

House Bill 81

By: Representatives Casas of the 103rd, Dickson of the 6th, Ashe of the 56th, Harrell of the 106th, Golick of the 34th, and others

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 require the submission of a bill for a fiscal note
3 when such bill has a significant impact upon anticipated revenues or expenditures of a local
4 school system; to provide for cooperation by the Department of Education and the State
5 School Superintendent; to provide for distribution of the bill and fiscal notes to local school
6 superintendents; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

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

9 **SECTION 1.**

10 Article 3 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to fiscal
11 bills generally, is amended by revising Code Section 28-5-42, relating to introduction of bills
12 having significant impact upon anticipated revenues or expenditures and furnishing of fiscal
13 notes, as follows:

14 "28-5-42.

15 (a)(1) Any bill having a significant impact on the anticipated revenue or expenditure
16 level of any state department, bureau, board, council, committee, commission, or other
17 state agency or on any local school or local school system must be introduced no later
18 than the twentieth day of any session. The sponsor of such legislation must request a
19 fiscal note from the Office of Planning and Budget and the Department of Audits and
20 Accounts by November 1 of the year preceding the annual convening of the General
21 Assembly in which the bill is to be introduced, but subsequent to the preparation of such
22 bill by the Office of Legislative Counsel. With respect to a member-elect of the General
23 Assembly, such person must request a fiscal note from the Office of Planning and Budget
24 and the Department of Audits and Accounts by December 1 of the year preceding the
25 annual convening of the General Assembly in which the bill is to be introduced, but
26 subsequent to the preparation of such bill by the Office of Legislative Counsel. The

27 director of the Office of Planning and Budget and the state auditor shall prepare and
 28 submit the fiscal note not later than the day of convening of the General Assembly.

29 (2) The failure to request a fiscal note by November 1 as provided in paragraph (1) of
 30 this subsection shall preclude consideration of the measure by the Senate or the House
 31 of Representatives unless the committee to which a bill is assigned in the chamber in
 32 which it is introduced:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

98 (g) The fiscal note required by this Code section shall include a reliable estimate in dollars
99 of the anticipated change in revenue or expenditures under the provisions of the bill. It shall
100 also include a statement as to the immediate effect and, if determinable or reasonably

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

117 (h) As used in subsection (a) of this Code section with respect to any bill submitted for a
118 fiscal note affecting any local school or local school system, 'significant impact on the
119 anticipated revenue or expenditure level' shall include a significant impact on the
120 operations or programs of a local school or local school system. The Department of
121 Education and the State School Superintendent are authorized and directed to cooperate
122 fully with the director of the Office of Planning and Budget and the state auditor in
123 providing any information and assistance necessary in the preparation of fiscal notes
124 relating to local schools or local school systems. A copy of any bill submitted for a fiscal
125 note affecting any local school or local school system, when received by the Office of
126 Planning and Budget, shall be promptly transmitted by such office to the State School
127 Superintendent, who shall promptly transmit a copy of such bill to each local school
128 superintendent. A copy of any fiscal note prepared affecting any local school or local
129 school system shall be promptly transmitted by such office to the State School
130 Superintendent, who shall promptly transmit a copy of such fiscal note to each local school
131 superintendent. Unless a determination is made pursuant to subparagraph (a)(2)(B) of this
132 Code section that such bill does not have a significant impact, the effective date of such bill
133 shall not be earlier than July 1 of the year following the year of introduction of such bill."

134

SECTION 2.

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