

House Bill 45

By: Representative Ehrhart of the 36<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to public property, so as to change certain provisions  
3 relating to writing off small amounts due to the state; to amend Title 20 of the Official Code  
4 of Georgia Annotated, relating to education, so as to extend automatic repeals of certain  
5 provisions relating to nonlapsing revenue of institutions in the University System of Georgia  
6 and the Technical College System of Georgia; to provide for related matters; to provide for  
7 an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **PART I**

10 **SECTION 1-1.**

11 Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to  
12 general provisions relative to public property, is amended by revising subsection (b) of Code  
13 Section 50-16-18, relating to writing off small amounts due to the state, as follows:

14 "(b)(1) All state agencies and departments, in order to preserve public funds, shall be  
15 authorized to develop appropriate standards that comply with the policies prescribed by  
16 the state accounting officer which will provide a mechanism to consider administratively  
17 discharging any obligation or charge in favor of such agency or department when such  
18 obligation or charge is \$100.00 or any lesser amount unless the agency or department  
19 belongs to the Board of Regents of the University System of Georgia or the Technical  
20 College System of Georgia in which case the obligation or charge in favor of the  
21 institution under the Board of Regents of the University System of Georgia or the  
22 institution of the Technical College System of Georgia may be \$3,000.00 or any lesser  
23 amount. This procedure shall not be available to such agency or department in those  
24 instances where the obligor has more than one such debt or obligation in any given fiscal  
25 year, and this provision shall be construed in favor of the state agency or department so  
26 as not to alter the unquestioned ability of such state agency or department to pursue any

27 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
28 obligation of \$100.00 or less, or \$3,000.00 or less for the institutions of the Board of  
29 Regents of the University System of Georgia or the Technical College System of  
30 Georgia, has been deemed to be uncollectable, the proper individual making such  
31 determination shall transmit a recapitulation of the efforts made to collect the debt  
32 together with all other appropriate information, which shall include a reasonable estimate  
33 of the cost to pursue administratively or judicially the account, together with a  
34 recommendation to the commissioner of such state agency or department. In those  
35 instances where the commissioner makes a determination that further collection efforts  
36 would be detrimental to the public's financial interest, a certificate reflecting this  
37 determination shall be executed, and this certificate shall serve as the authority to remove  
38 such uncollectable accounts from the financial records of such state agency or  
39 department. Such certificates shall be forwarded to the state accounting officer in a  
40 manner and at such times as are reflected in the standards developed by the state  
41 accounting officer and the state agency or department. This paragraph shall stand  
42 repealed and reserved effective July 1, ~~2013~~ 2016.

43 (2) On and after July 1, ~~2013~~ 2016, all state agencies and departments, in order to  
44 preserve public funds, shall be authorized to develop appropriate standards that comply  
45 with the policies prescribed by the state accounting officer which will provide a  
46 mechanism to consider administratively discharging any obligation or charge in favor of  
47 such agency or department when such obligation or charge is \$100.00 or any lesser  
48 amount. This procedure shall not be available to such agency or department in those  
49 instances where the obligor has more than one such debt or obligation in any given fiscal  
50 year, and this provision shall be construed in favor of the state agency or department so  
51 as not to alter the unquestioned ability of such state agency or department to pursue any  
52 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
53 obligation of \$100.00 or less has been deemed to be uncollectable, the proper individual  
54 making such determination shall transmit a recapitulation of the efforts made to collect  
55 the debt together with all other appropriate information, which shall include a reasonable  
56 estimate of the cost to pursue administratively or judicially the account, together with a  
57 recommendation to the commissioner of such state agency or department. In those  
58 instances where the commissioner makes a determination that further collection efforts  
59 would be detrimental to the public's financial interest, a certificate reflecting this  
60 determination shall be executed, and this certificate shall serve as the authority to remove  
61 such uncollectable accounts from the financial records of such state agency or  
62 department. Such certificates shall be forwarded to the state accounting officer in a

63 manner and at such times as are reflected in the standards developed by the state  
64 accounting officer and the state agency or department."

65 **PART II**

66 **SECTION 2-1.**

67 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
68 2 of Article 2 of Chapter 3, relating to the University System of Georgia, by revising Code  
69 Section 20-3-86, relating to nonlapsing revenue of institutions in the university system, as  
70 follows:

71 "20-3-86.

72 Revenue collected by any or all institutions in the university system from tuition,  
73 departmental sales or services, continuing education fees, technology fees, or indirect cost  
74 recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under  
75 this Code section shall not exceed 3 percent of the tuition collected. This Code section  
76 shall stand repealed on June 30, ~~2013~~ 2016."

77 **SECTION 2-2.**

78 Said title is further amended in Article 2 of Chapter 4, relating to technical and adult  
79 education, by revising Code Section 20-4-21.1, relating to nonlapsing revenue of institutions  
80 under the Technical College System of Georgia, as follows:

81 "20-4-21.1.

82 Revenue collected by any or all institutions under the Technical College System of Georgia  
83 from tuition, departmental sales or services, continuing education fees, technology fees, or  
84 indirect cost recoveries shall not lapse. The amount of revenue from tuition that shall not  
85 lapse under this Code section shall not exceed 15 percent of the tuition collected. This  
86 Code section shall stand repealed on June 30, ~~2013~~ 2016."

87 **PART III**

88 **SECTION 3-1.**

89 This Act shall become effective upon its approval by the Governor or upon its becoming law  
90 without such approval.

91 **SECTION 3-2.**

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