House Bill 1128 (AS PASSED HOUSE AND SENATE)

By: Representatives Ehrhart of the 36th, Walker of the 107th, and Knight of the 126th

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

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

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

as not to alter the unquestioned ability of such state agency or department to pursue any debt, obligation, or claim in any amount whatsoever. In those instances where a debt or obligation of $100.00 or less, or $3,000.00 or less for the institutions of the Board of Regents of the University System of Georgia or the Technical College System of Georgia, has been deemed to be uncollectable, the proper individual making such determination shall transmit a recapitulation of the efforts made to collect the debt together with all other appropriate information, which shall include a reasonable estimate of the cost to pursue administratively or judicially the account, together with a recommendation to the commissioner of such state agency or department. In those instances where the commissioner makes a determination that further collection efforts would be detrimental to the public's financial interest, a certificate reflecting this determination shall be executed, and this certificate shall serve as the authority to remove such uncollectable accounts from the financial records of such state agency or department. Such certificates shall be forwarded to the state accounting officer in a manner and at such times as are reflected in the standards developed by the state accounting officer and the state agency or department. This paragraph shall stand repealed and reserved effective July 1, ~~2010~~ 2013.

(2) On and after July 1, ~~2010~~ 2013, all state agencies and departments, in order to preserve public funds, shall be authorized to develop appropriate standards that comply with the policies prescribed by the state accounting officer which will provide a mechanism to consider administratively discharging any obligation or charge in favor of such agency or department when such obligation or charge is $100.00 or any lesser amount. This procedure shall not be available to such agency or department in those instances where the obligor has more than one such debt or obligation in any given fiscal year, and this provision shall be construed in favor of the state agency or department so as not to alter the unquestioned ability of such state agency or department to pursue any debt, obligation, or claim in any amount whatsoever. In those instances where a debt or obligation of $100.00 or less has been deemed to be uncollectable, the proper individual making such determination shall transmit a recapitulation of the efforts made to collect the debt together with all other appropriate information, which shall include a reasonable estimate of the cost to pursue administratively or judicially the account, together with a recommendation to the commissioner of such state agency or department. In those instances where the commissioner makes a determination that further collection efforts would be detrimental to the public's financial interest, a certificate reflecting this determination shall be executed, and this certificate shall serve as the authority to remove such uncollectable accounts from the financial records of such state agency or department. Such certificates shall be forwarded to the state accounting officer in a

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

PART II

SECTION 2-1.

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

"20-3-86.

Revenue collected by any or all institutions in the university system from tuition, departmental sales or services, continuing education fees, technology fees, or indirect cost recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under this Code section shall not exceed 3 percent of the tuition collected. This Code section shall stand repealed on June 30, ~~2010~~ 2013."

SECTION 2-2.

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

"20-4-21.1.

Revenue collected by any or all institutions under the Technical College System of Georgia from tuition, departmental sales or services, continuing education fees, technology fees, or indirect cost recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under this Code section shall not exceed 15 percent of the tuition collected. This Code section shall stand repealed on June 30, ~~2010~~ 2013."

PART III

SECTION 3-1.

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

SECTION 3-2.

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