

The House Committee on Budget & Fiscal Affairs Oversight offers the following substitute to SB 158:

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 style="text-align:center">**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:

101 (1) A a reliable estimate in dollars of the anticipated change in revenue or expenditures
 102 under the provisions of the bill;

103 (2) A reliable estimate in dollars of the net impact of the bill or a cost-benefit analysis
 104 of the bill reflecting the cost of the bill and any savings or financial benefits which the
 105 state or local government will realize under the provisions of the bill; and

106 (3) An identification of the specific taxpayers affected by the bill and a reliable estimate
 107 of the net impact of the bill expressed as a cost or savings in dollars to such taxpayers
 108 and, if different classes or groups of taxpayers are affected differently by the bill, an
 109 estimate of the net impact of the bill expressed as a cost or savings in dollars to each such
 110 class or group of taxpayers.

111 It shall also include a statement as to the immediate effect and, if determinable or
 112 reasonably foreseeable, the long-range effect of the measure. If, after careful investigation,
 113 it is determined that no dollar estimate is possible, the fiscal note shall contain a statement
 114 to that effect, setting forth the reasons why no dollar estimate can be given. In this event,
 115 the fiscal note shall contain an example based on a specific situation or reflecting the
 116 average group of persons possibly affected by the bill so as to provide an indication of the
 117 cost and net impact or cost-benefit analysis of such bill to the General Assembly.
 118 Assumptions used to develop these averages shall be noted in the fiscal note, and the
 119 criteria included herein shall constitute a fiscal note. No comment or opinion regarding the
 120 merits of the measure for which the statement is prepared shall be included in the fiscal
 121 note; however, technical or mechanical defects may be noted. The state auditor and the
 122 director of the Office of Planning and Budget shall jointly prepare their fiscal note; and, if
 123 there is a difference of opinion between such officials, it shall be noted in the fiscal note.
 124 In the event the director of the Office of Planning and Budget and the state auditor concur
 125 that the fiscal note on any such bill cannot be prepared within the five-day limitation in
 126 effect during any regular session of the General Assembly, they shall so inform the
 127 chairperson in writing and shall be allowed to submit said note not later than ten days after
 128 the request for it is made.

129 (h) The sponsor of a bill that is subject to the requirements of this Code section may satisfy
 130 the requirements of this Code section by submitting a fiscal note from an individual, firm,
 131 or organization that has specific demonstrable expertise in the subject matter of the bill,
 132 provided that such fiscal note meets the requirements of subsection (g) of this Code section.
 133 The sponsor may also submit a fiscal note from an individual, firm, or organization that has
 134 specific demonstrable expertise in the subject matter of the bill in addition to the fiscal note
 135 prepared by the Office of Planning and Budget and the state auditor which shall also be
 136 attached to the bill and read and distributed in the same manner as the fiscal note prepared

137 by the Office of Planning and Budget and the state auditor as provided in Code Section
138 28-5-44."

139 **SECTION 2.**

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