

Senate Bill 556

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

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1.**

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by striking Code Section 2-18-4, relating to the attachment of the Georgia Tobacco Community Development Board for administrative purposes to the Office of Planning and Budget, and inserting in its place a new Code Section 2-18-4 to read as follows:

"2-18-4.

The board is attached to the Office of Planning and Budget for administrative purposes.

Without limitation, the office shall provide such staff and other services as the board may need for its functions. ~~Without detracting from the status of the board as a budget unit, the~~

The Office of Planning and Budget may expend its funds for purposes of the board as if such funds were appropriated directly to the board."

SECTION 2.

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

"20-1A-1.

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

SECTION 3.

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

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

SECTION 4.

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

"(b) Purpose of commission. The purpose of the commission shall be to help improve the higher educational opportunities of citizens and persons in this state by serving as an agency ~~and budget unit~~ within the executive branch of state government for the purpose of carrying out and effectuating the powers, duties, and functions set forth in this part."

SECTION 5.

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

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

SECTION 6.

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

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

SECTION 7.

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

"(a) The agency created in 1908 as the Office of the Chief Drug Inspector and known as the Georgia Drugs and Narcotics Agency since 1976 is continued in existence as the Georgia Drugs and Narcotics Agency. ~~This agency shall be a budget unit as defined under Code Section 45-12-7; provided, however, that the~~ The agency shall be assigned for administrative purposes only, as defined in Code Section 50-4-3, to the office of the Secretary of State. The Georgia Drugs and Narcotics Agency is authorized by this Code section to enforce the drug laws of this state. The board shall appoint a director who shall be charged with supervision and control of such agency. The agency shall employ the

1 number of personnel deemed necessary to properly protect the health, safety, and welfare
2 of the citizens of this state. Such personnel shall be pharmacists registered in this state
3 when employed as either special agents or the deputy director."

4 **SECTION 8.**

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

9 "35-6A-9.

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

22 **SECTION 9.**

23 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
24 amended by striking subsection (a) of Code Section 40-16-7, relating to the budget of the
25 Department of Driver Services, and inserting in its place a new subsection (a) to read as
26 follows:

27 "(a) ~~The department shall be a budget unit to which funds may be appropriated as provided~~
28 ~~in the 'Budget Act,' Part 1 of Article 4 of Chapter 12 of Title 45.~~ The department shall be
29 an independent and distinct department of state government. The duties of the department
30 shall be performed by that department and not by any other agency of state government,
31 and the department shall not perform the duties of any other agency of state government.
32 The position of commissioner of driver services shall be a separate and distinct position
33 from any other position in state government. The duties of the commissioner shall be
34 performed by the commissioner and not by any other officer of state government, and the
35 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 and business, 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:

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

SECTION 11.

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

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

SECTION 12.

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

"45-5-7.

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

SECTION 13.

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

"(a) There is established in the office of the Governor the Office of Planning and Budget ~~as a separate budget unit~~ for the purpose of promoting economy and efficiency in the fiscal management of the state government. The Governor shall be ex officio director of the budget."

SECTION 14.

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

"(b) The council shall prepare a budget request ~~in the same manner as any such request would be prepared by a budget unit~~ in accordance with 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 article. The council is also authorized to accept and use property, both real and personal, and services for the purpose of carrying out this article. 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 of and subject to the direction of the council to carry out this article."

SECTION 15.

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

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

SECTION 16.

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

"(2) In the budget report the Governor shall further make specific recommendations as to the education programs and purposes for which appropriations should be made from the Lottery for Education Account. The General Assembly shall appropriate from the Lottery for Education Account by specific reference to it, or by reference to 'lottery proceeds.' All appropriations of lottery proceeds ~~to any particular budget unit~~ shall be ~~made together in a separate part entitled~~, identified, administered, and accounted for separately ~~as a distinct budget unit for lottery proceeds~~. Such appropriations shall otherwise be made in the manner required by law for appropriations."

PART II**SECTION 17.**

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended by striking Code Section 28-5-25, relating to joint meetings of the fiscal affairs subcommittees, and inserting in its place a new Code Section 28-5-25 to read as follows:

"28-5-25.

The fiscal affairs subcommittees shall meet jointly as one committee at least once each quarter, or more often, at the call of the Governor, for the purpose of reviewing and approving budget unit ~~object class~~ program transfers recommended by the Governor. Such transfers shall not be made without the approval of at least 11 members of such subcommittees sitting jointly. No funds whatsoever shall be transferred for use in commencing any new program or activity which does not currently have an appropriation or which would require operating funds or capital outlay funds beyond the biennium in which such transfer is made."

SECTION 18.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by striking paragraphs (5) and (6) of Code Section 45-12-75, relating to the budget report, and inserting in their place new paragraphs (5) and (6) to read as follows:

"(5) Detailed comparative statements of expenditures and requests for appropriations by funds, budget units, and ~~budget classes~~ programs, showing the expenditures for each of the two fiscal years last concluded, the budget of the current year, and the Governor's recommendations for appropriations for each budget unit and program for the next fiscal

year. Following the lists of actual and proposed expenditures of each budget unit and
program there shall be a brief explanation of the ~~functions~~ purposes of the unit and
program and comments on its policies and plans and on any considerable differences
among the amounts expended and the amounts recommended, with such descriptive,
quantitative, comparative, and other data as to work done, unit costs, and like information
as is considered necessary or desirable. ~~In connection with each budget class of~~ For
capital outlays involving construction projects to be completed in two or more fiscal
years, there shall be shown the total estimated cost of each such project and the amount
thereof recommended to be appropriated and expended in each ensuing fiscal year until
completion of the project. Capital outlay needs shall be projected for a period that is
consistent with each organization's approved strategic plan as summarized in the budget;
(6) A summary statement of the cash resources estimated to be available at the beginning
of the next fiscal year and the estimated cash receipts of the fiscal year as compared with
the total recommended amounts of appropriation for all ~~budget classes~~ programs for the
year and, if the total of the recommended expenditures exceeds the total of the estimated
resources, recommendations as to how the deficiency is to be met and estimates of
receipts from any proposed additional revenues;"

SECTION 19.

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

"(b) Except as otherwise provided in this subsection, the budget estimates for the General
Assembly, including all the legislative agencies, ~~shall be prepared by the Speaker of the~~
~~House of Representatives and the President of the Senate and such other legislative officers~~
~~as appropriate and~~ shall be submitted to the director of the budget at the same time as other
budget estimates are submitted. The Department of Audits and Accounts, for the purpose
of this part, is a legislative agency and shall be construed in all respects as such; and the
budget estimate for said department shall be prepared by the state auditor and shall be
included in the budget report without revision and shall not be subject to review or control
by the Office of Planning and Budget. The director of the Office of Treasury and Fiscal
Services shall assist in the preparation of these budget estimates, if requested. ~~Effective~~
~~with the budget estimates for the fiscal year beginning July 1, 1985, the~~ The budget
estimates for the Senate, the office of the Lieutenant Governor, and the office of the
Secretary of the Senate shall be prepared by the Senate; the budget estimates for the House
of Representatives, the office of the Speaker of the House of Representatives, and the
office of the Clerk of the House of Representatives shall be prepared by the House of

Representatives; and the budget estimates for the Office of Legislative Counsel; and the Office of Legislative Fiscal Officer, ~~and the Office of Legislative Budget Analyst~~ shall be prepared by the Legislative Services Committee. All of such budget estimates shall include such ~~object classes~~ programs as the Legislative Services Committee shall determine, and transfers of funds may be made between such ~~object classes~~ programs. Funds may also be transferred ~~between~~ across programs within the Senate, ~~the office of the Lieutenant Governor, and the office of the Secretary of the Senate.~~ Funds may also be transferred ~~between~~ across programs within the House of Representatives, ~~the office of the Speaker of the House of Representatives, and the office of the Clerk of the House of Representatives.~~ Funds may also be transferred between the Office of Legislative Counsel; and the Office of Legislative Fiscal Officer, ~~and the Office of Legislative Budget Analyst.~~"

SECTION 20.

Said title is further amended by striking subsection (d) of Code Section 45-12-80, relating to financial plans regarding the Appropriations Act, and inserting in its place a new subsection (d) to read as follows:

"(d) The annual operating budget for each budget unit shall be submitted for approval to the Office of Planning and Budget by May 31 of the fiscal year preceding the effective date; shall be submitted on forms and in the format as determined by the Office of Planning and Budget; and shall conform to approved appropriations Acts. The total annual operating budget, including such schedules and supplementary information as may be required by the Office of Planning and Budget, shall be considered the financial plan for the budget unit. The various schedules included in the annual operating budget shall govern the approved expenditures for the ~~applicable object class~~ program and shall ensure that these expenditures conform to both the letter and the intent of approved appropriations Acts. The Governor through the Office of Planning and Budget shall direct to be made such changes in the submitted annual operating budget as the Governor deems necessary to bring the annual operating budget into conformity with approved appropriations Acts."

SECTION 21.

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

"45-12-90.

In the event that any duties; and purposes, ~~and objects~~ for which appropriations are made shall be transferred to a budget unit other than that to which appropriated, the appropriations for such duties; and purposes, ~~and objects~~ shall be made available, subject to this part, to such budget unit or budget units to which the duties; and purposes, ~~and~~

1 objects are transferred. Should the appropriation to be transferred not be shown in the
2 appropriation Act as a separate and identifiable item, the amount to be transferred shall be
3 decided by the Office of Planning and Budget in accordance with the detailed estimates or
4 other information embodied in the budget report."

5 **PART III**
6 **SECTION 22.**

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

10 "45-12-82.

11 The Governor, through the Office of Planning and Budget, shall require each budget unit,
12 other than those of the legislative branch and the judicial branch, to file periodic work
13 programs with the Office of Planning and Budget at such time as the Office of Planning
14 and Budget shall direct. As provided in Code Section 45-12-83, no allotment of funds shall
15 be approved for any budget unit until such budget unit has filed a periodic work program
16 with the Office of Planning and Budget and the periodic work program has been approved
17 by the Governor. The work program shall be presented on forms prescribed by the Office
18 of Planning and Budget and shall contain such information as the Governor, through the
19 Office of Planning and Budget, may require. The work program shall include the amount
20 of the portion of the appropriation required for the period's expenditures based on the
21 budget prepared as provided in this part. Periodic work programs may be amended from
22 time to time in such manner as the Office of Planning and Budget may require. A duplicate
23 copy of all of the periodic work programs and any amendments thereto shall be filed
24 simultaneously with the Office of Planning and Budget, the director of the Office of
25 Treasury and Fiscal Services, the state auditor, ~~the Comptroller General, and the Office of~~
26 ~~Legislative Budget Analyst~~ the State Accounting Office, the Senate Budget and Evaluation
27 Office, and the House Budget Office."

28 **SECTION 23.**

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

1 "8-2-144.

2 The Commissioner of Insurance shall file a report on or before December 15 of each year
3 accounting for all fees received by the Commissioner under this part and Part 3 of this
4 article for the preceding 12 month period and for the actual costs of the inspection
5 programs under this part and Part 3 of this article for the preceding 12 month period. Such
6 report shall be provided to the chairpersons of the House Appropriations Committee, the
7 Senate Appropriations Committee, the House Governmental Affairs Committee, and the
8 Senate Regulated Industries and Utilities Committee, the director of the Office of Planning
9 and Budget, ~~and the director of the Legislative~~ Senate Budget and Evaluation Office, and
10 the director of the House Budget Office."

11 **SECTION 24.**

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

15 "(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and
16 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional
17 fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce
18 cases as provided in this Code section and shall pay such moneys over to the Georgia
19 Superior Court Clerks' Cooperative Authority by the last day of the month there following,
20 to be deposited by the authority into the general treasury. The authority shall, on a quarterly
21 basis, make a report and accounting of all funds collected pursuant to this Code section and
22 shall submit such report and accounting to the Office of Planning and Budget, the
23 ~~Legislative~~ House Budget Office, and the Senate Budget and Evaluation Office no later
24 than 60 days after the last day of the preceding quarter."

25 **SECTION 25.**

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

29 "15-9-60.1.

30 In addition to any fees required in Code Section 15-9-60 for receiving marriage
31 applications, issuing marriage licenses, and recording relative thereto, the judge of the
32 probate court shall charge an additional fee of \$15.00 for issuing a marriage license. No
33 amount of this additional fee shall be paid into the Judges of the Probate Courts Retirement
34 Fund of Georgia provided for in Chapter 11 of Title 47 or be used for the purpose of
35 calculating retirement benefits for judges of the probate courts. Each judge of the probate

1 court shall collect the additional fees for issuing marriage licenses as provided in this Code
2 section and shall pay such moneys over to the Georgia Superior Court Clerks' Cooperative
3 Authority by the last day of the month there following, to be deposited by the authority into
4 the general treasury. The authority shall, on a quarterly basis, make a report and accounting
5 of all funds collected pursuant to this Code section and shall submit such report and
6 accounting to the Office of Planning and Budget, the ~~Legislative~~ House Budget Office, and
7 the Senate Budget and Evaluation Office no later than 60 days after the last day of the
8 preceding quarter."

9 **SECTION 26.**

10 Said title is further amended by striking paragraph (3) of subsection (e) of Code Section
11 15-18-12, relating to judicial circuit travel expenses, and inserting in its place a new
12 paragraph (3) to read as follows:

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

24 **SECTION 27.**

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

28 "15-21-74.

29 The sums provided for in Code Section 15-21-73 shall be assessed and collected by the
30 court officer charged with the duty of collecting moneys arising from fines and forfeited
31 bonds and shall be paid over to the Georgia Superior Court Clerks' Cooperative Authority
32 by the last day of the month there following, to be deposited by the authority into the
33 general treasury. The authority shall, on a quarterly basis, make a report and accounting of
34 all funds collected pursuant to this article and shall submit such report and accounting to
35 the Office of Planning and Budget, the ~~Legislative~~ House Budget Office, and the Senate

Budget and Evaluation Office no later than 60 days after the last day of the preceding quarter."

SECTION 28.

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 and Evaluation Office no later than 60 days after the last day of the preceding quarter."

SECTION 29.

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

SECTION 30.

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

"(3) In determining the travel budget for each judicial circuit, the council shall consider the budget request submitted by the circuit public defender of each judicial circuit, the geographic size and the caseload of each circuit, and other facts as may be relevant. The

1 council is authorized to establish a contingency reserve of not more than 3 percent of the
2 total amount appropriated by the General Assembly in order to meet any expenses which
3 could not be reasonably anticipated. The council shall submit to each circuit public
4 defender, the state auditor, ~~and the legislative budget analyst~~ the Senate Budget and
5 Evaluation Office, and the House Budget Office a monthly report showing the budget
6 amount of expenditures made under the travel budget. The council may periodically
7 review and adjust the travel budget as may be necessary to carry out the purposes of this
8 subsection."

9 SECTION 31.

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

14 "20-2-320.

15 (a) The Governor shall appoint a steering committee, which shall be named the Education
16 Information Steering Committee, composed of representatives from the Department of
17 Education, the Department of Technical and Adult Education, the Board of Regents of the
18 University System of Georgia, the office of the Governor, the Office of Planning and
19 Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the
20 Department of Early Care and Learning, the Professional Standards Commission, the
21 Office of Student Achievement, the Georgia Public Telecommunications Commission, ~~the~~
22 ~~Legislative Budget Office,~~ the Senate Budget and Evaluation Office, the House Budget
23 Office, and local school systems. The steering committee shall identify the data required
24 to implement the Quality Basic Education Program on a fiscally sound basis and the data
25 required to evaluate the effectiveness of the components of public education in Georgia.
26 The steering committee shall identify data that shall be required from local units of
27 administration for the implementation of this article. Further, the steering committee shall
28 develop a design for a state-wide comprehensive educational information system which
29 will provide for the accurate, seamless, and timely flow of information from local and
30 regional education agencies, units of the University System of Georgia, and technical
31 schools and colleges to the state. The design shall include hardware, software, data,
32 collection methods and times, training, maintenance, communications, security of data, and
33 installation specifications and any other relevant specifications needed for the successful
34 implementation of this system. The state-wide comprehensive educational information
35 system shall not use a student's social security number or an employee's social security
36 number in violation of state or federal law to identify a student or employee. The steering

1 committee shall present such recommendations to the Education Coordinating Council.
2 Upon approval of the boards of the respective education agencies, such boards shall issue
3 appropriate requests for proposals to implement a state-wide comprehensive educational
4 information system, subject to appropriation by the General Assembly. The boards of the
5 respective education agencies, at the direction of the Education Coordinating Council and
6 working through the steering committee, shall initiate contracts with appropriate vendors
7 and local units of administration for the procurement of services, purchase of hardware and
8 software, and for any other purpose as directed by the Education Coordinating Council,
9 consistent with appropriation by the General Assembly."

10 "(c) For the purpose of this article, authorized educational agencies shall be the
11 Department of Education; the Department of Early Care and Learning; the Board of
12 Regents of the University System of Georgia; the Department of Technical and Adult
13 Education; the Education Coordinating Council; the Professional Standards Commission;
14 the Office of Student Achievement; the education policy and research components of the
15 office of the Governor; the Office of Planning and Budget; ~~the Legislative Budget Office;~~
16 the House Research Office; and the Senate Research Office. Any information collected
17 over the state-wide comprehensive educational information system, including individual
18 student records and individual personnel records, shall be accessible by authorized
19 educational agencies, provided that any information which is planned for collection over
20 the system but which is temporarily being collected by other means shall also be accessible
21 by authorized educational agencies and provided, further, that adequate security provisions
22 are employed to protect the privacy of individuals. All data maintained for this system
23 shall be used for educational purposes only. In no case shall information be released by
24 an authorized educational agency which would violate the privacy rights of any individual
25 student or employee. Information released by an authorized educational agency in
26 violation of the privacy rights of any individual student or employee shall subject the
27 authorized educational agency to all penalties under applicable state and federal law. Any
28 information collected over the state-wide comprehensive educational information system
29 which is not stored in an individual student or personnel record format shall be made
30 available to the Governor and the House and Senate Appropriations, Education, and Higher
31 Education committees, except information otherwise prohibited by statute. Data which are
32 included in an individual student record or individual personnel record format shall be
33 extracted from such records and made available in nonindividual record format for use by
34 the Governor, committees of the General Assembly, and agencies other than authorized
35 educational agencies."

SECTION 32.

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

"20-3-133.

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

SECTION 33.

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended by striking subsection (e) of Code Section 28-4-2, relating to powers of the Legislative Services Committee, and inserting in its place a new subsection (e) to read as follows:

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

SECTION 34.

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

"28-4-6.

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

~~(a.1)~~ (b) The legislative fiscal officer is authorized on behalf of the legislative branch to pay any properly authorized invoice which does not exceed \$5,000.00. Any invoice which exceeds \$5,000.00 may not be paid by such fiscal officer without prior approval from the committee. The committee may provide for such approval to be given at meetings of the committee, or in writing between meetings by a majority of the members of the committee, or in such other manner as the committee may establish. All invoices shall contain in detail a description of the work performed, materials used or purchased, and any other information pertinent to the obligation. Before the fiscal officer may pay any invoice, a requisition or purchase order covering such invoice and signed by the person or persons authorized by the Legislative Services Committee to do so plus evidence of delivery must have been submitted to the fiscal officer. A list of all invoices which have been paid shall be submitted by the fiscal officer to the committee on a monthly basis.

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

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

SECTION 35.

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

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

SECTION 36.

Said title is further amended by inserting a new Code Section 28-5-6 to read as follows:
"28-5-6.

(a) The Senate is authorized to establish and provide for a Senate Budget and Evaluation Office. The House of Representatives is authorized to establish and provide for a House Budget Office.

(b) The director of the Senate Budget and Evaluation Office is authorized to request information and material from all state departments, boards, bureaus, commissions, committees, authorities, and agencies in connection with his or her duties; and all such

1 departments, boards, bureaus, commissions, committees, authorities, and agencies are
2 directed to furnish such information and material as the director shall request.

3 (c) The director of the House Budget Office is authorized to request information and
4 material from all state departments, boards, bureaus, commissions, committees, authorities,
5 and agencies in connection with his or her duties; and all such departments, boards,
6 bureaus, commissions, committees, authorities, and agencies are directed to furnish such
7 information and material as the director shall request."

8 **SECTION 37.**

9 Said title is further amended by striking paragraph (1) of subsection (c) of Code Section
10 28-5-42, relating to fiscal note requirements, and inserting in its place a new paragraph (1)
11 to read as follows:

12 "(c)(1) In the event a bill having a significant impact as described in paragraph (1) of
13 subsection (a) of this Code section is introduced not later than the twentieth day of any
14 session, the chairperson of the committee to which such bill is referred shall request the
15 director of the Office of Planning and Budget and the state auditor to submit any such
16 fiscal note as to the fiscal effect of any such bill and to file a copy of such fiscal note with
17 the legislative budget analyst Senate Budget and Evaluation Office and the House Budget
18 Office. The chairperson shall make such request after the bill is referred to the
19 committee."

20 **SECTION 38.**

21 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
22 agencies, is amended by striking subsection (a) of Code Section 35-2-41.1, relating to
23 donation or conveyance of property, equipment, or services to the Department of Public
24 Safety, and inserting in its place a new subsection (a) to read as follows:

25 "(a) Any offer to donate or convey by deed, gift, rent, lease, or other means any property,
26 equipment, or services to the department shall be made in writing through command
27 channels to the commissioner. If the commissioner approves the offer, he or she shall
28 submit a written proposal of the offer to the board for its approval. A copy of the formal
29 proposal shall be forwarded by the commissioner to the Office of Planning and Budget ~~and~~
30 ~~the legislative budget analyst, either,~~ the Senate Budget and Evaluation Office, and the
31 House Budget Office, any of which may comment on the proposal."

SECTION 39.

Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended by striking subsection (b) of Code Section 45-12-85, relating to periodic work programs, and inserting in its place a new subsection (b) to read as follows:

"(b) The Governor through the Office of Planning and Budget shall seek to effect economy, efficiency, decentralization of state government, and sound fiscal management in reviewing budget allotment requests and may make such changes to the budget allotment requests to meet these goals and objectives and which are consistent with and subject to the method and provisions contained in the General Appropriations Act. Upon determination that the requested budget allotment conforms with the approved work program and meets the above-mentioned goals and objectives, the Governor shall execute his or her warrant on the treasury for the funds included in the approved budget allotment. Notwithstanding any authorization for expenditure included in an appropriations Act, all appropriations in excess of the approved budget allotments for the budget year, as determined by the Office of Planning and Budget, shall cease to be an obligation of the state. The Office of Planning and Budget shall notify the House Budget Office of Legislative Budget Analyst and the Budgetary Responsibility Oversight Committee Senate Budget and Evaluation Office of any such action with appropriate supporting information."

SECTION 40.

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

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

SECTION 41.

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

"45-12-110.

(a) Any state department, board, bureau, commission, authority, or other state agency, except the Board of Regents of the University System of Georgia and its employees, intending to apply for any new program of federal assistance under any federal program

shall notify the ~~legislative budget analyst~~ House Budget Office, the Senate Budget and Evaluation Office, and the director of the Office of Planning and Budget of its intention to apply for such federal assistance at least 30 days prior to filing the application for such assistance. Such notification shall include a summary description of the proposed federal assistance project, the amount of federal funds to be requested, the amount of state matching funds, if any, to be required in connection with obtaining federal assistance, and the period of time to be covered by the proposed federal assistance project.

(b) The ~~legislative budget analyst~~ House Budget Office, the Senate Budget and Evaluation Office, and the director of the Office of Planning and Budget, acting jointly or independently, are authorized and directed to devise and distribute such forms as may be necessary to carry out subsection (a) of this Code section and, in connection therewith, to adopt and promulgate such rules and regulations as may be necessary to ensure compliance with said subsection."

SECTION 42.

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

"(25) ~~Legislative budget analyst~~ House Budget Office — one set;

(25.1) Senate Budget and Evaluation Office — one set;"

SECTION 43.

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

"45-20-7.

Any other provision of this article to the contrary notwithstanding, an employee of the legislative branch of government may become a covered employee in the manner provided for in this Code section. As relates to employees in the office of the Lieutenant Governor, the Lieutenant Governor shall act. As related to employees of the Senate, its officers, and its committees, the ~~Lieutenant Governor~~ President Pro Tempore shall act. As relates to employees in the office of the Speaker of the House of Representatives and employees of the House, its officers, and its committees, the Speaker of the House shall act. As relates to employees in the office of the Secretary of the Senate, the Secretary of the Senate shall act. As relates to employees in the office of the Clerk of the House of Representatives, the Clerk of the House shall act. As relates to employees in the Office of Legislative Counsel, the legislative counsel shall act. ~~As relates to employees in the Office of the Legislative Budget Analyst, the legislative budget analyst shall act.~~ As relates to employees in the

1 Office of Legislative Fiscal Officer, the legislative fiscal officer shall act. The above
2 officers or officials shall notify the state merit system in writing of the positions or
3 employees which are to become covered under this article and the effective date thereof.
4 On that date, this article, as it relates to such covered employees, shall apply."

5 **SECTION 44.**

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

9 "(5) Given to the Governor, the Attorney General and the Department of Law, the Office
10 of Planning and Budget, officers of the General Assembly, the ~~legislative budget offices,~~
11 House Budget Office, the Senate Budget and Evaluation Office, the state accounting
12 officer and the State Accounting Office, the state auditor and the Department of Audits
13 and Accounts, or the State Depository Board for use and public disclosure in the ordinary
14 performance of those officers' and offices' duties."

15 **SECTION 45.**

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

19 "50-25-7.1.

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

26 (b) The chief information officer is authorized to identify and select individual projects,
27 initiatives, and systems to improve service delivery to be funded through the technology
28 empowerment fund. Such projects shall demonstrate, to the satisfaction of the chief
29 information officer, reduced costs through the use of technology. In identification and
30 selection of such projects, initiatives, and systems, the chief information officer shall give
31 priority to those which provide demonstrable cost savings and improved service delivery
32 on a recurring basis through the employment of technology and training. Eligible projects,
33 initiatives, and systems to receive disbursements from the technology empowerment fund
34 may be selected from agency budget requests. Quarterly reports of the operations of the
35 technology empowerment fund shall be required to be made to the board, the Office of

1 Planning and Budget, and the ~~Legislative~~ Senate Budget and Evaluation Office, and the
2 House Budget Office to ensure proper oversight and accountability.

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

7 (d) A steering committee composed of the chairperson of the House Appropriations
8 Committee or his or her designee from among the membership of the committee, the
9 chairperson of the Senate Appropriations Committee or his or her designee from among
10 the membership of the committee, the director of the Office of Planning and Budget, ~~the~~
11 ~~legislative budget analyst~~ the Senate and Evaluation Budget Office, the House Budget
12 Office, the state auditor, and a representative from the Governor's office shall advise and
13 consult with the chief information officer regarding initiatives to receive funding from the
14 technology empowerment fund and shall receive quarterly reports from the chief
15 information officer as to the status of funded projects."

16 **SECTION 46.**

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

20 "(a) There is established the OneGeorgia Authority Overview Committee to be composed
21 of one member of the House of Representatives to be appointed by the Speaker of the
22 House of Representatives, one member of the Senate to be appointed by the President of
23 the Senate, the director of the Senate Budget and Evaluation Office or his or her designee,
24 the director of the House Budget Office or his or her designee, and two members of the
25 General Assembly to be appointed by the Governor, and the director of the Legislative
26 Budget Office. The legislative members shall serve for terms as members of the committee
27 concurrent with their terms of office as members of the General Assembly. The first
28 members of the committee shall be appointed by not later than July 1, 2000. Thereafter,
29 their successors shall be appointed during the first 30 days of each regular legislative
30 session which is held immediately following the election of members of the General
31 Assembly."

PART IV
SECTION 47.

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

"28-5-5.

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

(b) The Speaker of the House of Representatives shall appoint a member of the committee to serve as chairperson and the President of the Senate shall appoint members of the committee to serve as vice chairperson and secretary during each even-numbered year. The President of the Senate shall appoint a member of the committee to serve as chairperson and the Speaker of the House of Representatives shall appoint members to serve as vice chairperson and secretary during each odd-numbered year. Such committee shall meet at least six times each year and, upon the call of the chairperson, at such additional times as deemed necessary by the chairperson.

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

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

- (1) Information on new programs submitted in accordance with Code Section 45-12-88;
- (2) The continuation budget report submitted in accordance with Code Section 45-12-75.1;
- (3) The strategic plans for the state and individual departments submitted by the Office of Planning and Budget;
- (4) Program evaluation reports submitted in accordance with Code Section 45-12-178;
- (5) Information or reports to be submitted by the Office of Planning and Budget identifying moneys received and purposes for which moneys are expended in any case in which the receipt or expenditure is not contemplated by an appropriations Act; and
- (6) Such other information or reports as deemed necessary by such committee.

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

(f) The committee shall make an annual report of its activities and findings to the membership of the General Assembly and the Governor within one week of the convening of each regular session of the General Assembly. The chairperson of the committee shall prepare written executive summaries of such report prior to the adoption of the General Appropriations Act each year. The committee shall not be required to distribute copies of the annual report or the executive summaries to the members of the General Assembly but shall notify the members of the availability of the materials in the manner which it deems to be most effective and efficient.

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

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

SECTION 48.

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

"45-12-75.1.

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

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

(c) The committee shall prepare a list of all programs included in the continuation budget report for each department examined as well as actions recommended, if any, by the committee. Within one week of the convening of each regular session of the General Assembly, the committee shall notify the members of the availability of the list in the manner which it deems to be most effective and efficient.

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

SECTION 49.

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

"45-12-88.

~~When any budget unit has plans to institute any new program, it shall be the duty of the head of such unit to furnish to the Budgetary Responsibility Oversight Committee, on September 1 prior to the convening date of the session at which appropriations to finance such program are to be sought, a description of the program, the reason for seeking to institute such program, the operating procedure of such program, the manner in which it conforms to the organization's strategic plan as well as the state strategic plan, the extent to which the facilities and staff to implement or provide the program will be decentralized, and any other information which would be helpful to the members of the committee in determining whether or not to appropriate funds therefor. The members shall also be furnished with the projected cost to implement the program fully. Reserved."~~

SECTION 50.

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

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

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

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

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

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

SECTION 51.

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

"45-12-178.

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

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

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

(d) The Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee shall report to the

1 Budgetary Responsibility Oversight Committee on the results of program evaluations as
2 such evaluations are completed. Such reports shall include:

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

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

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

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

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

16 (6) Information describing the locations at which the program is operated and
17 administered and the extent to which the operation and administration could be
18 decentralized; and

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

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

22 (f) Department heads shall respond, in writing, within 90 days of the receipt of the report
23 to recommendations and findings by the Office of Planning and Budget or the Department
24 of Audits and Accounts setting forth in detail the action to be taken by said department to
25 address the recommendations and findings. Said written response shall be made to the
26 Office of Planning and Budget, the Department of Audits and Accounts, and the Budgetary
27 Responsibility Oversight Committee.

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

1

2

PART V

SECTION 52.

3

4

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

5

6

SECTION 53.

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