

Senate Bill 429

By: Senators Tolleson of the 20th, Chance of the 16th, Rogers of the 21st, Millar of the 40th,
Davis of the 22nd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to
2 financial affairs relative to the General Assembly, so as to change certain provisions relating
3 to introduction of bills having significant impact upon anticipated revenues or expenditures
4 and furnishing of fiscal notes; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

11 "28-5-42.

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

27 (2) The failure to request a fiscal note by November 1 or December 1, as applicable, as
 28 provided in paragraph (1) of this subsection shall preclude consideration of the measure
 29 by the Senate or the House of Representatives unless the committee to which a bill is
 30 assigned in the chamber in 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 general bill having a significant impact as described in paragraph (1)
 54 of subsection (a) of this Code section is introduced after the twentieth day of any session,
 55 it shall not be considered or acted upon in any manner by either the Senate or the House
 56 of 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 general bill having a significant impact as described in paragraph (1)
64 of 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
73 paragraph (1) of subsection (a) of this Code section and the chairperson has been duly
74 notified in writing of such request by such sponsor; or

75 (B) The director of the Office of Planning and Budget and the state auditor have
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 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, along
99 with an estimate of costs of incurred by private employers in complying with the bill. It

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

118

SECTION 2.

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