

House Bill 995

By: Representative Sims of the 169th

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 remove the Office of Planning and Budget from the
3 fiscal note process for the filing of legislation and to avoid duplication of state services and
4 administrative processes already performed by the state auditor; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

12 "28-5-42.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 **SECTION 2.**

117 This Act shall become effective on July 1, 2012.

118 **SECTION 3.**

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