

The House Committee on Budget and Fiscal Affairs Oversight offers the following substitute to SB 429:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 28 and 50 of the Official Code of Georgia Annotated, relating to the General
2 Assembly and state government, respectively, so as to provide for procedures and processes
3 concerning the enactment of legislation and the adoption of rules and regulations; to provide
4 a definition; to provide for the preparation and submission of small business impact analyses
5 for bills introduced during sessions of the General Assembly; to provide for contracting; to
6 provide for the revision of small business impact analyses; to provide for legislative
7 construction; to conform terminology; to provide for related matters; to provide a short title;
8 to provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **PART I**
11 **SECTION 1-1.**

12 This Act shall be known and may be cited as the "Small Business Protection Act of 2024."

13 **PART II**
14 **SECTION 2-1.**

15 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
16 amended in Chapter 5, relating to financial affairs, by adding a new article to read as follows:

17 "ARTICLE 3B

18 28-5-57.

19 As used in this article, the term 'small business' means a business that is independently
20 owned and operated, is not dominant in its field, and employs 300 or fewer employees.

21 28-5-58.

22 (a) Prior to the convening of a session of the General Assembly, the Governor, the
23 President of the Senate, or any member of the General Assembly may request that the
24 Office of Planning and Budget and the Department of Audits and Accounts prepare a small
25 business impact analysis of any bill. Following the convening of a session of the General
26 Assembly, a small business impact analysis for a bill may only be requested by the
27 Governor, the President of the Senate, the Speaker of the House of Representatives, or the
28 chairperson of a committee to which such bill has been assigned. A small business impact
29 analysis shall estimate the economic costs and benefits that such bill may have on small
30 businesses in the state and shall include, if any, the estimated impacts on:

31 (1) The costs of providing goods and services;

32 (2) The availability and cost of workers;

33 (3) Industry competition or consumer choice; and

34 (4) Potential costs of compliance.

35 (b) If unable to provide a complete written small business impact analysis, the Office of
36 Planning and Budget and the Department of Audits and Accounts shall provide a written
37 explanation of the impact in general terms and need not quantify the specific impact.

38 (c) A small business impact analysis requested pursuant to subsection (a) of this Code
39 section shall be prepared and submitted by the director of the Office of Planning and
40 Budget and the state auditor within 30 days after receipt of the request or, if requested
41 during a session of the General Assembly, within ten days after receipt of such request. A
42 copy of the small business impact analysis shall be submitted to:

43 (1) The Governor;

44 (2) The President of the Senate;

45 (3) The Speaker of the House of Representatives;

46 (4) The chairperson of the committee to which the bill that is the subject of the small
47 business impact analysis is assigned in the house of the General Assembly in which the
48 bill was introduced;

49 (5) The sponsor of the bill that is the subject of the small business impact analysis;

50 (6) The individual who requested the small business impact analysis, if such individual
51 is not listed in paragraphs (1) through (5) of this subsection;

52 (7) The Secretary of the Senate; and

53 (8) The Clerk of the House of Representatives.

54 (d)(1) If a bill that is the subject of a small business impact analysis prepared pursuant
55 to subsection (a) of this Code section is amended or is proposed to be amended, the
56 Office of Planning and Budget and Department of Audits and Accounts shall revise such
57 small business impact analysis to account for the amended version of such bill upon the
58 request of:

59 (A) The Governor, the President of the Senate, or any member of the General
60 Assembly, if such request is made prior to the convening of a session of the General
61 Assembly; or

62 (B) The Governor, the President of the Senate, the Speaker of the House of
63 Representatives, or the chairperson of a committee to which such bill has been
64 assigned, if such request is made after the convening of a session of the General
65 Assembly.

66 (2) A revised small business impact analysis requested pursuant to paragraph (1) of this
67 subsection shall be prepared and submitted by the director of the Office of Planning and
68 Budget and the state auditor in the same manner as the original small business impact
69 analysis pursuant to subsection (c) of this Code section.

70 (e)(1) The Office of Planning and Budget and the Department of Audits and Accounts
71 may contract with a person or persons independent of state government to prepare any
72 small business impact analysis or revised small business impact analysis requested
73 pursuant to this Code section.

74 (2) When preparing a small business impact analysis or revised small business impact
75 analysis requested pursuant to this Code section, the Office of Planning and Budget, the
76 Department of Audits and Accounts, and any person or persons contracted with under
77 paragraph (1) of this subsection may consult with other units of state government, units
78 of local government, and business, industry, and community stakeholders impacted by
79 or having an interest in the bill that is the subject of such small business impact analysis.

80 (f) Any small business impact analysis or revised small business impact analysis prepared
81 for a bill pursuant to this Code section shall be attached to the bill by the Secretary of the
82 Senate or the Clerk of the House of Representatives and shall be read to the members of
83 each respective house of the General Assembly at the third reading of such bill. In
84 addition, a copy of each small business impact analysis or revised small business impact
85 analysis prepared for a bill pursuant to this Code section shall be distributed to each
86 member of the respective house of the General Assembly before which such bill is pending
87 prior to any such bill being voted upon by such house of the General Assembly.

88 28-5-59.

89 Nothing in this article shall be construed to require any degree of formality of proof of
90 compliance with any requirement of this article, and any enrolled bill shall be conclusively
91 presumed to have been enacted in compliance with the requirements of this article."

92 **SECTION 2-2.**

93 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
94 in Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or
95 repeal of rules, emergency rules, limitation on action to contest rule, and legislative override,
96 by revising subsection (a) as follows:

97 "(a) Prior to the adoption, amendment, or repeal of any rule, other than interpretive rules
98 or general statements of policy, the agency shall:

99 (1) Give at least 30 days' notice of its intended action.

100 The notice shall include an exact copy of the proposed rule and a synopsis of the
101 proposed rule. The synopsis shall be distributed with and in the same manner as the
102 proposed rule. The synopsis shall contain a statement of the purpose and the main
103 features of the proposed rule, and, in the case of a proposed amendatory rule, the synopsis
104 also shall indicate the differences between the existing rule and the proposed rule. The
105 notice shall also include the exact date on which the agency shall consider the adoption
106 of the rule and shall include the time and place in order that interested persons may
107 present their views thereon. The notice shall also contain a citation of the authority
108 pursuant to which the rule is proposed for adoption and, if the proposal is an amendment
109 or repeal of an existing rule, the rule shall be clearly identified. The notice shall be
110 mailed to all persons who have requested in writing that they be placed upon a mailing
111 list which shall be maintained by the agency for advance notice of its rule-making
112 proceedings and who have tendered the actual cost of such mailing as from time to time
113 estimated by the agency;

114 (2) Afford to all interested persons reasonable opportunity to submit data, views, or
 115 arguments, orally or in writing. In the case of substantive rules, opportunity for oral
 116 hearing must be granted if requested by 25 persons who will be directly affected by the
 117 proposed rule, by a governmental subdivision, or by an association having not less
 118 than 25 members. The agency shall consider fully all written and oral submissions
 119 respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so
 120 by an interested person either prior to adoption or within 30 days thereafter, shall issue
 121 a concise statement of the principal reasons for and against its adoption and incorporate
 122 therein its reason for overruling the consideration urged against its adoption;

123 (3) In the formulation and adoption of any rule which will have an economic impact on
 124 businesses in the state, reduce the economic impact of the rule on small businesses which
 125 are independently owned and operated, are not dominant in their field, and
 126 employ ~~100~~ 300 employees or ~~less~~ fewer by implementing one or more of the following
 127 actions when it is legal and feasible in meeting the stated objectives of the statutes which
 128 are the basis of the proposed rule:

129 (A) Establish ~~differing~~ reduced compliance or reporting requirements ~~or~~ and differing
 130 timetables for small businesses;

131 (B) Clarify, consolidate, or simplify the compliance and reporting requirements under
 132 the rule for small businesses;

133 (C) Establish performance rather than design standards for small businesses; or

134 (D) Exempt small businesses from any or all requirements of the rules;

135 (4) In the formulation and adoption of any rule which places administrative burdens on
 136 charitable organizations in this state, including, but not limited to, any rule that would
 137 require any new or expanded filing or reporting requirements or that would limit the
 138 ability of charitable organizations to solicit or collect funds, ~~the agency or official shall:~~

139 (A) Absent the showing of a compelling state interest, not impose any annual filing or
 140 reporting requirements on an organization regulated or specifically exempted from

141 regulation under Chapter 17 of Title 43, the 'Georgia Charitable Solicitations Act of
142 1988,' that are more burdensome than the requirements authorized by applicable law,
143 and any such filing or reporting requirements shall be narrowly tailored to achieve such
144 compelling state interest. The requirements of this subparagraph shall not apply to the
145 state's direct spending programs; and

146 (B) Email the notice provided for in paragraph (1) of this subsection to each
147 chairperson of any standing committee in each house as shown on the General
148 Assembly's public website.

149 For purposes of this paragraph, the term 'charitable organization' means a nonprofit
150 charitable organization which is exempt from taxation under the provisions of
151 Section 501(c)(3) of the United States Internal Revenue Code; and

152 (5) In the formulation and adoption of any rule, ~~an agency shall~~ choose an alternative
153 that does not impose excessive regulatory costs on any regulated person or entity which
154 costs could be reduced by a less expensive alternative that fully accomplishes the stated
155 objectives of the statutes which are the basis of the proposed rule."

156 **PART III**
157 **SECTION 3-1.**

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

160 **SECTION 3-2.**

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