

The Senate Finance Committee offered the following substitute to HB 1284:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to
2 provisions regarding the Office of the Governor, so as to require fee reports as a part of the
3 budget report; to provide for a definition; to provide for contents and requirements of each
4 report; to provide for posting of the report on a public information website; to provide for
5 related matters; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

13 "(11.1) 'Fee' means any voluntary or mandatory payment given in exchange for a good
14 or service provided by a state government regulatory or oversight entity. Fees shall
15 include, but not be limited to, business license fees, nonbusiness license fees, application
16 costs, inspection costs, fine, penalties, surcharges, add-ons, or assessments imposed by
17 a state government regulatory or oversight entity."

SECTION 2.

18 Said chapter is further amended in Code Section 45-12-75, relating to the budget report, by
19 revising paragraphs (7) and (8) and adding a new paragraph as follows:
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21 "(7) A draft of a proposed General Appropriations Act or Acts embodying the Governor's
22 budget report and recommendations for appropriations for the next fiscal year and drafts
23 of such revenue and other Acts as may be recommended for putting into effect the
24 proposed financial plan. The recommended appropriation for each budget unit shall be
25 specified in a separate section of the General Appropriations Act. The total amount of

26 appropriations recommended shall not exceed the cash resources available to meet
 27 expenditures under such appropriations; and

28 (8)(A) A comprehensive fee report of all fees collected and administered by any budget
 29 unit.

30 (B) Such report shall detail for each fee:

31 (i) Its statutory authorization and termination date if any;

32 (ii) A description of the associated services or product provided, or the regulatory
 33 function performed;

34 (iii) Its current rate or amount and the date such rate or amount was last set or
 35 adjusted by the General Assembly or by the joint fiscal committee;

36 (iv) The fund into which its revenues are deposited; and

37 (v) The revenues derived from it in each of the two previous fiscal years.

38 (C) Such report shall also contain any proposal that the budget unit may have to:

39 (i) Create a new fee, or change, reauthorize, or terminate an existing fee, which shall
 40 include a description of the associated services or product provided, or the regulatory
 41 function performed; and

42 (ii) Adjust an existing fee rate or amount. Each new or adjusted fee rate shall be
 43 accompanied by information justifying the proposed rate adjustment, which may
 44 include:

45 (I) The relationship between the revenue to be raised by the fee or change in the fee
 46 and the cost or change in the cost of the service, product, or regulatory function
 47 supported by the fee, with costs construed as actual costs incurred;

48 (II) The inflationary pressures that have arisen since the fee was last set;

49 (III) The effect on budgetary adequacy if the fee is not increased;

50 (IV) The existence of comparable fees in other jurisdictions;

51 (V) Policies that might affect the acceptance or the viability of the fee amount; and

52 (VI) Other considerations.

53 (D) Such report shall also include any proposal to designate, or redesignate, the fund
 54 into which revenue from a fee is to be deposited;

55 (E) Such report shall be posted on the website created pursuant to Code
 56 Section 50-6-32; and

57 (8)(9) Such other information as the Governor deems desirable or as is required by law."

58 **SECTION 3.**

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

61 **SECTION 4.**
62 All laws and parts of laws in conflict with this Act are repealed.