

Senate Bill 381

By: Senators Goggans of the 7th, Hill of the 4th, Bulloch of the 11th and Cowser of the 46th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia
2 Annotated, relating to management of budgetary and financial affairs by the Office of
3 Planning and Budget, so as to require fee reports as a part of the budget report; to provide
4 definitions; to provide for contents and requirements of each report; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated,
9 relating to management of budgetary and financial affairs by the Office of Planning and
10 Budget, is amended in Code Section 45-12-71, relating to definitions regarding management
11 of such affairs by such office, by adding a new paragraph to read as follows:

12 "(11.1) 'Fee' means any source of state revenue classified by the Office of Planning and
13 Budget as a fee and shall include, but not be limited to, every fee, business license,
14 nonbusiness license, fine, penalty, surcharge, assessment, add-on, or other type of charge
15 imposed or administered by any budget unit."

16 **SECTION 2.**

17 Said part is further amended in Code Section 45-12-75, relating to the budget report, by
18 revising paragraphs (7) and (8) and adding a new paragraph as follows:

19 "(7) A draft of a proposed General Appropriations Act or Acts embodying the Governor's
20 budget report and recommendations for appropriations for the next fiscal year and drafts
21 of such revenue and other Acts as may be recommended for putting into effect the
22 proposed financial plan. The recommended appropriation for each budget unit shall be
23 specified in a separate section of the General Appropriations Act. The total amount of
24 appropriations recommended shall not exceed the cash resources available to meet
25 expenditures under such appropriations; and

- 26 (8)(A) A comprehensive fee report of all fees collected and administered by any budget
 27 unit.
- 28 (B) Such report shall detail for each fee:
- 29 (i) Its statutory authorization and termination date if any;
 30 (ii) A description of the associated services or product provided, or the regulatory
 31 function performed;
 32 (iii) Its current rate or amount and the date such rate or amount was last set or
 33 adjusted by the General Assembly or by the joint fiscal committee;
 34 (iv) The fund into which its revenues are deposited; and
 35 (v) The revenues derived from it in each of the two previous fiscal years.
- 36 (C) Such report shall also contain any proposal that the agency may have to:
- 37 (i) Create a new fee, or change, reauthorize, or terminate an existing fee, which shall
 38 include a description of the associated services or product provided, or the regulatory
 39 function performed; and
 40 (ii) Adjust an existing fee rate or amount. Each new or adjusted fee rate shall be
 41 accompanied by information justifying the proposed rate adjustment, which may
 42 include:
- 43 (I) The relationship between the revenue to be raised by the fee or change in the fee
 44 and the cost or change in the cost of the service, product, or regulatory function
 45 supported by the fee, with costs construed as actual costs incurred;
 46 (II) The inflationary pressures that have arisen since the fee was last set;
 47 (III) The effect on budgetary adequacy if the fee is not increased;
 48 (IV) The existence of comparable fees in other jurisdictions;
 49 (V) Policies that might affect the acceptance or the viability of the fee amount; and
 50 (VI) Other considerations.
- 51 (D) Such report shall also include any proposal to designate, or redesignate, the fund
 52 into which revenue from a fee is to be deposited; and
- 53 (8)(9) Such other information as the Governor deems desirable or as is required by law."

54 **SECTION 3.**

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

57 **SECTION 4.**

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