

House Bill 1403 (AS PASSED HOUSE AND SENATE)

By: Representative Martin of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-8-89.1 of the Official Code of Georgia Annotated, relating to
2 distribution of local option sales tax proceeds after certification of additional qualified
3 municipalities, so as to change provisions relating to new qualified municipalities chartered
4 by local Act; to make provisions for newly expanded qualified municipalities which have
5 expanded through annexation under certain circumstances; to define terms; to provide for
6 distribution certificates and distribution formulas; to provide for other related matters; to
7 provide an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 48-8-89.1 of the Official Code of Georgia Annotated, relating to distribution
11 of local option sales tax proceeds after certification of additional qualified municipalities, is
12 amended by striking subsection (f) and inserting in its place a new subsection to read as
13 follows:

14 "(f)(1) ~~This~~ As used in this subsection shall apply only when, the term:

15 (A) ~~A 'New qualified municipality' means a municipal corporation is~~ which has been
16 chartered by local Act since the date of filing with the commissioner of the most
17 recently filed certificate under Code Section 48-8-89 within a county which has a
18 special district for the provision of local government services consisting of the
19 unincorporated area of the county; ~~and (B) The~~ where the population of the
20 unincorporated area of the county ~~will~~, after removal of the population of the new
21 municipality from the unincorporated area, ~~constitute~~ constitutes less than 20 percent
22 of the population of the county according to the most recent decennial census.

23 (B) 'Newly expanded qualified municipality' means a municipal corporation which
24 since the date of filing with the commissioner of the most recently filed certificate
25 under Code Section 48-8-89 has increased its population by more than 15 percent

1 through one or more annexations and is located in the same county as a new qualified
 2 municipality.

3 (2) Notwithstanding any other provision of this Code section, if there exists within any
 4 special district in which the tax authorized by this article is imposed a new qualified
 5 municipality ~~described in paragraph (1) of this subsection which was not a qualified~~
 6 ~~municipality on the date of filing with the commissioner of the most recently filed~~
 7 ~~certificate under Code Section 48-8-89~~ or a newly expanded qualified municipality or
 8 both, such qualified municipality or municipalities may request the commissioner to give
 9 notice of the qualified municipality's or municipalities' existence and status as a new
 10 qualified municipality or newly expanded qualified municipality as provided in this
 11 subsection. Upon receipt of such a request, the commissioner shall, unless he or she
 12 determines that the requesting entity is not a new qualified municipality or newly
 13 expanded qualified municipality, within 30 days give written notice of the qualified
 14 municipality's existence and status to the county which is conterminous with the special
 15 district in which the qualified municipality is located and to each other qualified
 16 municipality within the special district. Such written notice shall include the name of the
 17 new qualified municipality or newly expanded qualified municipality, the effective date
 18 of the notice, and a statement of the provisions of this subsection.

19 (3) Within 60 days after the effective date of the notice referred to in paragraph (2) of
 20 this subsection, a new distribution certificate shall be filed with the commissioner for the
 21 special district. This distribution certificate shall address only the proceeds of the tax
 22 available for distribution from the percentage allocated to the county in the current
 23 distribution certificate and shall specify as a percentage of the total proceeds of the tax
 24 what portion of the proceeds shall be received by the county in which the special district
 25 is located and by the new qualified municipality and newly expanded qualified
 26 municipality, if any.

27 (4) Except as otherwise provided in this paragraph, a distribution certificate required by
 28 this subsection must be executed by the governing authorities of the county within which
 29 the special district is located ~~and~~, each new qualified municipality located wholly or
 30 partially within the special district, and each newly expanded qualified municipality, if
 31 any. If a new certificate is not filed within 60 days as required by paragraph (3) of this
 32 subsection, the commissioner shall distribute the proceeds of the tax available for
 33 distribution from the percentage allocated to the county in the current distribution
 34 certificate such that ~~the~~:

35 (A) The new qualified municipality receives an allocation equal on a per capita basis
 36 to the average per capita allocation to the other qualified municipalities in the county

1 (according to population), to be expended as provided in paragraph (2) of subsection
 2 (a) of Code Section 48-8-89; and
 3 (B) Any newly expanded qualified municipality receives a total allocation of tax
 4 proceeds (including any amount previously allocated) equal on a per capita basis to the
 5 average per capita allocation to the other qualified municipalities in the county
 6 (according to population), to be expended as provided in paragraph (2) of subsection
 7 (a) of Code Section 48-8-89.

8 Every other qualified municipality shall continue to receive the share provided by the
 9 existing distribution certificate or otherwise provided by law. The county shall receive
 10 the remaining proceeds of the tax, to be expended as provided in paragraph (2) of
 11 subsection (a) of Code Section 48-8-89. For the purpose of determining the population
 12 of ~~new~~ qualified municipalities, only that portion of the population of each such
 13 municipality which is located within the special district shall be computed. For the
 14 purpose of determining population under this Code section, all calculations of population
 15 shall be according to the most recent decennial census, including the census data from
 16 such census applicable to any annexed territory.

17 (5) The commissioner shall begin to distribute the proceeds as specified in the newly
 18 filed certificate ~~applicable to the county and the new qualified municipality~~ or, if such a
 19 certificate is not filed, as specified in paragraph (4) of this subsection on the first day of
 20 the first month which begins more than 60 days after the effective date of the notice
 21 referred to in paragraph (2) of this subsection. The commissioner shall continue to
 22 distribute the proceeds of the tax according to the existing certificate and the certificate
 23 applicable to the county and the new qualified municipality or, if such a certificate is not
 24 filed, as specified in paragraph (4) of this subsection until a subsequent certificate is filed
 25 and becomes effective as provided in Code Section 48-8-89."

26 SECTION 2.

27 This Act shall become effective upon its approval by the Governor or upon its becoming law
 28 without such approval.

29 SECTION 3.

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