

House Bill 1489 (AS PASSED HOUSE AND SENATE)

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

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 8-3-50, relating to housing authority commissioners, is amended by
16 striking the introductory language of paragraph (3) of subsection (b) and inserting in lieu
17 thereof the following:

18 "(3) In any county with a population of ~~550,000~~ 800,000 or more according to the United
19 States decennial census of ~~1990~~ 2000 or any future such census in which the governing
20 body has adopted a resolution as provided in Code Section 8-3-5, the governing body
21 shall, in addition to the other commissioners authorized under paragraph (1) of this
22 subsection:"

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

25 "(c) In all counties of this state having a population of not less than ~~350,000~~ 625,000 nor
26 more than ~~550,000~~ 725,000 according to the United States decennial census of ~~1990~~ 2000

1 or any future such census, it shall be the duty of the sheriffs of such counties to receive,
 2 confine, feed, and care for all persons charged with the violation of any ordinances of such
 3 counties in the same manner as persons charged with an indictable offense, whether such
 4 person charged with the violation of an ordinance is being held pending a hearing before
 5 the recorder's courts of such counties or has been sentenced by the recorder's courts to
 6 imprisonment in the county jail."

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

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

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

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

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

24 "36-10-2.1.

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

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

4 "36-67-1.

5 This article shall apply only to those counties which have a population of ~~500,000~~ 625,000
 6 or more according to the United States decennial census of ~~1990~~ 2000 or any future such
 7 census and to those municipalities wholly or partially located within such counties which
 8 have a population of 100,000 or more according to the United States decennial census of
 9 1980 or any future such census. As used in this article, the term 'local government' means
 10 those counties and municipalities subject to this article; and the term 'governing authority'
 11 means the governing authority of each such county and municipality."

12 (8) Code Section 36-36-70, relating to approval of proposed annexations in certain counties,
 13 is amended by striking subsection (b) and inserting in lieu thereof the following:

14 "(b) The provisions of this Code section shall apply only to those counties of this state
 15 having a population of ~~not less than 480,000 and not more than 580,00~~ not less than
 16 625,000 nor more than 725,000 according to the United States decennial census of ~~1980~~
 17 2000 or any future such census."

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

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

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

30 "(b) Employees of the state-wide probation system administered by the Department of
 31 Corrections who were employees of a county probation system of a county having a
 32 population of ~~550,000~~ 800,000 or more according to the United States decennial census of
 33 ~~1980~~ 2000 or any future such census and who were members of a local retirement system
 34 and had ten or more years of creditable service under the local retirement system at the
 35 time the county probation system became a part of the state-wide probation system shall
 36 be eligible to continue coverage under the health insurance plan for the state employees

1 upon retirement from a local retirement system by paying a premium set by the board. Such
 2 retired persons shall be eligible to enroll their spouses and eligible dependents in accordance
 3 with the regulations of the board. Such retirees shall be treated in the same manner as other
 4 retirees eligible to continue coverage under the Employees' Retirement System of Georgia.
 5 The board may promulgate and adopt rules and regulations governing continuance and
 6 discontinuance of coverage for such retired persons and their spouses and eligible
 7 dependents."

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

11 "(b) In all counties having a population of not less than ~~350,000~~ 625,000 nor more than
 12 ~~550,000~~ 700,000 according to the United States decennial census of ~~1970~~ 2000 or any
 13 future such census, the taxes shall become due in two equal installments. One-half of the
 14 taxes shall be due and payable on July 1 of each year and shall become delinquent if not
 15 paid by August 15 in each year. The remaining one-half of the taxes shall be due and
 16 payable on October 1 of each year and shall become delinquent if not paid by November
 17 15 of each year. A penalty not to exceed 5 percent of the amount of each installment shall
 18 be added to each installment that is not paid before the installment becomes delinquent.
 19 Intangible taxes in one installment shall become due on October 1 of each year and shall
 20 become delinquent if not paid by December 31. A penalty not to exceed 5 percent of the
 21 amount of intangible taxes due shall be added to any installment that is not paid before it
 22 becomes delinquent. All taxes remaining unpaid as of the close of business on December
 23 31 of each year shall bear interest at the rate specified in Code Section 48-2-40, but in no
 24 event shall an interest payment for delinquent taxes be less than \$1.00. The tax collectors
 25 shall issue executions for delinquent taxes, penalties, and interest against each delinquent
 26 taxpayer in their respective counties. Notwithstanding the foregoing, the governing
 27 authority of any county subject to this subsection may change the tax due dates provided
 28 in this subsection if the county's tax digest is not approved pursuant to Code Section
 29 48-5-271 before July 1 of any year.

30 (c)(1) All ad valorem taxes, fees, service charges, and assessments owed by any taxpayer
 31 to any county in this state having a population of ~~550,000~~ 800,000 or more according to
 32 the United States decennial census of ~~1970~~ 2000 or any future such census or to any
 33 municipality lying wholly or partially within such county and having a population of
 34 350,000 or more according to the United States decennial census of 1970 or any future
 35 such census, which are not paid when due shall bear interest at the following rates until
 36 paid:

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

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

13 "(e) In all counties having a population of not less than ~~400,000~~ 595,000 nor more than
14 ~~500,000~~ 660,000 according to the United States decennial census of ~~1990~~ 2000 or any
15 future such census, the taxes shall become due and payable on August 15 in each year and
16 shall become delinquent if not paid by October 15 of each year. A penalty of 5 percent of
17 the tax due shall accrue on taxes not paid on or before October 15 of each year, and interest
18 shall accrue at the rate specified in Code Section 48-2-40 on the total amount of unpaid
19 taxes and penalty until both the taxes and the penalty are paid. The tax collectors shall
20 issue executions for delinquent taxes, penalties, and interest against each delinquent
21 taxpayer in their respective counties. Nothing contained in this subsection shall be
22 construed to impose any liability for the payment of any ad valorem taxes upon any person
23 for property which was not owned on January 1 of the applicable tax year."

24 SECTION 2.

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

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

31 "SECTION 1.

32 The chairperson of the board of commissioners of counties of this state having a population
33 of ~~550,000~~ 800,000 or more according to the United States decennial census of ~~1990~~ 2000
34 or any future such census shall be compensated in an amount not exceeding \$27,000.00 per

1 annum. Each of the other members of any such board of commissioners shall be
 2 compensated in an amount not exceeding \$25,000.00 per annum. Said compensation shall
 3 be set within the limits of this section after a public hearing in a separate resolution adopted
 4 by a recorded vote and shall be included in the county's budget after such adoption. The
 5 compensation provided for in this section shall be paid in equal monthly installments on the
 6 first day of each month out of the county treasury. This section shall not apply to any county
 7 which has an elected chief executive officer having any powers which may only be changed
 8 if approved in a special election."

9 (2) An Act providing for minimum compensation of judges of the probate court in certain
 10 counties having a population of 550,000 or more according to the United States decennial
 11 census of 1980 or any such future census, approved March 26, 1982 (Ga. L. 1982, p. 3626),
 12 is amended by striking Section 1 in its entirety and substituting in lieu thereof a new Section
 13 1 to read as follows:

14 "SECTION 1.

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

20 (3) An Act providing for a budget commission in certain counties, approved March 2, 1953
 21 (Ga. L. 1953, Jan.-Feb. Sess. p. 2815), as amended, particularly by an Act approved April
 22 6, 1981 (Ga. L. 1981, p. 3284), is amended by striking therefrom wherever the same shall
 23 appear the figure "600,000" and inserting in lieu thereof the figure "800,000", so that said
 24 Act, as amended, when amended by this Act shall be applicable only to counties having a
 25 population of 800,000 or more according the United States decennial census of 2000.

26 (4) An Act providing for the lease of park property in certain counties having a population
 27 of 300,000 or more according to the United States census of 1950 or any future United States
 28 census, approved February 21, 1951 (Ga. L. 1951, p. 528), as amended, particularly by an
 29 Act approved April 10, 1971 (Ga. L. 1971, p. 3386), is amended by striking the figure
 30 "600,000" and inserting in lieu thereof the figure "800,000", so that said Act, as amended,
 31 when amended by this Act shall be applicable only to counties having a population of
 32 800,000 or more according the United States decennial census of 2000.

33 (5) An Act providing for the protection of pension rights in certain counties and cities,
 34 approved March 31, 1972 (Ga. L. 1972, p. 3277), as amended, particularly by an Act

1 approved April 6, 1981 (Ga. L. 1981, p. 3258), is amended by striking in subsection (a) of
2 Section 1 thereof the figure "550,000" and inserting in lieu thereof the figure "800,000".

3 **SECTION 3.**

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

5 **SECTION 4.**

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