

Senate Bill 378

By: Senators Albers of the 56th, Hufstetler of the 52nd, Dugan of the 30th, Hill of the 4th, Shafer of the 48th and others

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 require an economic analysis prior to the
3 introduction or amendment of legislation containing tax incentives or modifying or extending
4 existing tax incentives; to provide for definitions; to provide for a short title; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Georgia Measuring Success Act."

9 **SECTION 2.**

10 Article 3 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to fiscal
11 bills generally, is amended by revising Code Section 28-5-41, which is designated as
12 reserved, as follows:

13 "28-5-41.

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

15 (1) 'Economic analysis' means a report issued by the state auditor in accordance with this
16 Code section.

17 (2) 'Fiscal amendment' means any modification of a bill, whether by amendment,
18 substitute, or otherwise, which would cause such bill to become a tax bill.

19 (3) 'LC number' means that number preceded by the letters 'LC' assigned to a bill by the
20 Office of Legislative Counsel when that office prepares a bill for a member of the
21 General Assembly.

22 (4) 'Tax bill' means any bill that provides for a tax incentive or modifies or extends an
23 existing tax incentive.

24 (5) 'Tax incentive' means, whether direct or indirect, an exemption, exclusion, or
 25 deduction from the base of a tax, a credit against a tax, a deferral of a tax, a rebate of
 26 taxes paid, a tax abatement, or a preferential tax rate.

27 (b) A tax bill shall not be adopted by the House of Representatives or the Senate unless an
 28 economic analysis of the bill has been completed in accordance with this Code section.

29 (c) An economic analysis shall include, but not be limited to, a good faith estimate as a
 30 result of the bill becoming law upon its effective date, on an annual basis for ten years
 31 thereafter, of the following, on both a direct and indirect basis:

32 (1) Net change in state revenue;

33 (2) Net change in state expenditures, which shall include, but not be limited to, costs of
 34 administering the bill;

35 (3) Net change in economic activity; and

36 (4) Net change in public benefit.

37 (d)(1) A tax bill shall only be introduced in or accepted for introduction:

38 (A) By the House of Representatives;

39 (B) If it bears an LC number in the upper right portion of each page of the bill; and

40 (C) Has attached thereto an original fiscal statement with a corresponding LC number.

41 (2) The Clerk of the House of Representatives shall cause the summary of each
 42 economic analysis to be printed in sufficient quantity to attach a copy thereof to all
 43 printed copies of the bill.

44 (3) The original economic analysis shall be attached by the Clerk of the House of
 45 Representatives to the original version of the bill as introduced or to its substitute if the
 46 bill was amended.

47 (e)(1) To obtain an economic analysis, a member of the General Assembly shall present
 48 an exact copy of a proposed bill that bears an LC number in the upper right portion of
 49 each page of the bill and a transmittal letter that requests the state auditor to issue an
 50 economic analysis for such bill.

51 (2)(A) Within ten days of his or her receipt of a proposed bill, the state auditor shall
 52 determine whether the proposed bill is a tax bill and issue a certification reflecting that
 53 determination to the member of the General Assembly who submitted such bill to the
 54 state auditor.

55 (B) Within 30 days of his or her receipt of a proposed bill, if the proposed bill is a tax
 56 bill, the state auditor shall issue an economic analysis to the member of the General
 57 Assembly who submitted such bill to the state auditor.

58 (f) A tax bill may be modified by amendment or substitute prior to the final legislative day
 59 for each regular or special session of the General Assembly, provided that the amended or
 60 substituted bill is submitted to the state auditor for a revised economic analysis and such

61 analysis is attached to the amendment or substitute before being adopted by either chamber
62 of the General Assembly or reported out of a committee.

63 (g)(1) Any member of the General Assembly may submit a copy of a bill that has been
64 introduced, or an amendment or substitute to a bill that has been adopted, without a
65 corresponding, revised economic analysis, to the state auditor at any time for a
66 certification of whether or not the bill is a tax bill, or the amendment or substitute is a
67 fiscal amendment.

68 (2) The state auditor shall issue such certification within 72 hours following his or her
69 receipt of the submission.

70 (3) If the state auditor certifies an amendment or substitute as a fiscal amendment and
71 such fiscal amendment is or has been adopted, without a corresponding, revised economic
72 analysis attached, the bill's progress in the legislative process will end, and the bill shall
73 not be considered further by either the House of Representatives or the Senate, and, if
74 passed by the General Assembly, the bill shall not become law and shall stand repealed
75 in its entirety upon its enactment, provided that such amendment or substitute may be
76 withdrawn by the legislative body that made the amendment or substitute and thereafter
77 the bill may continue in the legislative process as any other bill, unless it is subsequently
78 amended, and, in that event, this subsection shall still apply to the subsequent
79 amendment."

80 **SECTION 3.**

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