

House Bill 1559

By: Representatives Floyd of the 69th, Post 2, Greene of the 134th, Dollar of the 31st, and Marin of the 66th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 70 of Title 36 of the Official Code of Georgia Annotated, relating to
2 coordinated and comprehensive planning and service delivery by counties and municipalities,
3 so as to exempt sheriffs, clerks of the superior courts, judges of the probate courts, and tax
4 commissioners from the definition of the term "local government"; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 70 of Title 36 of the Official Code of Georgia Annotated, relating to coordinated and
9 comprehensive planning and service delivery by counties and municipalities, is amended by
10 striking Code Section 36-70-2, relating to definitions, and inserting in its place the following:
11 "36-70-2.

12 As used in this chapter, the term:

13 (1) 'Comprehensive plan' means any plan by a county or municipality covering such
14 county or municipality proposed or prepared pursuant to the minimum standards and
15 procedures for preparation of comprehensive plans and for implementation of
16 comprehensive plans established by the department.

17 (2) 'Coordinated and comprehensive planning' means planning by counties and
18 municipalities undertaken in accordance with the minimum standards and procedures for
19 preparation of plans, for implementation of plans, and for participation in the coordinated
20 and comprehensive planning process, as established by the department.

21 (3) 'County' means any county of this state.

22 (4) 'Department' means the Department of Community Affairs of the State of Georgia
23 created pursuant to Article 1 of Chapter 8 of Title 50.

24 (5) 'Governing authority' or 'governing body' means the board of commissioners of a
25 county, sole commissioner of a county, council, commissioners, or other governing
26 authority for a county or municipality.

1 (5.1) 'Inactive municipality' means any municipality which has not for a period of three
2 consecutive calendar years carried out any of the following activities:

3 (A) The levying or collecting of any taxes or fees;

4 (B) The provision of any of the following governmental services: water; sewage;
5 garbage collection; police protection; fire protection; or library; or

6 (C) The holding of a municipal election.

7 (5.2) 'Local government' means any county as defined in paragraph (3) of this Code
8 section or any municipality as defined in paragraph (7) of this Code section. The term
9 does not include any school district of this state or any sheriff, clerk of the superior court,
10 judge of the probate court, or tax commissioner or the office, personnel, or services
11 provided by any such elected constitutional county officer.

12 (5.3) 'Mechanisms' includes, but is not limited to, intergovernmental agreements,
13 ordinances, resolutions, and local Acts of the General Assembly in effect on July 1, 1997,
14 or executed thereafter.

15 (6) 'Minimum standards and procedures' means the minimum standards and procedures
16 for preparation of comprehensive plans, for implementation of comprehensive plans, and
17 for participation in the coordinated and comprehensive planning process, as established
18 by the department, in accordance with Article 1 of Chapter 8 of Title 50. Minimum
19 standards and procedures shall include any standards and procedures for such purposes
20 prescribed by a regional development center for counties and municipalities within its
21 region and approved in advance by the department.

22 (7) 'Municipality' means any municipal corporation of the state and any consolidated
23 city-county government of the state.

24 (8) 'Region' means the territorial area within the boundaries of operation for any regional
25 development center, as such boundaries shall be established from time to time by the
26 board of the department.

27 (9) 'Regional development center' means a regional development center established
28 under Article 2 of Chapter 8 of Title 50."

29 SECTION 2.

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