

House Bill 806 (COMMITTEE SUBSTITUTE)

By: Representatives Roberts of the 154<sup>th</sup>, England of the 108<sup>th</sup>, Houston of the 170<sup>th</sup>,  
Meadows of the 5<sup>th</sup>, Davis of the 109<sup>th</sup>, 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 Program  
19 and shall remain a part of the State Public Transportation Fund, though separately  
20 identified. The General Assembly may appropriate from such program any funds not  
21 expended or contractually obligated by the department.

22 (iii) The provisions of this subparagraph shall apply to any mandatory appropriation  
23 of motor fuel funds to the department unless specifically provided otherwise in an  
24 Appropriations Act of the General Assembly.

25 (iv) The provisions of this subparagraph shall apply only to the unspent and  
26 unobligated balance of any appropriation up to 20 percent of the original

27 appropriation. Any unspent or unobligated balance in excess of 20 percent of the  
28 original appropriation shall carry forward as a continuing mandatory appropriation for  
29 its original purpose unless changed as provided by law.

30 (v) The provisions of this subparagraph shall not apply to appropriations for the  
31 authorization or payment of public debt, appropriations for grants to local  
32 governments for public road work, or any appropriation that is not an appropriation  
33 to the department.

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

41 **SECTION 2.**

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

45 **SECTION 3.**

46 All laws and parts of laws in conflict with this Act are repealed.