

The Senate Committee on Higher Education offered the following substitute to HB 67:

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 extend automatic repeals
3 of certain provisions regarding writing off small amounts due to the state; to amend Title 20
4 of the Official Code of Georgia Annotated, relating to education, so as to extend automatic
5 repeals of certain provisions regarding nonlapsing revenue of institutions in the University
6 System of Georgia and the Technical College System of Georgia; to provide for related
7 matters; to provide for 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 in Code Section 50-16-18, relating
13 to writing off small amounts due to the state, by revising subsection (b) 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. This procedure shall not be
28 available to the Board of Regents of the University System of Georgia or the State Board
29 of the Technical College System of Georgia where the obligor has accumulated a total
30 of \$3,000.00 or more of such debts or obligations in favor of an institution of the
31 University System of Georgia or the Technical College System of Georgia, and this
32 provision shall be construed in favor of the institutions of the University System of
33 Georgia and the Technical College System of Georgia to pursue any debt, obligation, or
34 claim in any amount whatsoever. In those instances where a debt or obligation of
35 \$100.00 or less, or \$3,000.00 or less for the institutions of the Board of Regents of the
36 University System of Georgia or the Technical College System of Georgia, has been
37 deemed to be uncollectable, the proper individual making such determination shall
38 transmit a recapitulation of the efforts made to collect the debt together with all other
39 appropriate information, which shall include a reasonable estimate of the cost to pursue
40 administratively or judicially the account, together with a recommendation to the
41 commissioner of such state agency or department. In those instances where the
42 commissioner makes a determination that further collection efforts would be detrimental

43 to the public's financial interest, a certificate reflecting this determination shall be
44 executed, and this certificate shall serve as the authority to remove such uncollectable
45 accounts from the financial records of such state agency or department. Such certificates
46 shall be forwarded to the state accounting officer in a manner and at such times as are
47 reflected in the standards developed by the state accounting officer and the state agency
48 or department. This paragraph shall stand repealed and reserved effective July 1, ~~2021~~
49 2026.

50 (2) On and after July 1, 2021, all state agencies and departments, in order to preserve
51 public funds, shall be authorized to develop appropriate standards that comply with the
52 policies prescribed by the state accounting officer which will provide a mechanism to
53 consider administratively discharging any obligation or charge in favor of such agency
54 or department when such obligation or charge is \$100.00 or any lesser amount. This
55 procedure shall not be available to such agency or department in those instances where
56 the obligor has more than one such debt or obligation in any given fiscal year, and this
57 provision shall be construed in favor of the state agency or department so as not to alter
58 the unquestioned ability of such state agency or department to pursue any debt,
59 obligation, or claim in any amount whatsoever. In those instances where a debt or
60 obligation of \$100.00 or less has been deemed to be uncollectable, the proper individual
61 making such determination shall transmit a recapitulation of the efforts made to collect
62 the debt together with all other appropriate information, which shall include a reasonable
63 estimate 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."

72

PART II

73

SECTION 2-1.

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

77 "20-3-86.

78 (a) Revenue collected by any or all institutions in the university system from tuition,
79 departmental sales or services, continuing education fees, technology fees, or indirect cost
80 recoveries shall not lapse. The amount of revenue from tuition that shall not lapse under
81 this Code section shall not exceed 3 percent of the tuition collected, and the amount of
82 revenue from departmental sales or services, continuing education fees, technology fees,
83 or indirect cost recoveries that shall not lapse under this Code section shall not exceed 3
84 percent of the total of all such revenue; provided, however, that no institution of the
85 university system shall retain such nonlapsing revenues unless the following conditions are
86 met:

87 (1) Not later than August 1 of each year, a revenue and spending plan is submitted by the
88 institution to the board of regents which details the origination of the nonlapsing revenues
89 and the amount, timing, and projected use of such nonlapsing revenues;

90 (2) Not later than October 1 of each year, the board of regents shall review and approve,
91 with any amendments as deemed necessary by the board of regents, each institution's
92 revenue and spending plan; and

93 (3) The board of regents shall timely provide the Office of Planning and Budget, the
94 House Budget and Research Office, and the Senate Budget and Evaluation Office with

95 copies of each institution's revenue and spending plan as approved by the board of regents
96 and such information as is requested and deemed necessary by such offices to evaluate
97 such plan.

98 (b) This Code section shall stand repealed on ~~June 30, 2021~~ July 1, 2022."

99 **SECTION 2-2.**

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

102 "20-4-21.1.

103 (a) Revenue collected by any or all institutions under the Technical College System of
104 Georgia from tuition, departmental sales or services, continuing education fees, technology
105 fees, or indirect cost recoveries shall not lapse. The amount of revenue from tuition that
106 shall not lapse under this Code section shall not exceed 15 percent of the tuition collected,
107 and the amount of revenue from departmental sales or services, continuing education fees,
108 technology fees, or indirect cost recoveries that shall not lapse under this Code section shall
109 not exceed 3 percent of the total of all such revenue; provided, however, that no institution
110 of the Technical College System of Georgia shall retain such nonlapsing revenues unless
111 the following conditions are met:

112 (1) Not later than August 1 of each year, a revenue and spending plan is submitted by the
113 institution to the State Board of the Technical College System of Georgia which details
114 the origination of the nonlapsing revenues and the amount, timing, and projected use of
115 such nonlapsing revenues;

116 (2) Not later than October 1 of each year, the State Board of the Technical College
117 System of Georgia shall review and approve, with any amendments as deemed necessary
118 by such board, each institution's revenue and spending plan; and

119 (3) The State Board of the Technical College System of Georgia shall timely provide the
120 Office of Planning and Budget, the House Budget and Research Office, and the Senate

121 Budget and Evaluation Office with copies of each institution's revenue and spending plan
122 as approved by the board and such information as is requested and deemed necessary by
123 such offices to evaluate such plan.

124 (b) This Code section shall stand repealed on ~~June 30, 2021~~ July 1, 2022."

125

PART III

126

SECTION 3-1.

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

129

SECTION 3-2.

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