

Senate Bill 300

By: Senators Rogers of the 21st and Pearson of the 51st

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to provide for audits and the examination of books and records; to provide for the
3 creation and maintenance of a website which provides public access to certain state
4 expenditure information; to provide for a short title; to provide for procedures, conditions,
5 and limitations; to provide for powers, duties, and authority of the Department of Audits and
6 Accounts and the Department of Revenue; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
11 by revising Code Section 50-6-4, relating to special examinations, audits, and vulnerability
12 assessments, as follows:

13 "50-6-4.

14 ~~Either the~~ The Governor, the Appropriations Committee of the House of Representatives,
15 or the Appropriations Committee of the Senate shall have the right and authority to direct
16 and require the state auditor to make a special examination into and audit of all the books,
17 records, accounts, vouchers, warrants, bills, and other papers, records, financial
18 transactions, and management of any department, institution, agency, commission, bureau,
19 authority, or office of the state at any time. The state auditor may conduct special
20 examinations and audits which are, without limitation, financial audits (including financial
21 related audits and financial statement audits), compliance audits, performance audits, and
22 vulnerability assessments or reviews. Without limitation, vulnerability assessments or
23 reviews may be made with respect to any electronic financial information systems; other
24 information, management, or operational systems; computers; computer operating and
25 applications software; computing networks; Internet websites; and data processing centers.
26 Tests conducted in connection with such reviews and assessments may include, but are not
27 limited to, penetration testing and network, web, and data base scanning."

1 (4) To prepare annual and, whenever required, special reports to the Governor and the
 2 General Assembly showing the general financial operation and management of each state
 3 department, institution, agency, commission, authority, and bureau; showing whether or
 4 not the same is being handled in an efficient and economical manner; and calling special
 5 attention to any excessive cost of operation or maintenance, any excessive expense, and
 6 any excessive price paid for goods, supplies, or labor by any such department, institution,
 7 agency, etc.; and

8 (5) To make special examination into and report of the place and manner in which the
 9 funds of the state are kept by the several departments, institutions, agencies,
 10 commissions, bureaus, authorities, and officers after the same have been drawn from the
 11 state treasury or after the same have been collected and to report who has possession of
 12 the same or where the same are deposited, whether the same draw interest, the rate of
 13 interest, and whether the same are properly protected by bond, provided that this chapter
 14 shall not be construed so as to authorize the state auditor to remove or in any way
 15 interfere with any funds so deposited."

16 SECTION 4.

17 Said title is further amended by revising Code Section 50-6-25, relating to maintenance of
 18 statistics on architectural and engineering firms doing business with the state and ineligibility
 19 of firms, as follows:

20 "50-6-25.

21 (a)(1) The state auditor shall maintain statistics on all architectural and engineering firms
 22 doing business with the various departments, agencies, authorities, and public
 23 corporations of the state, except the Department of Transportation which shall be
 24 governed by paragraph (2) of this subsection. The statistics shall show the percentage of
 25 the total state business done by each such firm and shall be made available to the General
 26 Assembly and all departments, agencies, authorities, and public corporations of the state
 27 using architectural and engineering services. The state auditor shall compile the statistics
 28 and shall maintain the statistics current on a monthly basis.

29 (2) The state auditor shall include in the statistics provided for in paragraph (1) of this
 30 subsection all architectural and engineering firms doing business with the Department of
 31 Transportation. The Department of Transportation shall report its architectural and
 32 engineering contracts to the state auditor in two divisions. In the first division, such
 33 department shall report those contracts which are under a gross value of \$1 million at the
 34 time of execution by the total contract amount without accounting for any subcontracts.
 35 In the second division, such department shall report those contracts with a gross value in
 36 excess of \$1 million at the time of execution and shall report all subcontracts thereunder

1 which are in excess of \$25,000.00 as further provided for in this Code section. The
2 statistics shall show the total percentage of state business done by each such firm and
3 shall be made available to the General Assembly and the Department of Transportation.
4 The state auditor shall compile the statistics and shall maintain the statistics current on
5 a monthly basis. With respect to any contract of the Department of Transportation in
6 excess of \$1 million with an architectural or engineering firm which awards a portion of
7 the business in an amount in excess of \$25,000.00 under such contract to one or more
8 subcontractors or joint-venture partners, such department shall report to the state auditor
9 the amount of each subcontractor or joint-venture partner with that portion of the business
10 awarded to such subcontractor or joint-venture partner, and such amounts shall not be
11 listed or included as business of the Department of Transportation awarded to the
12 architectural or engineering firm receiving the state contract. The architectural or
13 engineering firm shall report to the Department of Transportation, as part of its preaward
14 audit conducted by such department, the amount of business in excess of \$25,000.00
15 under an anticipated contract which the contractor intends to award to any subcontractor
16 or joint-venture partner, and, after verification that the information reported is correct, the
17 Department of Transportation shall furnish such information to the state auditor. The
18 state auditor shall revise the statistics with respect to architectural and engineering firms
19 currently doing business with the Department of Transportation with respect to contracts
20 outstanding on April 19, 1995, under which all services have not been performed by such
21 architectural and engineering firms in satisfaction of the contract. Such revised statistics
22 shall be computed in accordance with the provisions of this subsection crediting
23 subcontractors and joint-venture partners with business awarded to them and providing
24 that such amounts credited shall not be listed or included as business of the state awarded
25 to the architectural or engineering firm receiving the state contract. Such revised
26 statistics shall be provided by the contractor within 60 days of April 19, 1995, and, after
27 such time, the state auditor shall not be required to revise such statistics.

28 (b) Any architectural or engineering firm which has received more than 10 percent of the
29 total awarded for such services by the departments, agencies, authorities, and public
30 corporations of the state during any period of 36 months, as calculated pursuant to the
31 provisions of subsection (a) of this Code section and shown by the statistics of the state
32 auditor, shall be ineligible to contract with any department, agency, authority, or public
33 corporation of the state until the firm, during any period of 36 months, has been awarded
34 less than 10 percent of the total awarded for such services; provided, however, that any
35 architectural or engineering firm may contract with the Department of Transportation for
36 not more than 30 percent of the total awarded for such services, 10 percent for
37 transportation purposes, and 20 percent for tollway purposes."

1 (a) This Code section shall be known and may be cited as the 'Transparency in
2 Government Act.'

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

4 (1) 'Agency' means each department, commission, authority, and agency of the executive
5 branch of government and the Board of Regents of the University System of Georgia.

6 (2) 'Searchable website' means a website that allows the public to review and analyze
7 information identified in subsection (c) of this Code section.

8 (c) No later than January 1, 2009, the department shall develop and operate a single
9 searchable website accessible by the public, at no cost, that provides the following
10 information pertaining to state fiscal year 2008:

11 (1) The State of Georgia Comprehensive Annual Financial Report that includes an
12 indexed statement of operations and a statement of financial condition of the state in
13 accordance with governmental generally acceptable accounting principles;

14 (2) The annual Budgetary Compliance Report for the state that provides, by agency, an
15 indexed report comparing budgeted and actual revenues and expenditures by budgetary
16 units for each organization included in the Appropriations Act, as amended. Such report
17 shall include, at a minimum, a statement of the taxes and other revenues remitted to the
18 state treasury and operating revenues retained by the agency during the immediately
19 preceding fiscal year as well as a statement of total expenditures made by the agency
20 during the immediately preceding fiscal year;

21 (3) The annual State of Georgia Single Audit Report that provides, by federal grant, an
22 indexed listing of all expenditures of federal funds and also discloses by state
23 organization any audit findings and corrective actions to be taken;

24 (4) Salaries and expenses of full-time and part-time employees and board members;

25 (5) A list of consultant expenses and other professional services expenses;

26 (6) State Budget in Brief, indexed by reporting agency; and

27 (7) All performance audits conducted by the department for the preceding five years.

28 As soon as is practical after the close of each fiscal year, the department shall update the
29 single searchable website for such fiscal year to include the information set forth in this
30 subsection.

31 (d) No later than January 1, 2010, the department shall develop and add to the searchable
32 website a report of certain grant and contract payments made or due to vendors by agencies
33 reporting through the state's general financial accounting and information system and all
34 payments made through economic and incentive programs operated by the Department of
35 Economic Development, the Department of Labor, the Department of Community Affairs,
36 the Department of Agriculture, and the Georgia Lottery Corporation pertaining to state
37 fiscal year 2009. Such report shall include, at a minimum:

1 (1) A list of all obligations entered into by the agency during the immediately preceding
2 fiscal year which call for the agency to expend at any time in the aggregate more than
3 \$50,000.00; and

4 (2) A list of the names of each person, firm, or corporation that has received from the
5 agency during the immediately preceding fiscal year payments in excess of \$20,000.00
6 in the aggregate, including the amount paid to such person, firm, or corporation during
7 such period.

8 As soon as is practical after the close of each fiscal year, the department shall update the
9 single searchable website for such fiscal year to include the information set forth in this
10 subsection.

11 (e) All agencies of state government shall provide to the Department of Audits and
12 Accounts such information as is necessary to accomplish the purposes of this Code section.

13 (f) Nothing in this Code section shall require the disclosure of information which is
14 considered confidential by state or federal law."

15 **SECTION 8.**

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