

LOST

Senators Henson of the 41st and Carter of the 42nd offered the following amendment:

Amend the Senate Appropriations Committee substitute to HB 811(LC 28 6247ERS) by deleting lines 12 through 145 and inserting in lieu thereof the following:

(a) As used in this Code section, the term:

(1) 'Base amount' means the amount of fee proceeds collected during the complete fiscal year which immediately precedes the fiscal year for which the current appropriation amount is determined with respect to an individual fee which proceeds are required to be remitted for:

(A) Deposit in the general fund of the state for use for purposes specified by general law;

(B) Use for a specified purpose;

(C) Deposit into a trust fund created by general law; or

(D) Deposit into a trust fund provided for under the Constitution of Georgia or use for a specified purpose provided for under the Constitution of Georgia when such proceeds are not directly earmarked thereunder or when the General Assembly is authorized thereunder, but not required, to appropriate funds thereto.

When a fee amount has been reduced pursuant to any provision of this Code section, then for purposes of calculating amounts as required under this Code section for the next fiscal year, the term shall mean the amount of fee proceeds that would have been collected during a specified fiscal year under the original, unreduced amount of the fee.

(2) 'Collecting agency' means:

(A) For the fees identified in subparagraphs (A) and (B) of paragraph (4) of this subsection, the state department, state agency, public officer, public official, or public entity which collects or receives proceeds of the fee; and

(B) For the fees identified in subparagraphs (C) through (J) of paragraph (4) of this subsection, the Georgia Superior Court Clerks' Cooperative Authority.

(3) 'Current appropriation amount' means the total amount of funds which were appropriated for a purpose or function described under a subparagraph of paragraph (4) of this subsection during the fiscal year which immediately precedes the fiscal year for which the new appropriation amount is determined for which the calculations are required under subsection (b) of this Code section.

(4) 'Fee' means the:

(A) Solid waste disposal surcharge fee provided for under subsection (e) of Code Section 12-8-39 for the hazardous waste trust fund;

(B) Tire disposal fee provided for under subsection (h) of Code Section 12-8-40.1 for the solid waste trust fund;

(C) Additional penalty sum provided for under subparagraph (a)(1)(A) of Code Section 15-21-73 for peace officer and prosecutor training;

(D) Additional penalty sum provided for under subparagraph (a)(1)(B) of Code Section 15-21-73 for indigent criminal defense;

(E) Additional penalty sum provided for under subparagraph (a)(2)(A) of Code Section 15-21-73 for bond forfeitures for peace officer and prosecutor training;

(F) Additional penalty sum provided for under subparagraph (a)(2)(B) of Code Section 15-21-73 for indigent criminal defense;

(G) Additional penalty sum provided for under subsection (a) of Code Section 15-21-179 for the driver education and training fund;

(H) Additional filing fee provided for under subsection (a) of Code Section 15-21A-6 for indigent criminal defense;

(I) Additional filing fee provided for under subsection (b) of Code Section 15-21A-6 for indigent criminal defense; and

(J) Additional application fee provided for under subsection (c) of Code Section 15-21A-6 for indigent criminal defense.

(5) 'New appropriation amount' means the total amount of funds which are appropriated for a purpose or function described under a subparagraph of paragraph (4) of this subsection for the newly commencing fiscal year for which the calculations are required under subsection (b) of this Code section.

(b) Effective for the fiscal year beginning July 1, 2013, and each fiscal year thereafter:

(1) The Office of Planning and Budget shall determine the base amount for the particular purpose or function as described under a subparagraph of paragraph (4) of subsection (a) of this Code section;

(2) The Office of Planning and Budget shall determine the current appropriation amount and the new appropriation amount;

(3) The Office of Planning and Budget shall determine an amount equal to 20 percent of the base amount and shall add the amount so determined to the current appropriation amount. This sum shall be the target appropriation amount;

(4) If the new appropriation amount is equal to or greater than 95 percent of the base amount or is equal to or greater than the target appropriation amount, then the amount of the fee shall not be reduced under this Code section;

(5) If the new appropriation amount is less than the target appropriation amount, then the amount of the fee shall be reduced automatically by operation of this Code section by 20 percent for the fiscal year beginning on July 1. Any fee amount adjusted pursuant to

this paragraph shall be rounded to the nearest whole dollar amount. Immediately following the date the General Appropriations Act for the newly commencing fiscal year is approved by the Governor or becomes law without such approval, the Office of Planning and Budget shall notify the appropriate collecting agency of the adjusted fee amount; and

(6) For any fiscal year following a fee reduction under paragraph (5) of this subsection, if the new appropriation amount is equal to or greater than the target appropriation amount, then the fee amount shall, by operation of law, be increased back to the fee amount in place immediately prior to the most recent such reduction.

(c) For purposes of the calculations required under this Code section, each time that a 20 percent amount has been added to a prior appropriation amount under paragraph (3) of subsection (b) of this Code section, that amount shall remain cumulative and shall remain as a part of the target appropriation amount for purposes of the calculations required under subsection (b) of this Code section for the next fiscal year."