

House Bill 137

By: Representatives Bruce of the 64th, Fludd of the 66th, Beasley-Teague of the 65th, Heckstall of the 62nd, Long of the 61st, and others

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 distribution of tax proceeds; to make
4 provisions for qualified district areas; to define terms; to provide for distribution certificates
5 and distribution formulas; to provide for other related matters; to provide an effective date;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-8-89.1 of the Official Code of Georgia Annotated, relating to distribution
10 of local option sales tax proceeds after certification of additional qualified municipalities, is
11 amended by revising subsection (f) as follows:

12 "(f)(1) As used in this subsection, the term:

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

21 (B) 'Newly expanded qualified municipality' means a municipal corporation which
22 since the date of filing with the commissioner of the most recently filed certificate
23 under Code Section 48-8-89 has increased its population by more than 15 percent
24 through one or more annexations and is located in the same county as a new qualified
25 municipality.

26 (C) 'Qualified district area' means a special district for the provision of local
27 government services consisting of the remaining unincorporated area of the county

28 where the population of the unincorporated area of the county, after removal of the
 29 population of a new municipality or newly expanded municipality from the
 30 unincorporated area, constitutes less than 10 percent of the population of the county
 31 according to the most recent decennial census.

32 (2) Notwithstanding any other provision of this Code section, if there exists within any
 33 special district in which the tax authorized by this article is imposed a new qualified
 34 municipality, ~~or a newly expanded qualified municipality or both,~~ or qualified district
 35 area, or any combination thereof, such qualified municipality or municipalities or
 36 qualified district area may request the commissioner to give notice of the qualified
 37 municipality's or municipalities' or qualified district area's existence and status as a new
 38 qualified municipality, ~~or newly expanded qualified municipality, or qualified district~~
 39 ~~area~~ as provided in this subsection. Upon receipt of such a request, the commissioner
 40 shall, unless he or she determines that the requesting entity is not a new qualified
 41 municipality, ~~or newly expanded qualified municipality, or qualified district area,~~ within
 42 30 days give written notice of the qualified municipality's or qualified district area's
 43 existence and status to the county which is conterminous with the special district in which
 44 the qualified municipality or qualified district area is located and to each other qualified
 45 municipality within the special district. Such written notice shall include the name of the
 46 new qualified municipality, ~~or newly expanded qualified municipality, or qualified~~
 47 ~~district area,~~ the effective date of the notice, and a statement of the provisions of this
 48 subsection.

49 (3) Within 60 days after the effective date of the notice referred to in paragraph (2) of
 50 this subsection, a new distribution certificate shall be filed with the commissioner for the
 51 special district. This distribution certificate shall address only the proceeds of the tax
 52 available for distribution from the percentage allocated to the county in the current
 53 distribution certificate and shall specify as a percentage of the total proceeds of the tax
 54 what portion of the proceeds shall be received by the county in which the special district
 55 is located and by the new qualified municipality, ~~and newly expanded qualified~~
 56 ~~municipality, or qualified district area,~~ if any.

57 (4) Except as otherwise provided in this paragraph, a distribution certificate required by
 58 this subsection must be executed by the governing authorities of the county within which
 59 the special district is located, of each new qualified municipality located wholly or
 60 partially within the special district, and of each newly expanded qualified municipality,
 61 if any. Except as otherwise provided in this paragraph, a distribution certificate required
 62 by this subsection must also be executed by the governing authority of the county within
 63 which the special district is located and by the governing authority of the county on
 64 behalf of the qualified district area, if any. If a new certificate is not filed within 60 days

65 as required by paragraph (3) of this subsection, the commissioner shall distribute the
 66 proceeds of the tax available for distribution from the percentage allocated to the county
 67 in the current distribution certificate such that:

68 (A) The new qualified municipality or qualified district area receives an allocation
 69 equal on a per capita basis to the average per capita allocation to the other qualified
 70 municipalities in the county (according to population), to be expended as provided in
 71 paragraph (2) of subsection (a) of Code Section 48-8-89; and

72 (B) Any newly expanded qualified municipality or qualified district area receives a
 73 total allocation of tax proceeds (including any amount previously allocated) equal on
 74 a per capita basis to the average per capita allocation to the other qualified
 75 municipalities in the county (according to population), to be expended as provided in
 76 paragraph (2) of subsection (a) of Code Section 48-8-89.

77 Every other qualified municipality shall continue to receive the share provided by the
 78 existing distribution certificate or otherwise provided by law. The county shall receive
 79 the remaining proceeds of the tax, to be expended as provided in paragraph (2) of
 80 subsection (a) of Code Section 48-8-89. For the purpose of determining the population
 81 of qualified municipalities, only that portion of the population of each such municipality
 82 which is located within the special district shall be computed. For the purpose of
 83 determining the population of qualified district areas, only that portion of the population
 84 of each such district area which is located within the special district shall be computed.
 85 For the purpose of determining population under this Code section, all calculations of
 86 population shall be according to the most recent decennial census, including the census
 87 data from such census applicable to any annexed territory.

88 (5) The commissioner shall begin to distribute the proceeds as specified in the newly
 89 filed certificate or, if such a certificate is not filed, as specified in paragraph (4) of this
 90 subsection on the first day of the first month which begins more than 60 days after the
 91 effective date of the notice referred to in paragraph (2) of this subsection. The
 92 commissioner shall continue to distribute the proceeds of the tax according to the existing
 93 certificate and the certificate applicable to the county and the new qualified municipality
 94 or qualified district area or, if such a certificate is not filed, as specified in paragraph (4)
 95 of this subsection until a subsequent certificate is filed and becomes effective as provided
 96 in Code Section 48-8-89.

97 **SECTION 2.**

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

100

SECTION 3.

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