

House Bill 186 (AM)

By: Representatives Mitchell of the 88th, Mosley of the 178th, Floyd of the 99th, Meadows of the 5th, and Henson of the 87th

A BILL TO BE ENTITLED
AN ACT

1 To amend provisions of the Official Code of Georgia Annotated relating to funds; to amend
2 Chapter 21A of Title 15 of the Official Code of Georgia Annotated, relating to judicial
3 accounting, so as to remove the penalties for failure to remit funds; to amend Code Section
4 36-87-2 of the Official Code of Georgia Annotated, relating to the authority of counties and
5 municipal corporations to participate in federal programs, so as to expand the purposes for
6 which federal funds may be used by a county or municipal corporation; to repeal conflicting
7 laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 21A of Title 15 of the Official Code of Georgia Annotated, relating to judicial
11 accounting, is amended by repealing Code Section 15-21A-8, relating to penalties for failure
12 to remit funds, which reads as follows:

13 "15-21A-8.

14 Any clerk of court or any other officer or agent receiving any funds subject to this chapter
15 who knowingly fails to pay over any such funds to the authority as required by this chapter,
16 after receiving notice from the authority that such funds are delinquent, shall be guilty of
17 a misdemeanor, except that if the amount of funds knowingly not paid over is \$10,000.00
18 or more then such person shall be guilty of a felony and punished by imprisonment for not
19 less than one nor more than ten years. The offense created by this Code section shall not
20 merge with any other offense."

21 **SECTION 2.**

22 Code Section 36-87-2 of the Official Code of Georgia Annotated, relating to the authority
23 of counties and municipal corporations to participate in federal programs, is amended by
24 striking subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

1 "(a) Each county and municipal corporation of the State of Georgia is authorized to
2 participate in federal programs which provide federal grants and federal loans for such
3 purposes including but not limited to housing, transportation, and water and waste-water
4 treatment and distribution purposes. Supplementary to any existing authority granted by
5 law, counties and municipal corporations shall be authorized to exercise the following
6 powers:

- 7 (1) To expend revenues, but shall not impose any new form of taxation; and
8 (2) To contract:
9 (A) With the United States, its departments and agencies;
10 (B) With the State of Georgia, its departments, agencies, and authorities;
11 (C) With regional development centers, political subdivisions of the state, and public
12 authorities of such subdivisions; and
13 (D) With private nonprofit entities organized for the purpose of providing services to
14 persons of low and moderate income when such entities are exempt from federal
15 income tax pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986
16 when the exercise of such powers is necessary to comply with the conditions established
17 by federal law and federal regulations for eligibility for participation in such federal
18 programs."

19 **SECTION 3.**

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