

The House Committee on Judiciary, Non Civil offers the following substitute to HB 1432:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated,
2 relating to the Georgia Public Defender Council, so as to provide for vacancies on the
3 legislative oversight committee; to provide for a penalty for failure by the council to
4 cooperate with the committee; to provide for related matters; to provide for an effective date;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the
9 Georgia Public Defender Council, is amended by revising Code Section 17-12-10.1, relating
10 to legislative oversight committee created, membership, and audits, as follows:

11 "17-12-10.1.

12 (a)(1) There is created the Legislative Oversight Committee for the Georgia Public
13 Defender Council which shall be composed of eight persons: three members of the House
14 of Representatives appointed by the Speaker of the House of Representatives, three
15 members of the Senate appointed by the Senate Committee on Assignments or such
16 person or entity as established by Senate rule, and one member of the House of

H. B. 1432 (SUB)

17 Representatives and one member of the Senate appointed by the Governor. The members
18 of such committee shall be selected within ten days after the convening of the General
19 Assembly in each odd-numbered year and shall serve until their successors are appointed.

20 (2) Any vacancy in such committee due to death, resignation, ineligibility, recall, or
21 other reason shall be filled in the same manner as the original appointment. A member's
22 termination of the chairmanship of any standing committee or ceasing to qualify for
23 membership on the Legislative Services Committee shall also constitute a vacancy.

24 (b) The Speaker of the House of Representatives shall appoint a member of such
25 committee to serve as chairperson, and the Senate Committee on Assignments or such
26 person or entity as established by Senate rule shall appoint one member of the committee
27 to serve as vice chairperson during each even-numbered year. The Senate Committee on
28 Assignments or such person or entity as established by Senate rule shall appoint a member
29 of such committee to serve as chairperson, and the Speaker of the House of Representatives
30 shall appoint one member to serve as vice chairperson during each odd-numbered year.
31 Such committee shall meet at least once each year and, upon the call of the chairperson, at
32 such additional times as deemed necessary by the chairperson.

33 (c) It shall be the duty of such committee to review and evaluate:

- 34 (1) Information on new programs submitted by the council;
35 (2) Information on policies proposed by the council;
36 (3) The strategic plans for the council;
37 (4) Program evaluation reports and budget recommendations of the council;
38 (5) The fiscal impact of fees and fines on counties;
39 (6) The reports submitted pursuant to Code Section 15-21A-7 in order to identify, among
40 other things, opportunities to reduce or consolidate fees, fines, and surcharges; and
41 (7) Such other information or reports as deemed necessary by such committee.

42 (d) It shall be unlawful for the ~~The~~ council ~~and or~~ director ~~shall to fail to~~ cooperate with
43 such committee and provide such information or reports as requested by the committee for
44 the performance of its functions.

45 (e) The council shall submit its budget estimate to the director of the Office of Planning
46 and Budget in accordance with subsection (a) of Code Section 45-12-78.

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

50 (g) The legislative oversight committee shall be authorized to request that a performance
51 audit of the council be conducted."

52 **SECTION 2.**

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

55 **SECTION 3.**

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