

The House Committee on Budget & Fiscal Affairs Oversight offers the following substitute to SB 223:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the  
2 organization of the executive branch generally, so as to establish the "Georgia Government  
3 Accountability Act"; to provide for a short title; to provide for legislative intent; to create the  
4 Legislative Sunset Advisory Committee; to authorize the committee to review and evaluate  
5 state agencies' productivity, efficiency, and responsiveness; to provide for the automatic  
6 abolition of certain state agencies contingent upon adoption of a resolution by the General  
7 Assembly declaring that the state laws applicable to such agency have been repealed, revised,  
8 or reassigned; to amend Title 28 of the Official Code of Georgia Annotated, relating to the  
9 General Assembly, so as to authorize the creation of the Joint Legislative Budget Office as  
10 a successor to the Senate Budget Office and the House Budget Office; to make conforming  
11 amendments in numerous Code sections referring to legislative budget offices and, in  
12 particular, to amend Title 8 of the Official Code of Georgia Annotated, relating to buildings;  
13 Title 15 of the Official Code of Georgia Annotated, relating to courts; Title 20 of the Official  
14 Code of Georgia Annotated, relating to education; Title 35 of the Official Code of Georgia  
15 Annotated, relating to law enforcement; Title 45 of the Official Code of Georgia Annotated,  
16 relating to public officers; and Title 50 of the Official Code of Georgia Annotated, relating  
17 to state government, so as to provide for and reflect the foregoing; to provide for related  
18 matters; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**

**SECTION 1-1.**

22 Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization  
23 of the executive branch generally, is amended by designating Code Sections 50-4-1 through  
24 50-4-7 as Article 1 and by adding a new article to read as follows:

S. B. 223 (SUB)

25 "ARTICLE 2

26 50-4-20.

27 This article shall be known and may be cited as the 'Georgia Government Accountability  
 28 Act.' It is the intent of the General Assembly to establish a method by which the efficiency  
 29 of state government shall be reviewed and the productivity of each agency evaluated. This  
 30 article is meant to ensure that the valuable resources of the state are best utilized and that  
 31 state agencies are held accountable for their service to the public and responsiveness to the  
 32 needs of the citizens of this state.

33 50-4-21.

34 (a) There is created as a joint committee of the General Assembly the Legislative Sunset  
 35 Advisory Committee to be composed of seven members of the House of Representatives  
 36 appointed by the Speaker of the House and seven members of the Senate appointed by the  
 37 President of the Senate. The members of the committee shall serve two-year terms  
 38 concurrent with their terms as members of the General Assembly. A cochairperson of the  
 39 committee shall be appointed by the President of the Senate from the membership of the  
 40 committee, and a cochairperson of the committee shall be appointed by the Speaker of the  
 41 House from the membership of the committee. The cochairpersons shall serve terms of  
 42 two years concurrent with their terms as members of the General Assembly. The  
 43 cochairpersons shall each be authorized to appoint no more than two ex officio members  
 44 of the committee. Vacancies in an appointed member's position or in the offices of  
 45 cochairperson of the committee shall be filled for the unexpired term in the same manner  
 46 as the original appointment. The committee shall advise the General Assembly regarding  
 47 the agency sunset provisions required by this article.

48 (b) The Legislative Sunset Advisory Committee may employ staff to assist the committee  
 49 on matters related to committee activities.

50 (c) In carrying out its function under this article, the committee may request, through the  
 51 cochairpersons, the assistance of any state agency or office. When so requested, a state  
 52 agency or office shall assist the committee. The committee or its designated staff member  
 53 may inspect, review, and copy the records, documents, and files of any state agency. All  
 54 information subject to public disclosure shall be made available for review and copying  
 55 within three business days.

56 50-4-22.

57 (a)(1) The Legislative Sunset Advisory Committee may review all state agencies,  
 58 including all boards, departments, advisory committees, authorities, bureaus, offices, and  
 59 any other state entity of the executive branch of state government regardless of its

60 designation. The committee shall be responsible for establishing a schedule for the routine  
61 review of state agencies. It shall be the responsibility of the Legislative Sunset Advisory  
62 Committee to schedule agency reviews. The Legislative Sunset Advisory Committee shall  
63 have the discretion to add any agency to the review schedule or to modify an agency's  
64 scheduled review.

65 (2) This article shall not apply to any state entity to which state funds are not  
66 appropriated in an appropriations Act.

67 (b) Except as provided by this Code section, an agency subject to review by the Legislative  
68 Sunset Advisory Committee shall be automatically abolished on the year anniversary of the  
69 committee's decision recommending that such agency be abolished; provided, however, no  
70 agency shall be abolished unless or until the General Assembly finds by adoption of a joint  
71 resolution that the state laws that the agency is responsible for implementing or enforcing  
72 have been repealed, revised, or reassigned to another remaining agency and that adequate  
73 provision has been made for the transfer from the abolished agency to a successor agency  
74 of all duties, real property, debts, and obligations, including those relating to bonds, loans,  
75 promissory notes, lease-purchase agreements, installment sales contracts, financing  
76 agreements, or any other form of indebtedness such that security therefor and the rights of  
77 bondholders or holders of other indebtedness are not impaired.

78 (c) If the General Assembly does not take action to continue the agency before the date of  
79 abolishment, the agency shall submit its legislative budget request consistent with the  
80 recommendations of the review of the Legislative Sunset Advisory Committee or any law  
81 transferring the agency's functions to other entities.

82 (d) Any agency established by constitutional provision shall not be subject to automatic  
83 abolishment as provided in subsection (a) of this Code section. The committee shall review  
84 the constitutionally established agency in the same manner and shall report to the General  
85 Assembly any recommended constitutional amendments needed for the reorganizing or  
86 abolishing of such constitutionally created agency.

87 (e) Any board, commission, advisory council, or similar body included in the term 'agency'  
88 as defined in Code Section 50-4-1 which has not held an open public meeting for a period  
89 of more than 12 months shall be considered automatically abolished without the need for  
90 further agency review as required by this article. The committee shall be responsible for  
91 presenting legislation to repeal existing statutory provisions relating to the abolished  
92 agency. The committee shall give public notice of any proposed legislation not later than  
93 the first day of December of the year preceding its introduction.

94 (f) Except as may otherwise be expressly provided by law, abolition of a state agency shall  
95 not affect the rights and duties that matured, penalties that were incurred, civil or criminal  
96 liabilities that arose, or proceedings that were begun before the abolition.

97 50-4-23.

98 (a) Not later than six months prior to the date on which a state agency is scheduled to be  
99 reviewed, the agency shall provide the Legislative Sunset Advisory Committee with a  
100 report outlining the agency's efficiency and productivity and the extent to which the agency  
101 utilizes state resources to best meet the needs of the public.

102 (b) The report required by this Code section shall, at a minimum, include the following:

103 (1) A comprehensive list of state programs and services performed by the agency,  
104 including all special purpose activities undertaken to realize identifiable goals and  
105 objectives in order to achieve the agency's mission and legislative intent;

106 (2) An accounting of state resources appropriated to and spent by the agency;

107 (3) An explanation of factors that have contributed to any failure to achieve legislated  
108 standards or directives;

109 (4) The extent to which the agency has encouraged participation by the public in making  
110 its rules and decisions and the extent to which public participation has resulted in rules  
111 compatible with the objectives of the agency;

112 (5) A statement of any statutory objectives intended for each program and activity, the  
113 problem or need that the program and activity are intended to address, and the extent to  
114 which these objectives have been achieved;

115 (6) An assessment of the extent to which the jurisdiction of the agency and its programs  
116 overlap or duplicate those of other agencies and the extent to which those programs can  
117 be eliminated, reorganized, privatized, or consolidated with those of other agencies;

118 (7) A self-examining assessment of the agency's efficiency and areas of needed  
119 improvement, including goals and objectives for improvement, and the means by which  
120 the agency intends to meet these goals and objectives;

121 (8) Recommendations for statutory or budgetary changes that would improve the  
122 agency's programs and operations, reduce costs, or improve services to state residents;

123 (9) The effect of federal intervention or loss of federal funds if the agency, or any of its  
124 programs or activities, is abolished;

125 (10) An assessment of alternative methods of providing services for which the agency  
126 is responsible which would reduce costs or improve performance while adequately  
127 protecting the public interest;

128 (11) An assessment of the agency and its programs to determine whether the agency or  
129 its programs should be eliminated, reorganized, privatized, or consolidated;

130 (12) A detailed summary of the agency's hiring and retention patterns for the previous  
131 five years;

132 (13) An assessment of the extent to which the agency has corrected any deficiencies and  
133 implemented recommendations contained in any state or federal audits or court decisions;

134 (14) A list of all advisory committees and boards of the agency, whether established in  
 135 statute or by the agency; their purposes, activities, composition, and expenses; and an  
 136 assessment of the extent to which their purposes have been achieved and the rationale for  
 137 continuing or eliminating each advisory committee or board;

138 (15) A list of agency programs or functions that are performed without specific statutory  
 139 authority;

140 (16) Copies of any program audits, performance audits, and any other reports provided  
 141 by the state auditor;

142 (17) A list and summary of all litigation in which the agency is engaged and the status  
 143 of such cases, including assessments of any financial liability to which they expose the  
 144 state; and

145 (18) Other information as requested by the committee or any study committee created  
 146 under the committee's direction.

147 (c) Information and data reported by the agency shall be validated by the agency's chief  
 148 executive before submission to the committee.

149 50-4-24.

150 (a) Not later than six months following receipt of the agency's report required by Code  
 151 Section 50-4-23 the Legislative Sunset Advisory Committee shall complete its review of  
 152 the agency. When conducting its agency review the committee shall:

153 (1) Review the information submitted by the agency;

154 (2) Consult with or hear testimony from any individual, agency, private company, or  
 155 other expert as needed;

156 (3) Hold public hearings to consider this information as well as testimony that the  
 157 committee deems necessary; and

158 (4) Present to the President of the Senate and the Speaker of the House of  
 159 Representatives a report on the agencies scheduled to be reviewed that year by the  
 160 committee. In the report, the committee shall include its specific findings and  
 161 recommendations regarding each agency review and indicate whether a public need exists  
 162 for the continuation of a state agency or for the functions of the agency.

163 (b) The committee shall consider the following criteria in determining whether a public  
 164 need exists for the continuation of a state agency or agency function:

165 (1) The efficiency with which the agency operates;

166 (2) The statutory objectives of the agency and the problem or need that the agency is  
 167 intended to address, the extent to which the objectives have been achieved, and any  
 168 activities of the agency in addition to those granted by statute and the authority for these  
 169 activities;

- 170 (3) An assessment of less restrictive or alternative methods of providing any regulatory  
 171 function for which the agency is responsible while adequately protecting the public;  
 172 (4) The extent to which an advisory committee or board is needed or used;  
 173 (5) The extent to which the jurisdiction of the agency and the programs administered by  
 174 the agency overlap or duplicate those of other agencies and the extent to which the  
 175 programs administered by the agency can be consolidated with the programs of other  
 176 agencies;  
 177 (6) Whether the agency has recommended to the legislature statutory changes calculated  
 178 to be of benefit to the public;  
 179 (7) The promptness and effectiveness with which the agency responds to the public's  
 180 complaints and the extent to which the agency has encouraged participation by the public  
 181 in making its rules and decisions;  
 182 (8) The extent to which the agency has satisfied requirements of state law, safeguarded  
 183 public health, safety, and welfare, and utilized state resources;  
 184 (9) The extent to which the agency accurately reports performance measures used to  
 185 justify state spending on each of its activities, services, and programs;  
 186 (10) The extent to which the agency is reasonably deemed to be a core or essential  
 187 function of state government under the provisions of the Constitution of Georgia;  
 188 (11) The effect of probable federal intervention or loss of federal funds if the agency or  
 189 an agency function is abolished; and  
 190 (12) The extent to which changes are necessary in the enabling statutes of the agency so  
 191 that the agency can adequately comply with the criteria of this article.  
 192 (c) In its report on an agency, the committee shall make recommendations on the abolition,  
 193 continuation, or reorganization of such agency and on the need for the continuation of the  
 194 functions of the agency. The report shall also make recommendations on the elimination,  
 195 privatization, consolidation, transfer, or reorganization of an agency's programs when those  
 196 programs are duplicated by another agency.  
 197 (d) It shall be the responsibility of the committee to prepare drafts of legislation necessary  
 198 to carry out the committee's recommendations."

## 199 **PART II**

### 200 **SECTION 2-1.**

201 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is  
 202 amended by revising Code Section 28-5-6, relating to the Senate Budget Office and the  
 203 House Budget Office, as follows:

204 "28-5-6.

205 (a) ~~The Senate is authorized to establish and provide for a Senate Budget Office. The~~  
 206 ~~House of Representatives is authorized to establish and provide for a House Budget Office~~  
 207 President of the Senate and the Speaker of the House of Representatives are authorized by  
 208 mutual agreement to provide for the establishment of a Joint Legislative Budget Office and  
 209 employ a director and other staff for that office.

210 (b) The director of the ~~Senate~~ Joint Legislative Budget Office is authorized to request  
 211 information and material from all state departments, boards, bureaus, commissions,  
 212 committees, authorities, and agencies in connection with his or her duties; and all such  
 213 departments, boards, bureaus, commissions, committees, authorities, and agencies are  
 214 directed to furnish such information and material as the director shall request.

215 ~~(c) The director of the House Budget Office is authorized to request information and~~  
 216 ~~material from all state departments, boards, bureaus, commissions, committees, authorities,~~  
 217 ~~and agencies in connection with his or her duties; and all such departments, boards,~~  
 218 ~~bureaus, commissions, committees, authorities, and agencies are directed to furnish such~~  
 219 ~~information and material as the director shall request. All information and material~~  
 220 ~~received by the House Budget Office under this subsection shall be made available to the~~  
 221 ~~chairpersons of the House Appropriations Committee, the House Budget and Fiscal Affairs~~  
 222 ~~Oversight Committee, and other officers of the House of Representatives as may be~~  
 223 ~~designated by the Speaker of the House; and upon direction by such chairpersons and such~~  
 224 ~~other officers of the House as may be designated by the Speaker of the House, the House~~  
 225 ~~Budget Office shall request any needed information and material from any state~~  
 226 ~~department, board, bureau, commission, committee, authority, or agency."~~

227 **SECTION 2-2.**

228 Said Title 28 is further amended in Code Section 28-4-2, relating to powers and duties of the  
 229 Legislative Services Committee, by revising subsection (e) as follows:

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

237 **SECTION 2-3.**

238 Said Title 28 is further amended by revising paragraph (1) of subsection (c) of Code Section  
239 28-5-42, relating to fiscal note requirements, as follows:

240 "(c)(1) In the event a bill having a significant impact as described in paragraph (1) of  
241 subsection (a) of this Code section is introduced not later than the twentieth day of any  
242 session, the chairperson of the committee to which such bill is referred shall request the  
243 director of the Office of Planning and Budget and the state auditor to submit any such  
244 fiscal note as to the fiscal effect of any such bill and to file a copy of such fiscal note with  
245 the ~~Senate Joint Legislative Budget Office and the House Budget Office~~. The chairperson  
246 shall make such request after the bill is referred to the committee."

247 **PART III**

248 **SECTION 3-1.**

249 Title 8 of the Official Code of Georgia Annotated, relating to buildings, is amended by  
250 revising Code Section 8-2-144, relating to accounting of certain fees by the Commissioner  
251 of Insurance, as follows:

252 "8-2-144.

253 The Commissioner of Insurance shall file a report on or before December 15 of each year  
254 accounting for all fees received by the Commissioner under this part and Part 3 of this  
255 article for the preceding 12 month period and for the actual costs of the inspection  
256 programs under this part and Part 3 of this article for the preceding 12 month period. Such  
257 report shall be provided to the chairpersons of the House Appropriations Committee, the  
258 Senate Appropriations Committee, the House Governmental Affairs Committee, and the  
259 Senate Regulated Industries and Utilities Committee, the director of the Office of Planning  
260 and Budget, ~~the director of the Senate Budget Office~~, and the director of the House Joint  
261 Legislative Budget Office."

262 **SECTION 3-2.**

263 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
264 subsection (a) of Code Section 15-6-77.4, relating to certain additional divorce case filing  
265 fees, as follows:

266 "(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and  
267 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional  
268 fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce  
269 cases as provided in this Code section and shall pay such moneys over to the Georgia  
270 Superior Court Clerks' Cooperative Authority by the last day of the month there following,  
271 to be deposited by the authority into the general treasury. The authority shall, on a

272 quarterly basis, make a report and accounting of all funds collected pursuant to this Code  
 273 section and shall submit such report and accounting to the Office of Planning and Budget;  
 274 ~~the House Budget Office~~; and the Senate Joint Legislative Budget Office no later than 60  
 275 days after the last day of the preceding quarter."

276 **SECTION 3-3.**

277 Said Title 15 is further amended by revising Code Section 15-9-60.1, relating to certain  
 278 additional marriage license fees, as follows:

279 "15-9-60.1.

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

294 **SECTION 3-4.**

295 Said Title 15 is further amended by revising paragraph (3) of subsection (e) of Code Section  
 296 15-18-12, relating to judicial circuit travel expenses, as follows:

297 "(3) In determining the travel budget for each judicial circuit, the council shall consider  
 298 the budget request submitted by the district attorney of each judicial circuit, the  
 299 geographic size and the caseload of each circuit, and such other facts as may be relevant.  
 300 The council is authorized to establish a contingency reserve of not more than 3 percent  
 301 of the total amount appropriated by the General Assembly in order to meet any expenses  
 302 which could not be reasonably anticipated. The council shall submit to each district  
 303 attorney, the state auditor, ~~the House Budget Office~~, and the Senate Joint Legislative  
 304 Budget Office a monthly report showing the budget amount of expenditures made under  
 305 the travel budget. The council may periodically review and adjust said budget as may be  
 306 necessary to carry out the purposes of this Code section."

307 **SECTION 3-5.**

308 Said Title 15 is further amended by revising Code Section 15-21-74, relating to payment of  
 309 certain amounts of the Georgia Superior Court Clerks' Cooperative Authority, as follows:  
 310 "15-21-74.

311 The sums provided for under paragraph (1) of subsection (a) of Code Section 15-21-73  
 312 shall be assessed and collected by the court officer charged with the duty of collecting  
 313 moneys arising from fines and shall be paid over to the Georgia Superior Court Clerks'  
 314 Cooperative Authority by the last day of the month there following, to be deposited by the  
 315 authority into the general treasury. The sums provided for under paragraph (2) of  
 316 subsection (a) of Code Section 15-21-73 shall be assessed and collected by the court officer  
 317 charged with the duty of collecting moneys arising from forfeited bonds and shall be paid  
 318 over to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the  
 319 month there following for remittance to the Office of the State Treasurer; provided,  
 320 however, that if the local governing authority has an approved procedure to verify the  
 321 applicant's income as set forth in Code Section 17-12-80, the court officer shall remit 50  
 322 percent of such funds to the Georgia Superior Court Clerks' Cooperative Authority, and the  
 323 remaining 50 percent shall be remitted to the local governing authority and reported to the  
 324 Georgia Superior Court Clerks' Cooperative Authority. The authority shall, on a quarterly  
 325 basis, make a report and accounting of all funds collected and disbursed pursuant to this  
 326 article and shall submit such report and accounting to the Office of Planning and Budget;  
 327 ~~the House Budget Office~~; and the Senate Joint Legislative Budget Office no later than 60  
 328 days after the last day of the preceding quarter."

329 **SECTION 3-6.**

330 Said Title 15 is further amended by revising Code Section 15-21-113, relating to payment  
 331 of certain amounts to the Georgia Superior Court Clerks' Cooperative Authority, as follows:  
 332 "15-21-113.

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

342 **SECTION 3-7.**

343 Said Title 15 is further amended by revising subsection (c) of Code Section 15-21A-6.1,  
344 relating to the judicial operation fund fees in superior court, as follows:

345 "(c) The authority shall, on a quarterly basis, make a report and accounting of all funds  
346 collected pursuant to this Code section and shall submit such report and accounting to the  
347 Office of Planning and Budget, ~~the House Budget Office~~, and the Senate Joint Legislative  
348 Budget Office no later than 60 days after the last day of the preceding quarter."

349 **SECTION 3-8.**

350 Said Title 15 is further amended by revising subsection (c) of Code Section 15-21A-6.2,  
351 relating to the judicial operation fund fees in state court, as follows:

352 "(c) The authority shall, on a quarterly basis, make a report and accounting of all funds  
353 collected pursuant to this Code section and shall submit such report and accounting to the  
354 Office of Planning and Budget, ~~the House Budget Office~~, and the Senate Joint Legislative  
355 Budget Office no later than 60 days after the last day of the preceding quarter."

356 **SECTION 3-9.**

357 Said Title 15 is further amended by revising subsection (c) of Code Section 15-21A-7,  
358 relating to the reporting and accounting system of the Georgia Superior Court Clerks'  
359 Cooperative Authority, as follows:

360 "(c) The authority shall, on a quarterly basis, make a detailed report and accounting of all  
361 fines and fees collected and remitted by any court and shall submit such report and  
362 accounting to the Legislative Oversight Committee for the Georgia Public Defender  
363 Standards Council, the Office of Planning and Budget, the Chief Justice of the Supreme  
364 Court of Georgia, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office  
365 no later than 60 days after the last day of the preceding quarter."

366 **SECTION 3-10.**

367 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
368 revising subsection (c) of Code Section 20-2-320, relating to the Education Information  
369 Steering Committee, as follows:

370 "(c) For the purpose of this article, authorized educational agencies shall be the  
371 Department of Education; the Department of Early Care and Learning; the Board of  
372 Regents of the University System of Georgia; the Technical College System of Georgia;  
373 the Education Coordinating Council; the Professional Standards Commission; the Office  
374 of Student Achievement; the education policy and research components of the office of the  
375 Governor; the Office of Planning and Budget; the Senate Joint Legislative Budget Office;

376 ~~the House Budget Office~~; the House Research Office; and the Senate Research Office.  
 377 Any information collected over the state-wide comprehensive educational information  
 378 system, including individual student records and individual personnel records, shall be  
 379 accessible by authorized educational agencies, provided that any information which is  
 380 planned for collection over the system but which is temporarily being collected by other  
 381 means shall also be accessible by authorized educational agencies and provided, further,  
 382 that adequate security provisions are employed to protect the privacy of individuals. All  
 383 data maintained for this system shall be used for educational purposes only. In no case  
 384 shall information be released by an authorized educational agency which would violate the  
 385 privacy rights of any individual student or employee. Information released by an  
 386 authorized educational agency in violation of the privacy rights of any individual student  
 387 or employee shall subject the authorized educational agency to all penalties under  
 388 applicable state and federal law. Any information collected over the state-wide  
 389 comprehensive educational information system which is not stored in an individual student  
 390 or personnel record format shall be made available to the Governor and the House and  
 391 Senate Appropriations, Education, Education and Youth, and Higher Education  
 392 committees, except information otherwise prohibited by statute. Data which are included  
 393 in an individual student record or individual personnel record format shall be extracted  
 394 from such records and made available in nonindividual record format for use by the  
 395 Governor, committees of the General Assembly, and agencies other than authorized  
 396 educational agencies."

397 **SECTION 3-11.**

398 Said Title 20 is further amended by revising Code Section 20-3-133, relating to certain  
 399 payments to local junior college operating authorities, as follows:

400 "20-3-133.

401 There shall be paid to every local operating authority which shall have established a junior  
 402 college under this article, upon which construction had commenced prior to January 1,  
 403 1964, and which is not operated as a unit of the university system under the board of  
 404 regents an amount which shall be determined on the basis of a budget for each fiscal year,  
 405 developed pursuant to a formula agreed upon by the local operating authority, the director  
 406 of the ~~Senate Joint Legislative Budget Office, the director of the House Budget Office~~, and  
 407 the director of the Office of Planning and Budget. Budgets prepared pursuant to this  
 408 authority shall be for expenses incurred by a junior college for educational and general  
 409 expenditures as set forth in the latest edition of the publication entitled 'College and  
 410 University Business Administration.' Such formula shall include financial participation  
 411 from the local operating authority to include student matriculation fees and funds derived

412 from not less than a one-half nor more than a three-fourths mill tax established by the local  
 413 operating authority on the ad valorem tax digest of its political subdivision. No state funds  
 414 shall be appropriated for capital construction. Expenditure under this article shall be  
 415 audited annually by the Department of Audits and Accounts."

416 **SECTION 3-12.**

417 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended  
 418 by revising subsection (a) of Code Section 35-2-41.1, relating to donation or conveyance of  
 419 property, equipment, or services to the Department of Public Safety, as follows:

420 "(a) Any offer to donate or convey by deed, gift, rent, lease, or other means any property,  
 421 equipment, or services to the department shall be made in writing through command  
 422 channels to the commissioner. If the commissioner approves the offer, he or she shall  
 423 submit a written proposal of the offer to the board for its approval. A copy of the formal  
 424 proposal shall be forwarded by the commissioner to the Office of Planning and Budget, ~~the~~  
 425 ~~Senate Budget Office~~, and the House Joint Legislative Budget Office, any either of which  
 426 may comment on the proposal."

427 **SECTION 3-13.**

428 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended  
 429 by revising subsection (b) of Code Section 45-12-78, relating to budget estimates, as follows:

430 "(b) Except as otherwise provided in this subsection, the budget estimates for the General  
 431 Assembly, including all the legislative agencies, shall be prepared by the Speaker of the  
 432 House of Representatives and the President of the Senate and such other legislative officers  
 433 as appropriate and shall be submitted to the director of the budget at the same time as other  
 434 budget estimates are submitted. The Department of Audits and Accounts, for the purpose  
 435 of this part, is a legislative agency and shall be construed in all respects as such; and the  
 436 budget estimate for said department shall be prepared by the state auditor and shall be  
 437 included in the budget report without revision and shall not be subject to review or control  
 438 by the Office of Planning and Budget. The state treasurer shall assist in the preparation of  
 439 these budget estimates, if requested. Effective with the budget estimates for the fiscal year  
 440 beginning July 1, 1985, the budget estimates for the Senate, the office of the Lieutenant  
 441 Governor, and the office of the Secretary of the Senate shall be prepared by the Senate; the  
 442 budget estimates for the House of Representatives, the office of the Speaker of the House  
 443 of Representatives, and the office of the Clerk of the House of Representatives shall be  
 444 prepared by the House of Representatives; and the budget estimates for the Office of  
 445 Legislative Counsel, the Office of Legislative Fiscal Officer, and the ~~Office of Legislative~~  
 446 ~~Budget Analyst~~ Joint Legislative Budget Office shall be prepared by the Legislative

447 Services Committee. All of such budget estimates shall include such object classes as the  
 448 Legislative Services Committee shall determine, and transfers of funds may be made  
 449 between such object classes. Funds may also be transferred between the Senate, the office  
 450 of the Lieutenant Governor, and the office of the Secretary of the Senate. Funds may also  
 451 be transferred between the House of Representatives, the office of the Speaker of the House  
 452 of Representatives, and the office of the Clerk of the House of Representatives. Funds may  
 453 also be transferred between the Office of Legislative Counsel, the Office of Legislative  
 454 Fiscal Officer, and the ~~Office of Legislative Budget Analyst~~ Joint Legislative Budget  
 455 Office."

456 **SECTION 3-14.**

457 Said Title 45 is further amended by revising Code Section 45-12-82, relating periodic work  
 458 programs of state budget units, as follows:

459 "45-12-82.

460 The Governor, through the Office of Planning and Budget, shall require each budget unit,  
 461 other than those of the legislative branch and the judicial branch, to file periodic work  
 462 programs with the Office of Planning and Budget at such time as the Office of Planning  
 463 and Budget shall direct. As provided in Code Section 45-12-83, no allotment of funds shall  
 464 be approved for any budget unit until such budget unit has filed a periodic work program  
 465 with the Office of Planning and Budget and the periodic work program has been approved  
 466 by the Governor. The work program shall be presented on forms prescribed by the Office  
 467 of Planning and Budget and shall contain such information as the Governor, through the  
 468 Office of Planning and Budget, may require. The work program shall include the amount  
 469 of the portion of the appropriation required for the period's expenditures based on the  
 470 budget prepared as provided in this part. Periodic work programs may be amended from  
 471 time to time in such manner as the Office of Planning and Budget may require. A duplicate  
 472 copy of all of the periodic work programs and any amendments thereto shall be filed  
 473 simultaneously with the Office of Planning and Budget, the state treasurer, the state  
 474 auditor, ~~the Senate Budget Office,~~ and the ~~House~~ Joint Legislative Budget Office."

475 **SECTION 3-15.**

476 Said Title 45 is further amended by revising subsection (b) of Code Section 45-12-85,  
 477 relating to examination and investigation of periodic work programs, as follows:

478 "(b) The Governor through the Office of Planning and Budget shall seek to effect  
 479 economy, efficiency, decentralization of state government, and sound fiscal management  
 480 in reviewing budget allotment requests and may make such changes to the budget allotment  
 481 requests to meet these goals and objectives and which are consistent with and subject to the

482 method and provisions contained in the General Appropriations Act. Upon determination  
 483 that the requested budget allotment conforms with the approved work program and meets  
 484 the above-mentioned goals and objectives, the Governor shall execute his or her warrant  
 485 on the treasury for the funds included in the approved budget allotment. Notwithstanding  
 486 any authorization for expenditure included in an appropriations Act, all appropriations in  
 487 excess of the approved budget allotments for the budget year, as determined by the Office  
 488 of Planning and Budget, shall cease to be an obligation of the state. The Office of Planning  
 489 and Budget shall notify the ~~House~~ Joint Legislative Budget Office ~~and the Senate Budget~~  
 490 ~~Office~~ of any such action with appropriate supporting information."

491 **SECTION 3-16.**

492 Said Title 45 is further amended by revising subsection (d) of Code Section 45-12-95,  
 493 relating to certain duties of the Office of Planning and Budget, as follows:

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

499 **SECTION 3-17.**

500 Said Title 45 is further amended by revising Code Section 45-12-110, relating to federal  
 501 assistance budgetary requirements, as follows:

502 "45-12-110.

503 (a) Any state department, board, bureau, commission, authority, or other state agency,  
 504 except the Board of Regents of the University System of Georgia and its employees,  
 505 intending to apply for any new program of federal assistance under any federal program  
 506 shall notify the ~~House~~ Joint Legislative Budget Office, ~~the Senate Budget Office,~~ and the  
 507 director of the Office of Planning and Budget of its intention to apply for such federal  
 508 assistance at least 30 days prior to filing the application for such assistance. Such  
 509 notification shall include a summary description of the proposed federal assistance project,  
 510 the amount of federal funds to be requested, the amount of state matching funds, if any, to  
 511 be required in connection with obtaining federal assistance, and the period of time to be  
 512 covered by the proposed federal assistance project.

513 (b) The ~~House~~ Joint Legislative Budget Office, ~~the Senate Budget Office,~~ and the director  
 514 of the Office of Planning and Budget, acting jointly or independently, are authorized and  
 515 directed to devise and distribute such forms as may be necessary to carry out subsection

516 (a) of this Code section and, in connection therewith, to adopt and promulgate such rules  
517 and regulations as may be necessary to ensure compliance with said subsection."

518 **SECTION 3-18.**

519 Said Title 45 is further amended by revising Code Section 45-12-111, relating to analysis of  
520 impact federal assistance, as follows:

521 "45-12-111.

522 As soon as practicable after receiving a notification provided for in Code Section  
523 45-12-110, it shall be the duty of the ~~legislative budget analyst~~ Joint Legislative Budget  
524 Office to analyze the short-term and long-term impact the proposed federal assistance  
525 project would have on state budgetary and fiscal matters if the application for federal  
526 assistance were approved. Upon completion of said analysis, the ~~legislative budget analyst~~  
527 Legislative Joint Budget Office shall forward a copy of same to the President of the Senate,  
528 the Speaker of the House of Representatives, each member of the appropriations  
529 committees of the House of Representatives and Senate, and to any member of the General  
530 Assembly requesting a copy of said analysis."

531 **SECTION 3-19.**

532 Said Title 45 is further amended by revising paragraph (21) of subsection (c) of Code Section  
533 45-13-22, relating to distribution of Georgia Laws and House and Senate journals, as  
534 follows:

535 "(21) ~~House~~ Joint Legislative Budget Office and Senate Budget Office — ~~one set each~~  
536 two sets;"

537 **SECTION 3-20.**

538 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
539 by revising paragraph (5) of subsection (e) of Code Section 50-5A-11, relating to certain  
540 records not public records, as follows:

541 "(5) Given to the Governor, the Attorney General and the Department of Law, the Office  
542 of Planning and Budget, officers of the General Assembly, the ~~legislative budget offices~~  
543 Joint Legislative Budget Office, the state accounting officer and the State Accounting  
544 Office, the state auditor and the Department of Audits and Accounts, or the State  
545 Depository Board for use and public disclosure in the ordinary performance of those  
546 officers' and offices' duties."

547 **SECTION 3-21.**

548 Said Title 50 is further amended by revising Code Section 50-25-7.1, relating to the  
 549 technology empowerment fund to be administered by the Georgia Technology Authority, as  
 550 follows:

551 "50-25-7.1.

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

558 (b) The chief information officer is authorized to identify and select individual projects,  
 559 initiatives, and systems to improve service delivery to be funded through the technology  
 560 empowerment fund. Such projects shall demonstrate, to the satisfaction of the chief  
 561 information officer, reduced costs through the use of technology. In identification and  
 562 selection of such projects, initiatives, and systems, the chief information officer shall give  
 563 priority to those which provide demonstrable cost savings and improved service delivery  
 564 on a recurring basis through the employment of technology and training. Eligible projects,  
 565 initiatives, and systems to receive disbursements from the technology empowerment fund  
 566 may be selected from agency budget requests. Quarterly reports of the operations of the  
 567 technology empowerment fund shall be required to be made to the board, the Office of  
 568 Planning and Budget, ~~the Senate Budget Office~~, and the House Joint Legislative Budget  
 569 Office to ensure proper oversight and accountability.

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

574 (d) A steering committee composed of the chairperson of the House Appropriations  
 575 Committee or his or her designee from among the membership of the committee, the  
 576 chairperson of the Senate Appropriations Committee or his or her designee from among  
 577 the membership of the committee, the director of the Office of Planning and Budget, ~~the~~  
 578 ~~House Budget Office~~, ~~the Senate Budget Office~~ the director of the Joint Legislative Budget  
 579 Office, the state auditor, and a representative from the Governor's office shall advise and  
 580 consult with the chief information officer regarding initiatives to receive funding from the  
 581 technology empowerment fund and shall receive quarterly reports from the chief  
 582 information officer as to the status of funded projects."

583

**SECTION 3-22.**

584 Said title is further amended by revising subsection (a) of Code Section 50-34-17, relating  
585 to the OneGeorgia Authority Overview Committee, as follows:

586 "(a) There is established the OneGeorgia Authority Overview Committee to be composed  
587 of one member of the House of Representatives to be appointed by the Speaker of the  
588 House of Representatives, one member of the Senate to be appointed by the President of  
589 the Senate, the director of the ~~Senate~~ Joint Legislative Budget Office or his or her designee,  
590 ~~the director of the House Budget Office or his or her designee~~, and two members of the  
591 General Assembly to be appointed by the Governor. The legislative members shall serve  
592 for terms as members of the committee concurrent with their terms of office as members  
593 of the General Assembly. The first members of the committee shall be appointed by not  
594 later than July 1, 2000. Thereafter, their successors shall be appointed during the first 30  
595 days of each regular legislative session which is held immediately following the election  
596 of members of the General Assembly."

597

598

**PART IV**

599

**SECTION 4-1.**

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