to public officers; Title 49 of the Official Code of Georgia
 11 Annotated, relating to social services; and Title 50 of the Official Code of Georgia
 12 Annotated, relating to state government, so as to provide for the comprehensive revision of
 13 provisions regarding state budgeting; to revise and change duties and responsibilities of
 14 budget units; to provide for the transfer of the duties and responsibilities of the Legislative
 15 Budget Office and legislative budget offices; to provide for the powers, duties, and
 16 responsibilities of the Senate Budget Office and the House Budget Office; to revise and
 17 change terminology regarding budget unit object class; to revise and change certain
 18 provisions regarding powers of the Lieutenant Governor; to repeal provisions regarding the
 19 Budgetary Responsibility and Oversight Committee; to provide for related matters; to
 20 provide an effective date; to repeal conflicting laws; and for other purposes.

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

22 **PART I**
 23 **SECTION 1.**

24 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
 25 striking Code Section 2-18-4, relating to the attachment of the Georgia Tobacco Community

1 Development Board for administrative purposes to the Office of Planning and Budget, and
 2 inserting in its place a new Code Section 2-18-4 to read as follows:

3 "2-18-4.

4 The board is attached to the Office of Planning and Budget for administrative purposes.
 5 Without limitation, the office shall provide such staff and other services as the board may
 6 need for its functions. ~~Without detracting from the status of the board as a budget unit, the~~
 7 The Office of Planning and Budget may expend its funds for purposes of the board as if
 8 such funds were appropriated directly to the board."

9 **SECTION 2.**

10 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
 11 striking Code Section 20-1A-1, relating to creation of the Department of Early Care and
 12 Learning, and inserting in its place a new Code Section 20-1A-1 to read as follows:

13 "20-1A-1.

14 The Department of Early Care and Learning is created as a department of the executive
 15 branch of state government and shall have the duties, responsibilities, functions, powers,
 16 and authority set forth in this chapter and otherwise provided by law. The Department of
 17 Early Care and Learning is the successor to the Office of School Readiness and shall have
 18 the duties, responsibilities, functions, powers, authority, employees, office equipment,
 19 furniture, and other assets formerly held by the Office of School Readiness. ~~The~~
 20 ~~Department of Early Care and Learning shall be a separate budget unit."~~

21 **SECTION 3.**

22 Said title is further amended by striking subsection (a) of Code Section 20-3-82, relating to
 23 the Georgia Eminent Scholars Trust Fund, and inserting in its place a new subsection (a) to
 24 read as follows:

25 "(a) There is created the Georgia Eminent Scholars Endowment Trust Fund. The board of
 26 regents shall serve as trustees of such fund. ~~The fund shall be a budget unit for the purpose~~
 27 ~~of appropriations of state funds as provided for in Part 1 of Article 4 of Chapter 12 of Title~~
 28 ~~45."~~

29 **SECTION 4.**

30 Said title is further amended by striking subsection (b) of Code Section 20-3-231, relating
 31 to the purpose of the Georgia Student Finance Commission, and inserting in its place a new
 32 subsection (b) to read as follows:

33 "(b) *Purpose of commission.* The purpose of the commission shall be to help improve the
 34 higher educational opportunities of citizens and persons in this state by serving as an

1 agency ~~and budget unit~~ within the executive branch of state government for the purpose of
2 carrying out and effectuating the powers, duties, and functions set forth in this part."

3 **SECTION 5.**

4 Said title is further amended by striking subsection (a) of Code Section 20-3-233, relating
5 to the creation of the Georgia Student Finance Commission, and inserting in its place a new
6 subsection (a) to read as follows:

7 "(a) There is created within the executive branch of state government a commission to be
8 known as the Georgia Student Finance Commission. The commission shall be an agency
9 of the state ~~and a budget unit thereof.~~"

10 **SECTION 6.**

11 Said title is further amended by striking subsection (a) of Code Section 20-3-250.5, relating
12 to administration of the Nonpublic Postsecondary Education Commission, and inserting in
13 its place a new subsection (a) to read as follows:

14 "(a) The commission shall be assigned to the Georgia Student Finance Commission for
15 administrative purposes only. ~~The commission shall be a budget unit of the executive~~
16 ~~branch of the state government.~~"

17 **SECTION 7.**

18 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
19 is amended by striking subsection (a) of Code Section 26-4-29, relating to the Georgia Drugs
20 and Narcotics Agency, and inserting in its place a new subsection (a) to read as follows:

21 "(a) The agency created in 1908 as the Office of the Chief Drug Inspector and known as
22 the Georgia Drugs and Narcotics Agency since 1976 is continued in existence as the
23 Georgia Drugs and Narcotics Agency. ~~This agency shall be a budget unit as defined under~~
24 ~~Code Section 45-12-7; provided, however, that the~~ The agency shall be assigned for
25 administrative purposes only, as defined in Code Section 50-4-3, to the office of the
26 Secretary of State. The Georgia Drugs and Narcotics Agency is authorized by this Code
27 section to enforce the drug laws of this state. The board shall appoint a director who shall
28 be charged with supervision and control of such agency. The agency shall employ the
29 number of personnel deemed necessary to properly protect the health, safety, and welfare
30 of the citizens of this state. Such personnel shall be pharmacists registered in this state
31 when employed as either special agents or the deputy director."

SECTION 8.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended by striking Code Section 35-6A-9, relating to the Criminal Justice Coordinating Council, and inserting in its place a new Code Section 35-6A-9 to read as follows:

"35-6A-9.

The council shall prepare a budget request in the same manner as any such request would be prepared by a budget unit under Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' and a separate appropriation shall be provided for the council in the general appropriations Act. The council is authorized to accept and use gifts, grants, and donations for the purpose of carrying out this chapter. The council is also authorized to accept and use property, both real and personal, and services, for the purpose of carrying out this chapter. Any funds, property, or services received as gifts, grants, or donations shall be kept separate and apart from any funds received by the Office of Planning and Budget; and such funds, property, or services so received by gifts, grants, or donations shall be the property and funds of the council and, as such, shall not lapse at the end of each fiscal year but shall remain under the control and subject to the direction of the council to carry out this chapter."

SECTION 9.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by striking subsection (a) of Code Section 40-16-7, relating to the budget of the Department of Motor Vehicle Safety, and inserting in its place a new subsection (a) to read as follows:

"(a) ~~The department shall be a budget unit to which funds may be appropriated as provided in the 'Budget Act,' Part 1 of Article 4 of Chapter 12 of Title 45.~~ The department shall be an independent and distinct department of state government. The duties of the department shall be performed by that department and not by any other agency of state government, and the department shall not perform the duties of any other agency of state government. The position of commissioner of motor vehicle safety shall be a separate and distinct position from any other position in state government. The duties of the commissioner shall be performed by the commissioner and not by any other officer of state government, and the commissioner shall not perform the duties of any other officer of state government."

SECTION 10.

Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by repealing its entirety subsection (l) of Code Section 43-1-2, relating to the director of the professional licensing boards division of the office of the Secretary of State, which reads as follows:

1 "(l) Funding for the office of the division director and the various professional licensing
 2 boards served by such office shall be contained in a common budget unit as defined in Part
 3 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act.'"

4 **SECTION 11.**

5 Said title is further amended by striking subsection (g) of Code Section 43-40-2, relating to
 6 the Georgia Real Estate Commission, and inserting in its place a new subsection (g) to read
 7 as follows:

8 "~~(g) The commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12~~
 9 ~~of Title 45, the 'Budget Act'; provided, however, that the commission shall be assigned for~~
 10 administrative purposes only to the office of the Secretary of State."

11 **SECTION 12.**

12 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended
 13 by striking Code Section 45-5-7, relating to hearing of complaints against budget unit
 14 employees, and inserting in its place a new Code Section 45-5-7 to read as follows:

15 "45-5-7.

16 Upon information being received that any individual employed by the state government is
 17 guilty or is alleged to be guilty of irregularities, misconduct, malpractice, malfeasance,
 18 misfeasance, incompetence, incapability, or inefficiency in the conduct of his or her official
 19 duties, the head of the ~~budget unit~~, department; or agency employing said person shall be
 20 notified of such charges; and if the head of the ~~budget unit~~, department; or agency takes the
 21 position that the charges are unfounded and fails or refuses to discharge the individual
 22 against whom the complaint is lodged, it shall be the duty of the Governor to hear the
 23 complaint and if, in his or her opinion, the facts sustain the truth of the accusation, the
 24 individual shall stand discharged from state service. Nothing in this Code section shall
 25 affect the tenure of office of the elected officials of this state, nor the tenure of office of
 26 appointed officials of this state who have been confirmed by the Senate as required by law,
 27 nor the tenure of office of those employees who are subject to merit system laws and rules
 28 and regulations."

29 **SECTION 13.**

30 Said title is further amended by striking subsection (a) of Code Section 45-12-72, relating
 31 to the Office of Planning and Budget, and inserting in its place a new subsection (a) to read
 32 as follows:

33 "(a) There is established in the office of the Governor the Office of Planning and Budget
 34 ~~as a separate budget unit~~ for the purpose of promoting economy and efficiency in the fiscal

1 management of the state government. The Governor shall be ex officio director of the
2 budget."

3 **SECTION 14.**

4 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
5 by striking subsection (b) of Code Section 49-5-135, relating to the Children and Youth
6 Coordinating Council, and inserting in its place a new subsection (b) to read as follows:

7 "(b) The council shall prepare a budget request ~~in the same manner as any such request~~
8 ~~would be prepared by a budget unit~~ in accordance with Part 1 of Article 4 of Chapter 12
9 of Title 45, the 'Budget Act,' and a separate appropriation shall be provided for the council
10 in the General Appropriations Act. The council is authorized to accept and use gifts, grants,
11 and donations for the purpose of carrying out this article. The council is also authorized to
12 accept and use property, both real and personal, and services for the purpose of carrying
13 out this article. Any funds, property, or services received as gifts, grants, or donations shall
14 be kept separate and apart from any funds received by the Office of Planning and Budget;
15 and such funds, property, or services so received by gifts, grants, or donations shall be the
16 property and funds of the council and, as such, shall not lapse at the end of each fiscal year
17 but shall remain under the control of and subject to the direction of the council to carry out
18 this article."

19 **SECTION 15.**

20 Said title is further amended by striking subsection (n) of Code Section 49-5-273, relating
21 to creation of PeachCare, and inserting in its place a new subsection (n) to read as follows:

22 "(n) There shall be created a ~~separate budget unit 'C'~~ and a separate appropriation in the
23 department for the purpose of carrying out the provisions of this article."

24 **SECTION 16.**

25 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
26 by striking paragraph (1) of subsection (g) of Code Section 50-17-22, relating to the State
27 Financing and Investment Commission, and inserting in its place a new paragraph (1) to read
28 as follows:

29 "(1) The commission is ~~designated a budget unit and~~ shall be subject to Part 1 of Article
30 4 of Chapter 12 of Title 45, the 'Budget Act.'"

31 **SECTION 17.**

32 Said title is further amended by striking paragraph (2) of subsection (c) of Code Section
33 50-27-13, relating to lottery proceeds, and inserting in its place a new paragraph (2) to read
34 as follows:

1 expenditures for the ~~applicable object class~~ program and shall ensure that these
 2 expenditures conform to both the letter and the intent of approved appropriations Acts. The
 3 Governor through the Office of Planning and Budget shall direct to be made such changes
 4 in the submitted annual operating budget as the Governor deems necessary to bring the
 5 annual operating budget into conformity with approved appropriations Acts."

6 **SECTION 22.**

7 Said title is further amended by striking Code Section 45-12-90, relating to disposition of
 8 appropriations, and inserting in its place a new Code Section 45-12-90 to read as follows:

9 "45-12-90.

10 In the event that any duties; and purposes; ~~and objects~~ for which appropriations are made
 11 shall be transferred to a budget unit other than that to which appropriated, the
 12 appropriations for such duties; and purposes; ~~and objects~~ shall be made available, subject
 13 to this part, to such budget unit or budget units to which the duties; and purposes; ~~and~~
 14 ~~objects~~ are transferred. Should the appropriation to be transferred not be shown in the
 15 appropriation Act as a separate and identifiable item, the amount to be transferred shall be
 16 decided by the Office of Planning and Budget in accordance with the detailed estimates or
 17 other information embodied in the budget report."

18 **SECTION 23.**

19 Said title is further amended by striking subsections (a) and (b) of Code Section 45-12-78,
 20 relating to submission of annual budget estimates, and inserting in their place new
 21 subsections (a) and (b) to read as follows:

22 "(a) Not later than September 1 of each year, the head of each budget unit, other than the
 23 General Assembly and the judiciary, shall submit to the Office of Planning and Budget
 24 estimates of the financial requirements of the budget unit for the next fiscal year, on the
 25 forms and in the manner prescribed by the Office of Planning and Budget, with such
 26 explanatory data as is required by the Office of Planning and Budget. Such submission
 27 shall utilize such ~~budget classes~~ programs and be within such expenditure parameters as
 28 may be established by the Governor. The head of a budget unit also may submit such
 29 additional data as is helpful. The estimates so submitted shall bear the approval of the
 30 board or commission of each budget unit for which a board or commission is constituted.

31 (b) Except as otherwise provided in this subsection, the budget estimates for the General
 32 Assembly, including all the legislative agencies, ~~shall be prepared by the Speaker of the~~
 33 ~~House of Representatives and the President of the Senate and such other legislative officers~~
 34 ~~as appropriate and~~ shall be submitted to the director of the budget at the same time as other
 35 budget estimates are submitted. The Department of Audits and Accounts, for the purpose

1 of this part, is a legislative agency and shall be construed in all respects as such; and the
 2 budget estimate for said department shall be prepared by the state auditor and shall be
 3 included in the budget report without revision and shall not be subject to review or control
 4 by the Office of Planning and Budget. The director of the Office of Treasury and Fiscal
 5 Services shall assist in the preparation of these budget estimates, if requested. ~~Effective~~
 6 ~~with the budget estimates for the fiscal year beginning July 1, 1985, the~~ The budget
 7 estimates for the Senate, the office of the Lieutenant Governor, and the office of the
 8 Secretary of the Senate shall be prepared by the Senate; the budget estimates for the House
 9 of Representatives, the office of the Speaker of the House of Representatives, and the
 10 office of the Clerk of the House of Representatives shall be prepared by the House of
 11 Representatives; and the budget estimates for the Office of Legislative Counsel; and the
 12 Office of Legislative Fiscal Officer, ~~and the Office of Legislative Budget Analyst~~ shall be
 13 prepared by the Legislative Services Committee. All of such budget estimates shall include
 14 such ~~object classes~~ programs as the Legislative Services Committee shall determine, and
 15 transfers of funds may be made between such ~~object classes~~ programs. Funds may also be
 16 transferred ~~between~~ across programs within the Senate, ~~the office of the Lieutenant~~
 17 ~~Governor, and the office of the Secretary of the Senate.~~ Funds may also be transferred
 18 ~~between~~ across programs within the House of Representatives, ~~the office of the Speaker~~
 19 ~~of the House of Representatives, and the office of the Clerk of the House of~~
 20 ~~Representatives.~~ Funds may also be transferred between the Office of Legislative Counsel;
 21 and the Office of Legislative Fiscal Officer, ~~and the Office of Legislative Budget Analyst."~~

22 PART III

23 SECTION 24.

24 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended
 25 by striking Code Section 45-12-82, relating to filing of periodic work programs, and inserting
 26 in its place a new Code Section 45-12-82 to read as follows:

27 "45-12-82.

28 The Governor, through the Office of Planning and Budget, shall require each budget unit,
 29 other than those of the legislative branch and the judicial branch, to file periodic work
 30 programs with the Office of Planning and Budget at such time as the Office of Planning
 31 and Budget shall direct. As provided in Code Section 45-12-83, no allotment of funds shall
 32 be approved for any budget unit until such budget unit has filed a periodic work program
 33 with the Office of Planning and Budget and the periodic work program has been approved
 34 by the Governor. The work program shall be presented on forms prescribed by the Office
 35 of Planning and Budget and shall contain such information as the Governor, through the

1 Office of Planning and Budget, may require. The work program shall include the amount
 2 of the portion of the appropriation required for the period's expenditures based on the
 3 budget prepared as provided in this part. Periodic work programs may be amended from
 4 time to time in such manner as the Office of Planning and Budget may require. A duplicate
 5 copy of all of the periodic work programs and any amendments thereto shall be filed
 6 simultaneously with the Office of Planning and Budget, the director of the Office of
 7 Treasury and Fiscal Services, the state auditor, ~~the Comptroller General, and the Office of~~
 8 ~~Legislative Budget Analyst~~ the Senate Budget Office, and the House Budget Office."

9 **SECTION 25.**

10 Title 8 of the Official Code of Georgia Annotated, relating to buildings, is amended by
 11 striking Code Section 8-2-144, relating to accounting of certain fees by the Commissioner
 12 of Insurance, and inserting in its place a new Code Section 8-2-144 to read as follows:

13 "8-2-144.

14 The Commissioner of Insurance shall file a report on or before December 15 of each year
 15 accounting for all fees received by the Commissioner under this part and Part 3 of this
 16 article for the preceding 12 month period and for the actual costs of the inspection
 17 programs under this part and Part 3 of this article for the preceding 12 month period. Such
 18 report shall be provided to the chairpersons of the House Appropriations Committee, the
 19 Senate Appropriations Committee, the House Governmental Affairs Committee, and the
 20 Senate Regulated Industries and Utilities Committee, the director of the Office of Planning
 21 and Budget, ~~and the director of the Legislative~~ Senate Budget Office, and the director of
 22 the House Budget Office."

23 **SECTION 26.**

24 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking
 25 subsection (a) of Code Section 15-6-77.4, relating to certain additional divorce case filing
 26 fees, and inserting in its place a new subsection (a) to read as follows:

27 "(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and
 28 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional
 29 fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce
 30 cases as provided in this Code section and shall pay such moneys over to the Georgia
 31 Superior Court Clerks' Cooperative Authority by the last day of the month there following,
 32 to be deposited by the authority into the general treasury. The authority shall, on a quarterly
 33 basis, make a report and accounting of all funds collected pursuant to this Code section and
 34 shall submit such report and accounting to the Office of Planning and Budget, the

1 ~~Legislative House~~ Budget Office, and the Senate Budget Office no later than 60 days after
2 the last day of the preceding quarter."

3 **SECTION 27.**

4 Said title is further amended by striking Code Section 15-9-60.1, relating to certain additional
5 marriage license fees, and inserting in its place a new Code Section 15-9-60.1 to read as
6 follows:

7 "15-9-60.1.

8 In addition to any fees required in Code Section 15-9-60 for receiving marriage
9 applications, issuing marriage licenses, and recording relative thereto, the judge of the
10 probate court shall charge an additional fee of \$15.00 for issuing a marriage license. No
11 amount of this additional fee shall be paid into the Judges of the Probate Courts Retirement
12 Fund of Georgia provided for in Chapter 11 of Title 47 or be used for the purpose of
13 calculating retirement benefits for judges of the probate courts. Each judge of the probate
14 court shall collect the additional fees for issuing marriage licenses as provided in this Code
15 section and shall pay such moneys over to the Georgia Superior Court Clerks' Cooperative
16 Authority by the last day of the month there following, to be deposited by the authority into
17 the general treasury. The authority shall, on a quarterly basis, make a report and accounting
18 of all funds collected pursuant to this Code section and shall submit such report and
19 accounting to the Office of Planning and Budget, the ~~Legislative House~~ Budget Office, and
20 the Senate Budget Office no later than 60 days after the last day of the preceding quarter."

21 **SECTION 28.**

22 Said title is further amended by striking paragraph (3) of subsection (e) of Code Section
23 15-18-12, relating to judicial circuit travel expenses, and inserting in its place a new
24 paragraph (3) to read as follows:

25 "(3) In determining the travel budget for each judicial circuit, the council shall consider
26 the budget request submitted by the district attorney of each judicial circuit, the
27 geographic size and the caseload of each circuit, and such other facts as may be relevant.
28 The council is authorized to establish a contingency reserve of not more than 3 percent
29 of the total amount appropriated by the General Assembly in order to meet any expenses
30 which could not be reasonably anticipated. The council shall submit to each district
31 attorney, the state auditor, ~~and the legislative budget analyst~~ the House Budget Office,
32 and the Senate Budget Office a monthly report showing the budget amount of
33 expenditures made under the travel budget. The council may periodically review and
34 adjust said budget as may be necessary to carry out the purposes of this Code section."

SECTION 29.

Said title is further amended by striking Code Section 15-21-74, relating to payment of certain amounts of the Georgia Superior Court Clerks' Cooperative Authority, and inserting in its place a new Code Section 15-21-74 to read as follows:

"15-21-74.

The sums provided for in Code Section 15-21-73 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and forfeited bonds and shall be paid over to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the month there following, to be deposited by the authority into the general treasury. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, the ~~Legislative~~ House Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 30.

Said title is further amended by striking Code Section 15-21-113, relating to payment of certain amounts to the Georgia Superior Court Clerks' Cooperative Authority, and inserting in its place a new Code Section 15-21-113 to read as follows:

"15-21-113.

The sums provided for in Code Section 15-21-112 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over by the last day of the following month to the Georgia Superior Court Clerks' Cooperative Authority for remittance to the Georgia Crime Victims Compensation Board, to be deposited into the Georgia Crime Victims Emergency Fund. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, the ~~Legislative~~ House Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 31.

Said title further amended by striking subsection (c) of Code Section 15-21A-7, relating to the reporting and accounting system of the Georgia Superior Court Clerks' Cooperative Authority, and inserting in its place a new subsection (c) to read as follows:

"(c) The authority shall, on a quarterly basis, make a detailed report and accounting of all fines and fees collected and remitted by any court and shall submit such report and accounting to the General Oversight Committee for the Georgia Public Defender Standards Council, the Office of Planning and Budget, the Chief Justice of the Supreme Court of

1 Georgia, the ~~Legislative~~ House Budget Office, and the Senate Budget Office no later than
2 60 days after the last day of the preceding quarter."

3 SECTION 32.

4 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
5 amended by striking paragraph (3) of subsection (c) of Code Section 17-12-26, relating to
6 the budget of the Georgia Public Defender Standards Council, and inserting in its place a new
7 paragraph (3) to read as follows:

8 "(3) In determining the travel budget for each judicial circuit, the council shall consider
9 the budget request submitted by the circuit public defender of each judicial circuit, the
10 geographic size and the caseload of each circuit, and other facts as may be relevant. The
11 council is authorized to establish a contingency reserve of not more than 3 percent of the
12 total amount appropriated by the General Assembly in order to meet any expenses which
13 could not be reasonably anticipated. The council shall submit to each circuit public
14 defender, the state auditor, ~~and the legislative budget analyst~~ the Senate Budget Office,
15 and the House Budget Office a monthly report showing the budget amount of
16 expenditures made under the travel budget. The council may periodically review and
17 adjust the travel budget as may be necessary to carry out the purposes of this subsection."

18 SECTION 33.

19 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
20 striking subsections (a) and (c) of Code Section 20-2-320, relating to the Education
21 Information Steering Committee, and inserting in their place new subsections (a) and (c),
22 respectively, to read as follows:

23 "(a) The Governor shall appoint a steering committee, which shall be named the Education
24 Information Steering Committee, composed of representatives from the Department of
25 Education, the Department of Technical and Adult Education, the Board of Regents of the
26 University System of Georgia, the office of the Governor, the Office of Planning and
27 Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the
28 Department of Early Care and Learning, the Professional Standards Commission, the
29 Office of Student Achievement, the State Data and Research Center at the Georgia Institute
30 of Technology, the Georgia Public Telecommunications Commission, ~~the Legislative~~
31 ~~Budget Office~~, and local school systems. The steering committee shall identify the data
32 required to implement the Quality Basic Education Program on a fiscally sound basis and
33 the data required to evaluate the effectiveness of the components of public education in
34 Georgia. The steering committee shall identify data that shall be required from local units

1 of administration, public libraries, public colleges and universities through the Board of
2 Regents of the University System of Georgia, pre-kindergarten programs, the Professional
3 Standards Commission, and postsecondary technical colleges and schools for the
4 implementation of this article. Further, the steering committee shall develop a design for
5 a state-wide comprehensive educational information system which will provide for the
6 accurate, seamless, and timely flow of information from local and regional education
7 agencies, units of the University System of Georgia, and technical schools and colleges to
8 the state. The design shall include hardware, software, data, collection methods and times,
9 training, maintenance, communications, security of data, and installation specifications and
10 any other relevant specifications needed for the successful implementation of this system.
11 The state-wide comprehensive educational information system shall not use a student's
12 social security number or an employee's social security number in violation of state or
13 federal law to identify a student or employee. The steering committee shall present such
14 recommendations to the Education Coordinating Council. Upon approval of the boards of
15 the respective education agencies, the steering committee shall issue appropriate requests
16 for proposals to implement a state-wide comprehensive educational information system,
17 subject to appropriation by the General Assembly. The State Data and Research Center, at
18 the direction of the Education Coordinating Council and working through the steering
19 committee, shall initiate contracts with appropriate vendors and local units of
20 administration for the procurement of services, purchase of hardware and software, and for
21 any other purpose as directed by the Education Coordinating Council, consistent with
22 appropriation by the General Assembly."

23 "(c) For the purpose of this article, authorized educational agencies shall be the
24 Department of Education; the Department of Early Care and Learning; the Board of
25 Regents of the University System of Georgia; the Department of Technical and Adult
26 Education; the Education Coordinating Council; the Professional Standards Commission;
27 the State Data and Research Center and units under contract to the State Data and Research
28 Center; the Office of Student Achievement; the education policy and research components
29 of the office of the Governor; the Office of Planning and Budget; ~~the Legislative Budget~~
30 ~~Office~~; the House Research Office; and the Senate Research Office. Any information
31 collected over the state-wide comprehensive educational information system, including
32 individual student records and individual personnel records, shall be accessible by
33 authorized educational agencies, provided that any information which is planned for
34 collection over the system but which is temporarily being collected by other means shall
35 also be accessible by authorized educational agencies and provided, further, that adequate
36 security provisions are employed to protect the privacy of individuals. All data maintained
37 for this system shall be used for educational purposes only. In no case shall information be

1 released by an authorized educational agency which would violate the privacy rights of any
 2 individual student or employee. Information released by an authorized educational agency
 3 in violation of the privacy rights of any individual student or employee shall subject the
 4 authorized educational agency to all penalties under applicable state and federal law. Any
 5 information collected over the state-wide comprehensive educational information system
 6 which is not stored in an individual student or personnel record format shall be made
 7 available to the Governor and the House and Senate Appropriations, Education, and Higher
 8 Education committees, except information otherwise prohibited by statute. Data which are
 9 included in an individual student record or individual personnel record format shall be
 10 extracted from such records and made available in nonindividual record format for use by
 11 the Governor, committees of the General Assembly, and agencies other than authorized
 12 educational agencies."

13

SECTION 34.

14 Said title is further amended by striking Code Section 20-3-133, relating to certain payments
 15 to local operating authorities, and inserting in its place a new Code Section 20-3-133 to read
 16 as follows:

17 "20-3-133.

18 There shall be paid to every local operating authority which shall have established a junior
 19 college under this article, upon which construction had commenced prior to January 1,
 20 1964, and which is not operated as a unit of the university system under the board of
 21 regents an amount which shall be determined on the basis of a budget for each fiscal year,
 22 developed pursuant to a formula agreed upon by the local operating authority, and the
 23 director of the Office of Planning and Budget, ~~and the legislative budget analyst~~. Budgets
 24 prepared pursuant to this authority shall be for expenses incurred by a junior college for
 25 educational and general expenditures as set forth in the latest edition of the publication
 26 entitled 'College and University Business Administration.' Such formula shall include
 27 financial participation from the local operating authority to include student matriculation
 28 fees and funds derived from not less than a one-half nor more than a three-fourths mill tax
 29 established by the local operating authority on the ad valorem tax digest of its political
 30 subdivision. No state funds shall be appropriated for capital construction. Expenditure
 31 under this article shall be audited annually by the Department of Audits and Accounts."

32

SECTION 35.

33 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
 34 amended by striking subsection (e) of Code Section 28-4-2, relating to powers of the

1 Legislative Services Committee, and inserting in its place a new subsection (e) to read as
2 follows:

3 "(e) The committee shall contract with a licensed certified public accountant or certified
4 public accounting firm to conduct annually in accordance with accepted accounting
5 principles a financial audit of legislative funds and expenditures. ~~Such audit shall detail the~~
6 ~~expenditures of the following offices of the legislative branch: Lieutenant Governor,~~
7 ~~Secretary of the Senate, Senate, Speaker of the House of Representatives, Clerk of the~~
8 ~~House of Representatives, House of Representatives, Office of Legislative Counsel, Office~~
9 ~~of Legislative Budget Analyst, and Office of Legislative Fiscal Officer."~~

10

SECTION 36.

11 Said title is further amended by striking Code Section 28-4-6, relating to the legislative fiscal
12 officer and legislative budget analyst, and inserting in its place a new Code Section 28-4-6
13 to read as follows:

14 "28-4-6.

15 (a) The Legislative Services Committee is authorized to employ a legislative fiscal officer
16 for the legislative branch of government, ~~and the fiscal officer and personnel to assist him~~
17 ~~shall be a part of the Office of Legislative Counsel.~~ The fiscal officer shall act as the
18 bookkeeper-comptroller for the legislative branch of government and shall maintain an
19 account of legislative expenditures and commitments. ~~He~~ Such fiscal officer shall maintain
20 an inventory of the equipment, furnishings, and nonexpendable items belonging to the
21 legislative branch. ~~He~~ Such fiscal officer shall prepare and sign vouchers pertaining to the
22 expenditure of legislative funds. ~~He~~ Such fiscal officer shall prepare and sign all warrants
23 for the expenditure of funds appropriated to and available to the legislative branch of
24 government. Such warrants shall be paid by the fiscal officer, and it shall not be necessary
25 that they be countersigned by the Comptroller General. All payments from funds
26 appropriated to the legislative branch of government shall be made by the fiscal officer, and
27 reference in any other law to any other official or person in connection with any duties
28 pertaining to such payments shall be deemed to refer to the fiscal officer; all duties of any
29 such other official or person in connection therewith are transferred to the fiscal officer.
30 The fiscal officer shall be under such bond as the Legislative Services Committee shall
31 prescribe, and the premium thereon shall be paid from funds appropriated to the legislative
32 branch of government. The fiscal officer shall have such other duties as shall be prescribed
33 by the committee.

34 ~~(a.1)~~(b) The legislative fiscal officer is authorized on behalf of the legislative branch to
35 pay any properly authorized invoice which does not exceed \$5,000.00. Any invoice which
36 exceeds \$5,000.00 may not be paid by such fiscal officer without prior approval from the

1 committee. The committee may provide for such approval to be given at meetings of the
 2 committee, or in writing between meetings by a majority of the members of the committee,
 3 or in such other manner as the committee may establish. All invoices shall contain in detail
 4 a description of the work performed, materials used or purchased, and any other
 5 information pertinent to the obligation. Before the fiscal officer may pay any invoice, a
 6 requisition or purchase order covering such invoice and signed by the person or persons
 7 authorized by the Legislative Services Committee to do so plus evidence of delivery must
 8 have been submitted to the fiscal officer. A list of all invoices which have been paid shall
 9 be submitted by the fiscal officer to the committee on a monthly basis.

10 ~~(b) The Legislative Services Committee is authorized to employ a legislative budget~~
 11 ~~analyst to assist the General Assembly and its committees in connection with~~
 12 ~~appropriations and budgetary matters. The legislative budget analyst shall render assistance~~
 13 ~~and give advice to the appropriations committees of the Senate and the House of~~
 14 ~~Representatives. He is authorized to request information and material from all state~~
 15 ~~departments, boards, bureaus, commissions, committees, authorities, and agencies in~~
 16 ~~connection with his duties; and all such departments, boards, bureaus, commissions,~~
 17 ~~committees, authorities, and agencies are directed to furnish such information and material~~
 18 ~~as he shall request. The legislative budget analyst shall perform such other duties as the~~
 19 ~~General Assembly, the Legislative Services Committee, and the appropriations committees~~
 20 ~~shall prescribe.~~

21 (c) A majority vote of the total membership of the Legislative Services Committee shall
 22 be necessary to employ the legislative fiscal officer ~~and the legislative budget analyst."~~

23 SECTION 37.

24 Said title is further amended by striking Code Section 28-4-7, relating to control of joint
 25 legislative offices, and inserting in its place a new Code Section 28-4-7 to read as follows:
 26 "28-4-7.

27 The Office of Legislative Counsel; and the Office of Legislative Fiscal Officer; ~~and the~~
 28 ~~Office of Legislative Budget Analyst~~ shall be under the budgetary control of the Legislative
 29 Services Committee. The committee shall provide procedures for the employment of
 30 personnel to assist the legislative counsel; and the legislative fiscal officer; ~~and the~~
 31 ~~legislative budget analyst~~; and those ~~three~~ two officials and such personnel shall be
 32 compensated under such procedure as the committee shall provide. The ~~three~~ two officials
 33 shall have supervision of personnel in their offices relative to the duties of their
 34 employment. The committee shall provide office space for the ~~three~~ offices and furnish
 35 them with supplies, materials, furniture, furnishings, books, equipment, and services."

1 any authorization for expenditure included in an appropriations Act, all appropriations in
 2 excess of the approved budget allotments for the budget year, as determined by the Office
 3 of Planning and Budget, shall cease to be an obligation of the state. The Office of Planning
 4 and Budget shall notify the House Budget Office of Legislative Budget Analyst and the
 5 ~~Budgetary Responsibility Oversight Committee~~ Senate Budget Office of any such action
 6 with appropriate supporting information."

7 **SECTION 41.**

8 Said title is further amended by striking subsection (d) of Code Section 45-12-95, relating
 9 to certain duties of the Office of Planning and Budget, and inserting in its place a new
 10 subsection (d) to read as follows:

11 "(d) The Office of Planning and Budget must review and approve all proposed cost-saving
 12 initiatives prior to their implementation for the implementing agency to be eligible for
 13 receipt of financial incentives. However, as part of this review, the Office of Planning and
 14 Budget must consult with a cross section of agencies and the ~~Office of Legislative Budget~~
 15 ~~Analyst~~ House Budget Office and the Senate Budget Office."

16 **SECTION 42.**

17 Said title is further amended by striking Code Section 45-12-110, relating to federal
 18 assistance requirements, and inserting in its place a new Code Section 45-12-110 to read as
 19 follows:

20 "45-12-110.

21 (a) Any state department, board, bureau, commission, authority, or other state agency,
 22 except the Board of Regents of the University System of Georgia and its employees,
 23 intending to apply for any new program of federal assistance under any federal program
 24 shall notify the ~~legislative budget analyst~~ House Budget Office, the Senate Budget Office,
 25 and the director of the Office of Planning and Budget of its intention to apply for such
 26 federal assistance at least 30 days prior to filing the application for such assistance. Such
 27 notification shall include a summary description of the proposed federal assistance project,
 28 the amount of federal funds to be requested, the amount of state matching funds, if any, to
 29 be required in connection with obtaining federal assistance, and the period of time to be
 30 covered by the proposed federal assistance project.

31 (b) The ~~legislative budget analyst~~ House Budget Office, the Senate Budget Office, and the
 32 director of the Office of Planning and Budget, acting jointly or independently, are
 33 authorized and directed to devise and distribute such forms as may be necessary to carry
 34 out subsection (a) of this Code section and, in connection therewith, to adopt and

1 promulgate such rules and regulations as may be necessary to ensure compliance with said
2 subsection."

3 **SECTION 43.**

4 Said title is further amended by striking paragraph (25) of subsection (c) of Code Section
5 45-13-22, relating to distribution of Georgia Laws and House and Senate journals, and
6 inserting in its place a new paragraph (25) and (25.1) to read as follows:

7 "(25) ~~Legislative budget analyst~~ House Budget Office — one set;
8 (25.1) Senate Budget Office — one set."

9 **SECTION 44.**

10 Said title is further amended by striking Code Section 45-20-7, relating to legislative branch
11 employees, and inserting in its place a new Code Section 45-20-7 to read as follows:

12 "45-20-7.

13 Any other provision of this article to the contrary notwithstanding, an employee of the
14 legislative branch of government may become a covered employee in the manner provided
15 for in this Code section. As relates to employees in the office of the Lieutenant Governor
16 and employees of the Senate, its officers, and its committees, the ~~Lieutenant Governor~~
17 President Pro Tempore shall act. As relates to employees in the office of the Speaker of the
18 House of Representatives and employees of the House, its officers, and its committees, the
19 Speaker of the House shall act. As relates to employees in the office of the Secretary of the
20 Senate, the Secretary of the Senate shall act. As relates to employees in the office of the
21 Clerk of the House of Representatives, the Clerk of the House shall act. As relates to
22 employees in the Office of Legislative Counsel, the legislative counsel shall act. ~~As relates~~
23 ~~to employees in the Office of the Legislative Budget Analyst, the legislative budget analyst~~
24 ~~shall act.~~ As relates to employees in the Office of Legislative Fiscal Officer, the legislative
25 fiscal officer shall act. The above officers or officials shall notify the state merit system in
26 writing of the positions or employees which are to become covered under this article and
27 the effective date thereof. On that date, this article, as it relates to such covered employees,
28 shall apply."

29 **SECTION 45.**

30 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
31 by striking paragraph (5) of subsection (e) of Code Section 50-5A-11, relating to certain
32 nonpublic records, and inserting in its place a new paragraph (5) to read as follows:

33 "(5) Given to the Governor, the Attorney General and the Department of Law, the Office
34 of Planning and Budget, officers of the General Assembly, the ~~Legislative~~ House Budget

1 Office, the Senate Budget Office, the state auditor and the Department of Audits and
 2 Accounts, or the State Depository Board for use and public disclosure in the ordinary
 3 performance of those officers' and offices' duties."

4 SECTION 46.

5 Said title is further amended by striking Code Section 50-25-7.1, relating to the technology
 6 empowerment fund to be administered by the Georgia Technology Authority, and inserting
 7 in its place a new Code Section 50-25-7.1 to read as follows:

8 "50-25-7.1.

9 (a) The authority is authorized and directed to establish a technology empowerment fund
 10 to be administered by the authority. The fund shall consist of such moneys appropriated or
 11 otherwise available to the authority as the board may determine from time to time to
 12 deposit therein. Subject to the appropriations process, the decision-making and
 13 priority-setting responsibilities for allocating these funds are vested in the chief information
 14 officer and the director of the Office of Planning and Budget.

15 (b) The chief information officer is authorized to identify and select individual projects,
 16 initiatives, and systems to improve service delivery to be funded through the technology
 17 empowerment fund. Such projects shall demonstrate, to the satisfaction of the chief
 18 information officer, reduced costs through the use of technology. In identification and
 19 selection of such projects, initiatives, and systems, the chief information officer shall give
 20 priority to those which provide demonstrable cost savings and improved service delivery
 21 on a recurring basis through the employment of technology and training. Eligible projects,
 22 initiatives, and systems to receive disbursements from the technology empowerment fund
 23 may be selected from agency budget requests. Quarterly reports of the operations of the
 24 technology empowerment fund shall be required to be made to the board, the Office of
 25 Planning and Budget, and the ~~Legislative~~ Senate Budget Office, and the House Budget
 26 Office to ensure proper oversight and accountability.

27 (c) Each project or initiative developed and supported from the technology empowerment
 28 fund shall employ technology that is compatible with the architecture and standards
 29 established by the authority and shall be accounted for by a discrete account established for
 30 the individual project or initiative item in the operating budget and capital budget.

31 (d) A steering committee composed of the chairperson of the House Appropriations
 32 Committee or his or her designee from among the membership of the committee, the
 33 chairperson of the Senate Appropriations Committee or his or her designee from among
 34 the membership of the committee, the director of the Office of Planning and Budget, ~~the~~
 35 ~~legislative budget analyst~~ the House Budget Office, the Senate Budget Office, the state
 36 auditor, and a representative from the Governor's office shall advise and consult with the

1 chief information officer regarding initiatives to receive funding from the technology
 2 empowerment fund and shall receive quarterly reports from the chief information officer
 3 as to the status of funded projects."

4 **SECTION 47.**

5 Said title is further amended in Code Section 50-34-17, relating to the OneGeorgia Authority
 6 Overview Committee, by striking subsection (a) and inserting in its place a new subsection
 7 (a) to read as follows:

8 "(a) There is established the OneGeorgia Authority Overview Committee to be composed
 9 of one member of the House of Representatives to be appointed by the Speaker of the
 10 House of Representatives, one member of the Senate to be appointed by the President of
 11 the Senate, and two members of the General Assembly to be appointed by the Governor;
 12 ~~and the director of the Legislative Budget Office.~~ The legislative members shall serve for
 13 terms as members of the committee concurrent with their terms of office as members of the
 14 General Assembly. The first members of the committee shall be appointed by not later than
 15 July 1, 2000. Thereafter, their successors shall be appointed during the first 30 days of each
 16 regular legislative session which is held immediately following the election of members
 17 of the General Assembly."

18 **PART IV**

19 **SECTION 48.**

20 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
 21 amended by repealing in its entirety Code Section 28-5-5, relating to the Budgetary
 22 Responsibility Oversight Committee, which reads as follows:

23 "28-5-5.

24 (a) There is created the Budgetary Responsibility Oversight Committee which shall be
 25 composed of six members of the House of Representatives appointed by the Speaker of the
 26 House of Representatives and six members of the Senate appointed by the President of the
 27 Senate. The members of such committee shall be selected within ten days after the
 28 convening of the General Assembly in each odd-numbered year and shall serve until their
 29 successors are appointed.

30 (b) The Speaker of the House of Representatives shall appoint a member of the committee
 31 to serve as chairperson and the President of the Senate shall appoint members of the
 32 committee to serve as vice chairperson and secretary during each even-numbered year. The
 33 President of the Senate shall appoint a member of the committee to serve as chairperson
 34 and the Speaker of the House of Representatives shall appoint members to serve as vice

1 chairperson and secretary during each odd-numbered year. Such committee shall meet at
 2 least six times each year and, upon the call of the chairperson, at such additional times as
 3 deemed necessary by the chairperson.

4 (c) It shall be the duty of such committee to consult with the Governor and the Office of
 5 Planning and Budget concerning the development and implementation of the strategic
 6 planning process, the development of outcome measures for program evaluation, and the
 7 implementation of related actions.

8 (d) It shall be the duty of such committee to review and evaluate the following:

9 (1) Information on new programs submitted in accordance with Code Section 45-12-88;

10 (2) The continuation budget report submitted in accordance with Code Section
 11 45-12-75.1;

12 (3) The strategic plans for the state and individual departments submitted by the Office
 13 of Planning and Budget;

14 (4) Program evaluation reports submitted in accordance with Code Section 45-12-178;

15 (5) Information or reports to be submitted by the Office of Planning and Budget
 16 identifying moneys received and purposes for which moneys are expended in any case
 17 in which the receipt or expenditure is not contemplated by an appropriations Act; and

18 (6) Such other information or reports as deemed necessary by such committee.

19 (e) The Office of Planning and Budget and the head of each budget unit shall cooperate
 20 with such committee and provide such information or reports as requested by the
 21 committee for the performance of its functions.

22 (f) The committee shall make an annual report of its activities and findings to the
 23 membership of the General Assembly and the Governor within one week of the convening
 24 of each regular session of the General Assembly. The chairperson of the committee shall
 25 deliver written executive summaries of such report to the members of the General
 26 Assembly prior to the adoption of the General Appropriations Act each year.

27 (g) The members of the committee shall receive the allowances authorized for legislative
 28 members of legislative committees. The funds necessary to pay such allowances shall
 29 come from funds appropriated to the House of Representatives and the Senate.

30 (h) The committee shall be authorized to request that a performance audit be conducted
 31 for any department which the committee deems necessary."

32 **SECTION 49.**

33 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended
 34 by repealing in its entirety Code Section 45-12-75.1, relating to the annual continuation
 35 budget report, which reads as follows:

1 "45-12-75.1.

2 (a) On or before October 1 of 1994 and each year thereafter, the Governor, through the
3 Office of Planning and Budget, shall prepare and submit to the Budgetary Responsibility
4 Oversight Committee a continuation budget report. On or before May 1 of 1994 and every
5 year thereafter, the Governor, through the Office of Planning and Budget, shall consult and
6 coordinate with the chairperson of the Budgetary Responsibility Oversight Committee to
7 develop a list of agencies and programs in agencies which will be included in the
8 continuation budget report for the year. Each state department shall be included in the
9 continuation budget report not less than once every five years. The continuation budget
10 report shall contain a detailed analysis of the funds necessary to provide services in the
11 current fiscal year for each state agency and program examined. Such report shall address
12 all programs and shall include a description of the purposes and accomplishments of the
13 programs.

14 (b) The committee shall consider the budget report prepared pursuant to this Code section
15 in conjunction with the audit report prepared pursuant to paragraph (4) of Code Section
16 50-6-24.

17 (c) The committee shall submit to the membership of the General Assembly within one
18 week of the convening of each regular session of the General Assembly a list of all
19 programs included in the continuation budget report for each department examined as well
20 as actions recommended, if any, by the committee.

21 (d) It is the intent of this Code section to examine all state departments not less than once
22 every five years."

23 24 **SECTION 50.**

25 Said title is further amended by striking Code Section 45-12-88, relating to information
26 required to be furnished to the Budgetary Responsibility Oversight Committee, and inserting
27 in its place a new Code Section 45-12-88 to read as follows:

28 "45-12-88.

29 ~~When any budget unit has plans to institute any new program, it shall be the duty of the~~
30 ~~head of such unit to furnish to the Budgetary Responsibility Oversight Committee, on~~
31 ~~September 1 prior to the convening date of the session at which appropriations to finance~~
32 ~~such program are to be sought, a description of the program, the reason for seeking to~~
33 ~~institute such program, the operating procedure of such program, the manner in which it~~
34 ~~conforms to the organization's strategic plan as well as the state strategic plan, the extent~~
35 ~~to which the facilities and staff to implement or provide the program will be decentralized,~~
36 ~~and any other information which would be helpful to the members of the committee in~~

1 ~~determining whether or not to appropriate funds therefor. The members shall also be~~
 2 ~~furnished with the projected cost to implement the program fully. Reserved.~~"

3 **SECTION 51.**

4 Said title is further amended by striking subsection (b) of Code Section 45-12-175, relating
 5 to preparation of long-range development plans, and inserting in its place a new subsection
 6 (b) to read as follows:

7 "(b) The Office of Planning and Budget shall cause to be prepared and coordinate the
 8 development of strategic plans by departments, boards, bureaus, commissions, institutions,
 9 authorities, and other agencies to ensure that the state-wide directions are met. The Office
 10 of Planning and Budget shall:

11 (1) Ensure that the focus of the various plans do not conflict with the general state goals;

12 (2) Offer assistance to the various departments, boards, bureaus, commissions,
 13 institutions, authorities, and other agencies of state government in the design and
 14 execution of their programs and be the coordinating agency for the separate department
 15 or agency proposals; and

16 (3) Phase in implementation by the various departments, boards, bureaus, commissions,
 17 institutions, authorities, and other agencies of state government. ~~By September 1 of 1993~~
 18 ~~and each year thereafter until all departments, boards, bureaus, commissions, institutions,~~
 19 ~~authorities, and other agencies have initiated strategic planning, the Office of Planning~~
 20 ~~and Budget shall notify the Budgetary Responsibility Oversight Committee as to which~~
 21 ~~departments, boards, bureaus, commissions, institutions, authorities, and other agencies~~
 22 ~~will initiate strategic planning in the coming year; and~~

23 ~~(4) Present such strategic plans, in cooperation with the affected department, board,~~
 24 ~~bureau, commission, institution, authority, or other agency, to the Budgetary~~
 25 ~~Responsibility Oversight Committee."~~

26 **SECTION 52.**

27 Said title is further amended by repealing in its entirety Code Section 45-12-178, relating to
 28 certain review of state programs and functions, which reads as follows:

29 "45-12-178.

30 (a) It is the intent of the Governor and the General Assembly that taxpayers' money be
 31 spent in the most effective and efficient manner possible in order to obtain the maximum
 32 benefit from such expenditures. In furtherance of this objective, the Governor, through the
 33 Office of Planning and Budget, shall assist the General Assembly in establishing an
 34 ongoing review and evaluation of all programs and functions in state government.

1 (b) The chairperson of the Budgetary Responsibility Oversight Committee shall maintain
2 a list of those programs for which the committee is requesting evaluations. The chairperson
3 shall provide the list, and any subsequent revisions to the list, to the director of the
4 Governor's Office of Planning and Budget and to the state auditor.

5 (c) The Office of Planning and Budget, the Department of Audits and Accounts, and the
6 Research Office of the Budgetary Responsibility Oversight Committee shall undertake and
7 complete evaluations on as many of those requested programs as resources will permit. The
8 Office of Legislative Budget Analyst, the Board of Regents of the University System of
9 Georgia, and all other state agencies are authorized and directed to provide assistance to
10 the Office of Planning and Budget, the Department of Audits and Accounts, and the
11 Research Office of the Budgetary Responsibility Oversight Committee, as requested, in the
12 performance of these evaluations. The Office of Planning and Budget, the Department of
13 Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight
14 Committee are also authorized to contract with private contractors to perform, or assist in
15 the performance of, these evaluations.

16 (d) The Office of Planning and Budget, the Department of Audits and Accounts, and the
17 Research Office of the Budgetary Responsibility Oversight Committee shall report to the
18 Budgetary Responsibility Oversight Committee on the results of program evaluations as
19 such evaluations are completed. Such reports shall include:

20 (1) Appropriate background information on the affected program, including how and
21 why it was initiated, its functions, what group it serves, how it is organized structurally
22 and geographically, what are its staff size and composition, and what is its workload;

23 (2) Financial information including the source and amounts of funding and unit costs,
24 where applicable;

25 (3) A description of the program's mission, goals, and objectives and an assessment of
26 the extent to which the program has performed in comparison;

27 (4) Comparisons with other applicable public and private entities as to their experiences,
28 service levels, costs, and staff resources required;

29 (5) Recommendations concerning the program, including whether it should be continued
30 as it is currently operated, continued with identified steps to remediate deficiencies or
31 institute improvements, or discontinued. Consideration should also be given to possible
32 privatization or consolidation with other similar programs;

33 (6) Information describing the locations at which the program is operated and
34 administered and the extent to which the operation and administration could be
35 decentralized; and

36 (7) Such other information as is identified as appropriate.

1 (e) It is the intent of the General Assembly that all programs be evaluated at least every
2 ten years.

3 (f) Department heads shall respond, in writing, within 90 days of the receipt of the report
4 to recommendations and findings by the Office of Planning and Budget or the Department
5 of Audits and Accounts setting forth in detail the action to be taken by said department to
6 address the recommendations and findings. Said written response shall be made to the
7 Office of Planning and Budget, the Department of Audits and Accounts, and the Budgetary
8 Responsibility Oversight Committee.

9 (g) The Research Office of the Budgetary Responsibility Oversight Committee shall verify
10 with state departments the implementation of the departments' plans set forth in their 90
11 day responses as submitted in accordance with subsection (f) of this Code section. The
12 Research Office shall inform the Budgetary Responsibility Oversight Committee about
13 each department's progress at reasonable intervals."

14

PART V

15

SECTION 53.

16 This Act shall become effective upon its approval by the Governor or upon its becoming law
17 without such approval.

18

SECTION 54.

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