

House Bill 806

By: Representatives Roberts of the 154th, England of the 108th, Houston of the 170th,
Meadows of the 5th, Davis of the 109th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-2-2 of the Official Code of Georgia Annotated, relating to the
2 powers and duties of the Department of Transportation, so as to provide for the mandatory
3 appropriation of motor fuel tax funds that carry forward from one fiscal year to the next; to
4 provide for related matters; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 32-2-2 of the Official Code of Georgia Annotated, relating to the powers and
9 duties of the Department of Transportation, is amended in subsection (a) by replacing the
10 semicolon at the end of paragraph (2) with a period, by redesignating said paragraph (2) as
11 subparagraph (2)(A), and by adding a new subparagraph to read as follows:

12 "(B)(i) If a motor fuel tax appropriation made to the department during any fiscal year
13 has not been fully spent or contractually obligated by the end of the fiscal year, the
14 purpose of the remaining balance of the appropriation carried forward into the next
15 fiscal year shall be activities of the department incident to providing and maintaining
16 an adequate system of public roads and bridges in this state, as authorized by law.

17 (ii) For purposes of budgetary accounting and control, such appropriation balances
18 shall be accumulated collectively in the 'Mandatory Appropriation Carryover
19 Program' and shall remain a part of the State Public Transportation Fund, though
20 separately identified.

21 (iii) The provisions of this subparagraph shall apply only to the unspent and
22 unobligated balance of any appropriation up to 20 percent of the original
23 appropriation. Any unspent or unobligated balance in excess of 20 percent of the
24 original appropriation shall carry forward as a continuing mandatory appropriation for
25 its original purpose unless changed as provided by law.

26 (iv) The provisions of this subparagraph shall not apply to appropriations for the
27 authorization or payment of public debt, appropriations for grants to local
28 governments for public road work, or any appropriation that is not an appropriation
29 to the department.

30 (v) The department shall not allocate funds from the Mandatory Appropriations
31 Carryover Program to any program or activity that did not have an appropriation in
32 the fiscal year in which such allocation is made unless the need was not ascertainable
33 at the time of the enactment of the general appropriations Act for such fiscal year.
34 The department shall not allocate funds from the Mandatory Appropriations
35 Carryover Program to a new program or activity that would require operating funds
36 or capital outlay funds beyond the fiscal year in which such allocation is made;”

37 **SECTION 2.**

38 This Act shall become effective upon its approval by the Governor or upon its becoming law
39 without such approval and shall apply to appropriations in any general appropriations Act
40 in effect on and after the effective date of this Act.

41 **SECTION 3.**

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