

## SENATE SUBSTITUTE TO HB 1128

**AS PASSED SENATE**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to public property, so as to change certain provisions  
3 relating to writing off small amounts due to the state; to amend Title 20 of the Official Code  
4 of Georgia Annotated, relating to education, so as to change certain provisions relating to  
5 nonlapsing revenue of institutions in the University System of Georgia; to change certain  
6 provisions relating to nonlapsing revenue of institutions under the Technical College System  
7 of Georgia; to extend automatic repeals of certain provisions; to provide an effective date;  
8 to repeal conflicting laws; and for other purposes.

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

**PART I**

**SECTION 1-1.**

10 Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to  
11 general provisions relative to public property, is amended by revising subsection (b) of Code  
12 Section 50-16-18, relating to writing off small amounts due to the state, as follows:

13 "(b)(1) All state agencies and departments, in order to preserve public funds, shall be  
14 authorized to develop appropriate standards that comply with the policies prescribed by  
15 the state accounting officer which will provide a mechanism to consider administratively  
16 discharging any obligation or charge in favor of such agency or department when such  
17 obligation or charge is \$100.00 or any lesser amount unless the agency or department  
18 belongs to the Board of Regents of the University System of Georgia or the Technical  
19 College System of Georgia in which case the obligation or charge in favor of the  
20 institution under the Board of Regents of the University System of Georgia or the  
21 institution of the Technical College System of Georgia may be \$3,000.00 or any lesser  
22 amount. This procedure shall not be available to such agency or department in those  
23 instances where the obligor has more than one such debt or obligation in any given fiscal  
24 year, and this provision shall be construed in favor of the state agency or department so  
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27 as not to alter the unquestioned ability of such state agency or department to pursue any  
28 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
29 obligation of \$100.00 or less, or \$3,000.00 or less for the institutions of the Board of  
30 Regents of the University System of Georgia or the Technical College System of  
31 Georgia, has been deemed to be uncollectable, the proper individual making such  
32 determination shall transmit a recapitulation of the efforts made to collect the debt  
33 together with all other appropriate information, which shall include a reasonable estimate  
34 of the cost to pursue administratively or judicially the account, together with a  
35 recommendation to the commissioner of such state agency or department. In those  
36 instances where the commissioner makes a determination that further collection efforts  
37 would be detrimental to the public's financial interest, a certificate reflecting this  
38 determination shall be executed, and this certificate shall serve as the authority to remove  
39 such uncollectable accounts from the financial records of such state agency or  
40 department. Such certificates shall be forwarded to the state accounting officer in a  
41 manner and at such times as are reflected in the standards developed by the state  
42 accounting officer and the state agency or department. This paragraph shall stand  
43 repealed and reserved effective July 1, ~~2010~~ 2013.

44 (2) On and after July 1, ~~2010~~ 2013, all state agencies and departments, in order to  
45 preserve public funds, shall be authorized to develop appropriate standards that comply  
46 with the policies prescribed by the state accounting officer which will provide a  
47 mechanism to consider administratively discharging any obligation or charge in favor of  
48 such agency or department when such obligation or charge is \$100.00 or any lesser  
49 amount. This procedure shall not be available to such agency or department in those  
50 instances where the obligor has more than one such debt or obligation in any given fiscal  
51 year, and this provision shall be construed in favor of the state agency or department so  
52 as not to alter the unquestioned ability of such state agency or department to pursue any  
53 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
54 obligation of \$100.00 or less has been deemed to be uncollectable, the proper individual  
55 making such determination shall transmit a recapitulation of the efforts made to collect  
56 the debt together with all other appropriate information, which shall include a reasonable  
57 estimate of the cost to pursue administratively or judicially the account, together with a  
58 recommendation to the commissioner of such state agency or department. In those  
59 instances where the commissioner makes a determination that further collection efforts  
60 would be detrimental to the public's financial interest, a certificate reflecting this  
61 determination shall be executed, and this certificate shall serve as the authority to remove  
62 such uncollectable accounts from the financial records of such state agency or  
63 department. Such certificates shall be forwarded to the state accounting officer in a

64 manner and at such times as are reflected in the standards developed by the state  
65 accounting officer and the state agency or department."

66 **PART II**

67 **SECTION 2-1.**

68 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
69 2 of Article 2 of Chapter 3, relating to the University System of Georgia, by revising Code  
70 Section 20-3-86, relating to nonlapsing revenue of institutions in the university system, as  
71 follows:

72 "20-3-86.

73 Revenue collected by any or all institutions in the university system from tuition,  
74 departmental sales or services, continuing education fees, technology fees, or indirect cost  
75 recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under  
76 this Code section shall not exceed 3 percent of the tuition collected. This Code section  
77 shall stand repealed on June 30, ~~2010~~ 2013."

78 **SECTION 2-2.**

79 Said title is further amended in Article 2 of Chapter 4, relating to vocational, technical, and  
80 adult education, by revising Code Section 20-4-21.1, relating to nonlapsing revenue of  
81 institutions under the Technical College System of Georgia, as follows:

82 "20-4-21.1.

83 Revenue collected by any or all institutions under the Technical College System of Georgia  
84 from tuition, departmental sales or services, continuing education fees, technology fees, or  
85 indirect cost recoveries shall not lapse. The amount of revenue from tuition that shall not  
86 lapse under this Code section shall not exceed 15 percent of the tuition collected. This  
87 Code section shall stand repealed on June 30, ~~2010~~ 2013."

88 **PART III**

89 **SECTION 3-1.**

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

92 **SECTION 3-2.**

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