

House Bill 1489

By: Representatives Ehrhart of the 36<sup>th</sup>, Wix of the 33<sup>rd</sup>, Wiles of the 34<sup>th</sup> and Manning of the 32<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend certain laws and provisions of the Official Code of Georgia Annotated and certain  
2 codified and uncodified laws based upon classification by population so as to revise and  
3 change the population and census application; to provide for related matters; to provide for  
4 an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 The following portions of the Official Code of Georgia Annotated, as amended, are  
8 amended:

9 (1) Code Section 3-3-7, relating to local authorization and regulation of sales of alcoholic  
10 beverages on Sunday, is amended by striking the introductory language of subsection (b) and  
11 inserting in lieu thereof the following:

12 "(b) In each county having a population of ~~550,000~~ 800,000 or more according to the  
13 United States decennial census of ~~1970~~ 2000 or any future such census in which the sale  
14 of alcoholic beverages is lawful."

15 (2) Code Section 15-16-10, relating to duties of sheriffs, is amended by striking subsection  
16 (c) in its entirety and inserting in lieu thereof the following:

17 "(c) In all counties of this state having a population of not less than ~~350,000~~ 625,000 nor  
18 more than ~~550,000~~ 725,000 according to the United States decennial census of ~~1990~~ 2000  
19 or any future such census, it shall be the duty of the sheriffs of such counties to receive,  
20 confine, feed, and care for all persons charged with the violation of any ordinances of such  
21 counties in the same manner as persons charged with an indictable offense, whether such  
22 person charged with the violation of an ordinance is being held pending a hearing before  
23 the recorder's courts of such counties or has been sentenced by the recorder's courts to  
24 imprisonment in the county jail."

25 (3) Code Section 15-16-13, relating to law enforcement contracts with municipalities, is  
26 amended by striking subsection (f) in its entirety and inserting in lieu thereof the following:

1 "(f) This Code section shall not apply to any county of ~~600,000~~ 800,000 population or  
 2 more according to the United States decennial census of ~~1970~~ 2000 or any future such  
 3 census."

4 (4) Code Section 31-3-2.1, relating to the creation of county boards of health and wellness,  
 5 is amended by striking subsection (a) in its entirety and inserting in lieu thereof the  
 6 following:

7 "(a) This Code section shall apply only to those counties of this state having a population  
 8 of ~~550,000~~ 800,000 or more according to the United States decennial census of ~~1980~~ 2000  
 9 or any future such census. To the extent that this Code section conflicts with or is  
 10 inconsistent with other provisions of this chapter, the provisions of this Code section shall  
 11 control within the counties in which this Code section is applicable. As used in this Code  
 12 section, the word 'county' means a county to which this Code section is applicable."

13 (5) Code Section 36-10-2.1, relating to the letting of county contracts in counties with  
 14 population of 550,000 or more, is amended by striking said Code section in its entirety and  
 15 inserting in lieu thereof the following:

16 "36-10-2.1.

17 In any county of this state having a population of ~~550,000~~ 800,000 or more according to  
 18 the United States decennial census of ~~1980~~ 2000 or any future such census, contracts for  
 19 building or repairing any courthouse or other public building, jail, bridge, causeway, or  
 20 other public works or public property shall be let to the lowest responsible bidder, but the  
 21 governing authority of any such county shall have the right to reject any or all bids for any  
 22 such contract. The governing authority of any such county, in considering whether a bidder  
 23 is responsible, may consider the bidder's quality of work, general reputation in the  
 24 community, financial responsibility, previous employment on public works, and  
 25 compliance with a minority business enterprise participation plan or making a good faith  
 26 effort to comply with the goals of such a plan."

27 (6) Code Section 36-67-1, relating to the applicability of zoning review procedures, is  
 28 amended by striking said Code section in its entirety and inserting in lieu thereof the  
 29 following:

30 "36-67-1.

31 This article shall apply only to those counties which have a population of ~~500,000~~ 625,000  
 32 or more according to the United States decennial census of ~~1990~~ 2000 or any future such  
 33 census and to those municipalities wholly or partially located within such counties which  
 34 have a population of 100,000 or more according to the United States decennial census of  
 35 1980 or any future such census. As used in this article, the term 'local government' means  
 36 those counties and municipalities subject to this article; and the term 'governing authority'  
 37 means the governing authority of each such county and municipality."

1 (7) Code Section 36-82-1, relating to election for bonded debt, is amended by striking  
2 subsection (b.1) in its entirety and inserting in lieu thereof the following:

3 "(b.1) In all counties of this state having a population of ~~550,000~~ 800,000 or more  
4 according to the United States decennial census of ~~1980~~ 2000 or any future such census,  
5 no county-wide bond election or school bond election in the unincorporated area of any  
6 such county shall be held on any date other than the date of the November general election;  
7 provided, however, that upon a determination by any superior court of competent  
8 jurisdiction that the holding of such election on the date of the November general election  
9 would cause irreparable harm to the electors of any such county, such election shall be held  
10 in the manner provided for in subsection (b) of this Code section."

11 (8) Code Section 45-18-7, relating to retiring employees continuing insurance coverage, is  
12 amended by striking subsection (b) in its entirety and inserting in lieu thereof the following:

13 "(b) Employees of the state-wide probation system administered by the Department of  
14 Corrections who were employees of a county probation system of a county having a  
15 population of ~~550,000~~ 800,000 or more according to the United States decennial census of  
16 ~~1980~~ 2000 or any future such census and who were members of a local retirement system  
17 and had ten or more years of creditable service under the local retirement system at the  
18 time the county probation system became a part of the state-wide probation system shall  
19 be eligible to continue coverage under the health insurance plan for the state employees  
20 upon retirement from a local retirement system by paying a premium set by the board. Such  
21 retired persons shall be eligible to enroll their spouses and eligible dependents in  
22 accordance with the regulations of the board. Such retirees shall be treated in the same  
23 manner as other retirees eligible to continue coverage under the Employees' Retirement  
24 System of Georgia. The board may promulgate and adopt rules and regulations governing  
25 continuance and discontinuance of coverage for such retired persons and their spouses and  
26 eligible dependents."

27 (9) Code Section 48-5-24, relating to payment of taxes in county in which returns are made,  
28 is amended by striking subsections (b) and (e) and paragraph (1) of subsection (c) in their  
29 entirety and inserting in lieu thereof the following:

30 "(b) In all counties having a population of not less than ~~350,000~~ 625,000 nor more than  
31 ~~550,000~~ 700,000 according to the United States decennial census of ~~1970~~ 2000 or any  
32 future such census, the taxes shall become due in two equal installments. One-half of the  
33 taxes shall be due and payable on July 1 of each year and shall become delinquent if not  
34 paid by August 15 in each year. The remaining one-half of the taxes shall be due and  
35 payable on October 1 of each year and shall become delinquent if not paid by November  
36 15 of each year. A penalty not to exceed 5 percent of the amount of each installment shall  
37 be added to each installment that is not paid before the installment becomes delinquent.

1 Intangible taxes in one installment shall become due on October 1 of each year and shall  
 2 become delinquent if not paid by December 31. A penalty not to exceed 5 percent of the  
 3 amount of intangible taxes due shall be added to any installment that is not paid before it  
 4 becomes delinquent. All taxes remaining unpaid as of the close of business on December  
 5 31 of each year shall bear interest at the rate specified in Code Section 48-2-40, but in no  
 6 event shall an interest payment for delinquent taxes be less than \$1.00. The tax collectors  
 7 shall issue executions for delinquent taxes, penalties, and interest against each delinquent  
 8 taxpayer in their respective counties. Notwithstanding the foregoing, the governing  
 9 authority of any county subject to this subsection may change the tax due dates provided  
 10 in this subsection if the county's tax digest is not approved pursuant to Code Section  
 11 48-5-271 before July 1 of any year.

12 (c)(1) All ad valorem taxes, fees, service charges, and assessments owed by any taxpayer  
 13 to any county in this state having a population of ~~550,000~~ 800,000 or more according to  
 14 the United States decennial census of ~~1970~~ 2000 or any future such census or to any  
 15 municipality lying wholly or partially within such county and having a population of  
 16 350,000 or more according to the United States decennial census of 1970 or any future  
 17 such census, which are not paid when due shall bear interest at the following rates until  
 18 paid:

19 (A) The rate specified in Code Section 48-2-40 on the total amount of any such taxes,  
 20 fees, service charges, or assessments which are not paid when due; and

21 (B) An additional rate of interest on the amount of such taxes, fees, service charges,  
 22 and assessments which exceeds \$1,000.00 equal to 1 percent per annum for each full  
 23 calendar month which elapses between the date that the taxes, fees, service charges, and  
 24 assessments first become due and the date on which they are paid in full. The total rate  
 25 of interest determined under this paragraph shall not exceed 12 percent per annum or  
 26 the rate specified in Code Section 48-2-40, whichever is more. The additional rate of  
 27 interest shall not apply to amounts determined to be owed by a taxpayer pursuant to any  
 28 arbitration, equalization, or similar proceeding, if brought in good faith by the taxpayer,  
 29 provided that the taxpayer shall have previously paid to the county or municipality the  
 30 amount of such liability which was not in dispute;"

31 "(e) In all counties having a population of not less than ~~400,000~~ 595,000 nor more than  
 32 ~~500,000~~ 660,000 according to the United States decennial census of ~~1990~~ 2000 or any  
 33 future such census, the taxes shall become due and payable on August 15 in each year and  
 34 shall become delinquent if not paid by October 15 of each year. A penalty of 5 percent of  
 35 the tax due shall accrue on taxes not paid on or before October 15 of each year, and interest  
 36 shall accrue at the rate specified in Code Section 48-2-40 on the total amount of unpaid  
 37 taxes and penalty until both the taxes and the penalty are paid. The tax collectors shall

1 issue executions for delinquent taxes, penalties, and interest against each delinquent  
 2 taxpayer in their respective counties. Nothing contained in this subsection shall be  
 3 construed to impose any liability for the payment of any ad valorem taxes upon any person  
 4 for property which was not owned on January 1 of the applicable tax year."

5 **SECTION 2.**

6 The following uncodified Acts, as amended, are amended:

7 (1) An Act fixing the compensation of the board of commissioners of counties having a  
 8 population of 550,000 or more according to the United States decennial census of 1970 or  
 9 any such future census, approved March 30, 1971 (Ga. L. 1971, p. 2369), as amended,  
 10 particularly by an Act approved April 3, 1996 (Ga. L. 1996, p. 895), is amended by striking  
 11 Section 1 in its entirety and substituting in lieu thereof a new Section 1 to read as follows:

12 "SECTION 1.

13 The chairperson of the board of commissioners of counties of this state having a population  
 14 of ~~550,000~~ 800,000 or more according to the United States decennial census of ~~1990~~ 2000  
 15 or any future such census shall be compensated in an amount not exceeding \$27,000.00 per  
 16 annum. Each of the other members of any such board of commissioners shall be  
 17 compensated in an amount not exceeding \$25,000.00 per annum. Said compensation shall  
 18 be set within the limits of this section after a public hearing in a separate resolution adopted  
 19 by a recorded vote and shall be included in the county's budget after such adoption. The  
 20 compensation provided for in this section shall be paid in equal monthly installments on  
 21 the first day of each month out of the county treasury. This section shall not apply to any  
 22 county which has an elected chief executive officer having any powers which may only be  
 23 changed if approved in a special election."

24 (2) An Act providing for minimum compensation of judges of the probate court in certain  
 25 counties having a population of 550,000 or more according to the United States decennial  
 26 census of 1980 or any such future census, approved March 26, 1982 ( Ga. L. 1982, p. 3626),  
 27 is amended by striking Section 1 in its entirety and substituting in lieu thereof a new Section  
 28 1 to read as follows:

29 "SECTION 1.

30 In all counties of this state having a population of ~~550,000~~ 800,000 or more according to  
 31 the United States decennial census of ~~1980~~ 2000 or any future such census, the judge of the  
 32 probate court of such county shall be compensated in an amount which shall be at least  
 33 equal to the amount paid to the highest paid judge of the state court of such county. Such  
 34 compensation shall be payable from the county treasury in equal monthly installments."

1 (3) An Act providing for a budget commission in certain counties, approved March 2, 1953  
2 (Ga. L. 1953, Jan.-Feb. Sess. p. 2815), as amended, particularly by an Act approved April  
3 6, 1981 (Ga. L. 1981, p. 3284), is amended by striking therefrom wherever the same shall  
4 appear the figure "600,000" and inserting in lieu thereof the figure "800,000", so that said  
5 Act, as amended, when amended by this Act shall be applicable only to counties having a  
6 population of 800,000 or more according the United States decennial census of 2000.

7 (4) An Act providing for the lease of park property in certain counties having a population  
8 of 300,000 or more according to the United States census of 1950 or any future United States  
9 census, approved February 21, 1951 (Ga. L. 1951, p. 528), as amended, particularly by an  
10 Act approved April 10, 1971 (Ga. L. 1971, p. 3386), is amended by striking the figure  
11 "600,000" and inserting in lieu thereof the figure "800,000", so that said Act, as amended,  
12 when amended by this Act shall be applicable only to counties having a population of  
13 800,000 or more according the United States decennial census of 2000.

14 (5) An Act providing for the protection of pension rights in certain counties and cities,  
15 approved March 31, 1972 (Ga. L. 1972, p. 3277), as amended, particularly by an Act  
16 approved April 6, 1981 (Ga. L. 1981, p. 3258), is amended by striking in subsection (a) of  
17 Section 1 thereof the figure "550,000" and inserting in lieu thereof the figure "800,000".

18 **SECTION 3.**

19 This Act shall become effective upon July 1, 2002.

20 **SECTION 4.**

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