

Senate Bill 158

By: Senators Hill of the 32nd, Rogers of the 21st, Johnson of the 1st and Chance of the 16th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 3 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated,
2 relating to fiscal bills generally, so as to provide exceptions to the requirements for fiscal
3 notes regarding legislation; to provide for the contents of fiscal notes; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

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

6 **SECTION 1.**

7 Article 3 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to fiscal
8 bills generally, is amended by revising Code Section 28-5-42, relating to introduction of bills
9 having significant impact upon anticipated revenues or expenditures, as follows:
10 "28-5-42.

11 (a)(1) Any bill having a significant impact on the anticipated revenue or expenditure
12 level of any state department, bureau, board, council, committee, commission, or other
13 state agency ~~must~~ shall be introduced no later than the twentieth day of any session. The
14 sponsor of such legislation ~~must~~ shall request a fiscal note from the Office of Planning
15 and Budget and the Department of Audits and Accounts by November 1 of the year
16 preceding the annual convening of the General Assembly in which the bill is to be
17 introduced, but subsequent to the preparation of such bill by the Office of Legislative
18 Counsel. With respect to a member-elect of the General Assembly, such person ~~must~~
19 shall request a fiscal note from the Office of Planning and Budget and the Department of
20 Audits and Accounts by December 1 of the year preceding the annual convening of the
21 General Assembly in which the bill is to be introduced, but subsequent to the preparation
22 of such bill by the Office of Legislative Counsel. The director of the Office of Planning
23 and Budget and the state auditor shall prepare and submit the fiscal note not later than the
24 day of convening of the General Assembly.

25 (2) The failure to request a fiscal note by November 1 as provided in paragraph (1) of
26 this subsection shall preclude consideration of the measure by the Senate or the House

27 of Representatives unless the committee to which a bill is assigned in the chamber in
28 which it is introduced:

29 (A)(i) Determines that such bill will have a significant impact as described in
30 paragraph (1) of this subsection;

31 (ii) Waives the applicable November 1 or December 1 deadline of paragraph (1) of
32 this subsection;

33 (iii) Requests a fiscal note from the director of the Office of Planning and Budget and
34 the state auditor, except as otherwise provided in subsection (e) of this Code section;
35 and

36 (iv) Among fiscal notes so requested, the chairperson of such committee suggests a
37 preferred order of completion to guide the director of the Office of Planning and
38 Budget and the state auditor; or

39 (B) Determines that such bill will not have a significant impact as described in
40 paragraph (1) of this subsection.

41 (3) Any such determination or waiver shall be by the affirmative vote of a majority of
42 the members of the committee, on a specific motion for waiver, and shall allow
43 consideration of the measure by both chambers so long as the bill has been introduced not
44 later than the twentieth day of any session.

45 (4) Any general bill having a significant impact on the anticipated revenue or
46 expenditure level of counties and municipalities ~~must~~ shall be introduced no later than
47 the twentieth day of any session.

48 (5) This article shall not apply to any local bill affecting a county or municipality which
49 must be advertised in accordance with the requirements of Code Section 28-1-14, relating
50 to the advertisement of local legislation.

51 (6) This article shall not apply to amendments or substitutes to a bill after its introduction
52 nor shall it apply to conference committee reports in the General Assembly; provided,
53 however, that a fiscal note may be requested for amendments, substitutes, and conference
54 committee reports on a majority vote of the committee or house considering such
55 amendment, substitute, or conference committee report.

56 (b) In the event any bill having a significant impact as described in paragraph (1) of
57 subsection (a) of this Code section is introduced after the twentieth day of any session, it
58 shall not be considered or acted upon in any manner by either the Senate or the House of
59 Representatives. The President of the Senate shall decide whether a bill which is
60 introduced in the Senate falls within this category; and the Speaker of the House of
61 Representatives shall decide whether a bill which is introduced in the House of
62 Representatives falls within this category. The President of the Senate shall have the same
63 right of decision on House bills which reach the Senate; and the Speaker of the House of

64 Representatives shall have the same right of decision on Senate bills which reach the House
65 of Representatives.

66 (c)(1) In the event a bill having a significant impact as described in paragraph (1) of
67 subsection (a) of this Code section is introduced not later than the twentieth day of any
68 session, the chairperson of the committee to which such bill is referred shall request the
69 director of the Office of Planning and Budget and the state auditor to submit any such
70 fiscal note as to the fiscal effect of any such bill and to file a copy of such fiscal note with
71 the Senate Budget Office and the House Budget Office. The chairperson shall make such
72 request after the bill is referred to the committee.

73 (2) The chairperson shall not be required to make such request with respect to any bill
74 for which:

75 (A) A fiscal note has been requested by the sponsor of the bill pursuant to
76 paragraph (1) of subsection (a) of this Code section and the chairperson has been duly
77 notified in writing of such request by such sponsor; or

78 (B) The director of the Office of Planning and Budget and the state auditor have
79 previously submitted a fiscal note pursuant to a request under paragraph (1) of
80 subsection (a) of this Code section.

81 (d) In the event a determination is made under subparagraph (a)(2)(B) of this Code section
82 that a bill will not have a significant impact, if the director of the Office of Planning and
83 Budget or the state auditor has information or knowledge that any bill will have a
84 significant impact as described in paragraph (1) of subsection (a) of this Code section, a
85 fiscal note may be prepared according to the criteria outlined in subsection (g) of this Code
86 section. Such a fiscal note may be prepared without a request by the bill's author or the
87 committees to which it is assigned in either chamber. Any fiscal note prepared according
88 to this subsection shall be distributed consistent with Code Section 28-5-44.

89 (e) During any regular session of the General Assembly, the director of the Office of
90 Planning and Budget and the state auditor shall prepare and submit the fiscal note within
91 five days after receipt of the request or within ten days if the director of the Office of
92 Planning and Budget and the state auditor have made a formal request for extension of
93 time.

94 (f) The principal administrative and fiscal officers of all departments, boards, councils,
95 committees, commissions, and other agencies of the state government and, when
96 applicable, of counties, municipalities, and other political subdivisions are authorized and
97 directed to cooperate fully with the director of the Office of Planning and Budget and the
98 state auditor in providing any information and assistance necessary in the preparation of
99 fiscal notes pursuant to this Code section.

100 (g) The fiscal note required by this Code section shall include a reliable estimate in dollars
101 of the anticipated change in revenue or expenditures under the provisions of the bill and
102 shall contain a reliable estimate in dollars of the net impact of the bill or a cost-benefit
103 analysis of the bill reflecting the cost of the bill and any savings or financial benefits which
104 the state or local government will realize under the provisions of the bill. It shall also
105 include a statement as to the immediate effect and, if determinable or reasonably
106 foreseeable, the long-range effect of the measure. If, after careful investigation, it is
107 determined that no dollar estimate is possible, the fiscal note shall contain a statement to
108 that effect, setting forth the reasons why no dollar estimate can be given. In this event, the
109 fiscal note shall contain an example based on a specific situation or reflecting the average
110 group of persons possibly affected by the bill so as to provide an indication of the cost and
111 net impact or cost-benefit analysis of such bill to the General Assembly. Assumptions used
112 to develop these averages shall be noted in the fiscal note, and the criteria included herein
113 shall constitute a fiscal note. No comment or opinion regarding the merits of the measure
114 for which the statement is prepared shall be included in the fiscal note; however, technical
115 or mechanical defects may be noted. The state auditor and the director of the Office of
116 Planning and Budget shall jointly prepare their fiscal note; and, if there is a difference of
117 opinion between such officials, it shall be noted in the fiscal note. In the event the director
118 of the Office of Planning and Budget and the state auditor concur that the fiscal note on any
119 such bill cannot be prepared within the five-day limitation in effect during any regular
120 session of the General Assembly, they shall so inform the chairperson in writing and shall
121 be allowed to submit said note not later than ten days after the request for it is made."

122 **SECTION 2.**

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