

Senate Bill 432

By: Senators Walker III of the 20th, Anavitarte of the 31st, Burns of the 23rd, Hickman of the 4th, Jones II of the 22nd and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
 11 revising Code Section 20-3-86, relating to nonlapsing revenue of institutions in university  
 12 system, as follows:

13 "20-3-86.

14 Revenue collected by any or all institutions in the university system from tuition,  
 15 departmental sales or services, continuing education fees, technology fees, or indirect cost  
 16 recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under

S. B. 432

- 1 -

17 this Code section shall not exceed 3 percent of the tuition collected. This Code section  
18 shall stand repealed and reserved on July 1, ~~2026~~ 2031. Not later than October 15 each  
19 year, the board of regents shall provide to the Governor, the chairperson of the House  
20 Committee on Appropriations, and the chairperson of the Senate Appropriations  
21 Committee a report of all nonlapsing revenue provided for in this Code section from the  
22 preceding fiscal year, the anticipated plans for the use of such nonlapsing revenue, the  
23 actual expenses paid for from nonlapsing revenue from the previous fiscal year, and the  
24 cumulative balance of nonlapsed revenue."

25 **SECTION 2.**

26 Said title is further amended by revising Code Section 20-4-21.1, relating to nonlapsing  
27 revenue of institutions under the Technical College System of Georgia, as follows:

28 "20-4-21.1.

29 Revenue collected by any or all institutions under the Technical College System of Georgia  
30 from tuition, departmental sales or services, continuing education fees, technology fees, or  
31 indirect cost recoveries shall not lapse. The amount of revenue from tuition that shall not  
32 lapse under this Code section shall not exceed 15 percent of the tuition collected. This  
33 Code section shall stand repealed on July 1, ~~2026~~ 2031. Not later than October 15 each  
34 year, the State Board of the Technical College System of Georgia shall provide to the  
35 Governor, the chairperson of the House Committee on Appropriations, and the chairperson  
36 of the Senate Appropriations Committee a report of all nonlapsing revenue provided for  
37 in this Code section from the preceding fiscal year, the anticipated plans for the use of such  
38 nonlapsing revenue, the actual expenses paid for from nonlapsing revenue from the  
39 previous fiscal year, and the cumulative balance of nonlapsed revenue."

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**SECTION 3.**

41 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
42 by revising subsection (b) of Code Section 50-16-18, relating to writing off small amounts  
43 due to state, as follows:

44 "(b)(1) All state agencies and departments, in order to preserve public funds, shall be  
45 authorized to develop appropriate standards that comply with the policies prescribed by  
46 the state accounting officer which will provide a mechanism to consider administratively  
47 discharging any obligation or charge in favor of such agency or department when such  
48 obligation or charge is \$100.00 or any lesser amount unless the agency or department  
49 belongs to the Board of Regents of the University System of Georgia or the Technical  
50 College System of Georgia in which case the obligation or charge in favor of the  
51 institution under the Board of Regents of the University System of Georgia or the  
52 institution of the Technical College System of Georgia may be \$3,000.00 or any lesser  
53 amount. This procedure shall not be available to such agency or department in those  
54 instances where the obligor has more than one such debt or obligation in any given fiscal  
55 year, and this provision shall be construed in favor of the state agency or department so  
56 as not to alter the unquestioned ability of such state agency or department to pursue any  
57 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
58 obligation of \$100.00 or less, or \$3,000.00 or less for the institutions of the Board of  
59 Regents of the University System of Georgia or the Technical College System of  
60 Georgia, has been deemed to be uncollectable, the proper individual making such  
61 determination shall transmit a recapitulation of the efforts made to collect the debt  
62 together with all other appropriate information, which shall include a reasonable estimate  
63 of the cost to pursue administratively or judicially the account, together with a  
64 recommendation to the commissioner of such state agency or department. In those  
65 instances where the commissioner makes a determination that further collection efforts  
66 would be detrimental to the public's financial interest, a certificate reflecting this

67 determination shall be executed, and this certificate shall serve as the authority to remove  
68 such uncollectable accounts from the financial records of such state agency or  
69 department. Such certificates shall be forwarded to the state accounting officer in a  
70 manner and at such times as are reflected in the standards developed by the state  
71 accounting officer and the state agency or department. This paragraph shall stand  
72 repealed and reserved effective July 1, ~~2026~~ 2031.

73 (2) On and after July 1, ~~2026~~ 2031, all state agencies and departments, in order to  
74 preserve public funds, shall be authorized to develop appropriate standards that comply  
75 with the policies prescribed by the state accounting officer which will provide a  
76 mechanism to consider administratively discharging any obligation or charge in favor of  
77 such agency or department when such obligation or charge is \$100.00 or any lesser  
78 amount. This procedure shall not be available to such agency or department in those  
79 instances where the obligor has more than one such debt or obligation in any given fiscal  
80 year, and this provision shall be construed in favor of the state agency or department so  
81 as not to alter the unquestioned ability of such state agency or department to pursue any  
82 debt, obligation, or claim in any amount whatsoever. In those instances where a debt or  
83 obligation of \$100.00 or less has been deemed to be uncollectable, the proper individual  
84 making such determination shall transmit a recapitulation of the efforts made to collect  
85 the debt together with all other appropriate information, which shall include a reasonable  
86 estimate of the cost to pursue administratively or judicially the account, together with a  
87 recommendation to the commissioner of such state agency or department. In those  
88 instances where the commissioner makes a determination that further collection efforts  
89 would be detrimental to the public's financial interest, a certificate reflecting this  
90 determination shall be executed, and this certificate shall serve as the authority to remove  
91 such uncollectable accounts from the financial records of such state agency or  
92 department. Such certificates shall be forwarded to the state accounting officer in a

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

95 **SECTION 4.**

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

98 **SECTION 5.**

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