

SB 2 – The FAST Act: ACCG and County Concerns with Section 2

Subsection (b)

Local governments must establish a schedule of such fees and requirements which shall include the time lines necessary for processing completed applications and a list of all documentation needed by applicants to meet regulatory requirements.

Subsection (c)(1)

Upon receipt of an application related to any fee, the applicant will pay only 50 percent of the fee. The local government must then notify the applicant whether an application is complete.

Subsections (c)(3) and (c)(4) - Whenever the local government does not meet its deadline for acting on a "complete" application, the associated fees will be reduced by 10 percent for each 10 days said action is delayed.

County Concerns

- Having multiple payments will increase the time it takes to process a license considerably and the declining fee will result in agencies establishing longer deadlines than those that are currently established.
- Larger counties are going to be burdened in developing software and systems to process these various fees and different timelines.
- Fees collected by counties cannot supplement their General Fund, but must cover the administrative costs of the permitting/application services provided; accordingly,
- If fees are reduced, costs do not go away; they are merely shifted to taxpayers who will now have to subsidize the permitting and licensing processes.

Subsection (c)(5) Any delay outside the local government's fault directly by a natural disaster, a state of emergency, through fault of the applicant or a mandated federal or state agency review or approval" shall not count towards the county's application processing time line so long as the possibility of the delay is included in the aforementioned schedule.

Subsection (d) – lines 69-75 Each city and county must establish an expedited licensing and permitting process that will give priority processing to those wishing to pay more, but the county cannot charge more than two times the original fee amount. The same fee reduction mechanism is to apply.

County Concerns

- This expedited process will necessarily result in giving priority to one applicant over another for financial gain;
-

County Concerns – cont’d.

- This can be interpreted as discriminatory against the applicant who is not aware of an expedited process;
- This may cause counties to incur additional costs in the form of staffing, software upgrades, accounting, etc.
- The additional costs incurred by counties will be passed on to property taxpayers.

Subsection (e) Each city and county shall annually review its activities which require the collection of personal information and determine whether such information could be shared with or acquired from other agencies of government (federal, state or local) rather than requiring licensed or regulated individuals/entities to provide this information to multiple agencies.

County Concerns

- “Other agencies of Government” are not defined, thus this could include all federal, state and local agencies.
- There is no mechanism for sharing between agencies and levels of government and sharing may not be easy or accurate:
 - o This may well have the unintended consequence of delaying processing by shifting the responsibility from the applicant or licensee to the board staff.
- This information is personal and confidential:
 - o Sharing requires a considerable amount of verification to determine that the information is going to a secure site and would also pose a considerable risk to the applicant’s information that currently does not exist.
- Unauthorized release of the information is more likely, and could have great consequences for the applicant, and leave the local government and taxpayers liable.
- There will be a significant cost in implementing, licensing, and maintaining software or other systems to track licensee data and to share this information or acquire information from other agencies of government rather than requiring licensed or regulated individuals and business to provide the information to multiple agencies.

Summary:

Each jurisdiction is different in terms of processes, procedures, needs, equipment, personnel, etc. and to create a one-size-fits-all model in order to create the FAST Act may prove costly and administratively difficult for local governments to implement.

Saddling local governments with additional regulations and mandates on their permitting and licensing processes will likely further complicate matters and may actually end up impeding their efficiency and effectiveness in processing permits and applications, thus impeding economic development and job growth in Georgia.

Georgia’s been ranked as the top U.S. state for doing business for several consecutive years by Area Development Magazine. Two of the top factors considered in making this determination were local governments’ favorable regulatory environment and speed of permitting.

Our concern with the FAST Act is that if things aren’t broken, what is the need for a fix?