

House Bill 1169

By: Representatives Bruce of the 64th, Fludd of the 66th, Willard of the 49th, Beasley-Teague of the 65th, and Brooks of the 63rd

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 or, within 30 days after the last day of the 60 day alternative dispute
 52 resolution period required by paragraph (3) of subsection (d) of Code Section 48-8-89,
 53 the county, any qualified municipality located wholly or partially within the special
 54 district, or any new qualified municipality, ~~or newly expanded qualified municipality, or~~
 55 qualified district area located wholly or partially within the special district may file a
 56 petition in superior court seeking resolution of the items remaining in dispute pursuant
 57 to the procedure set forth in paragraph (4) of subsection (d) of Code Section 48-8-89.
 58 The new distribution certificate shall address only the proceeds of the tax available for
 59 distribution from the percentage allocated to the county in the current distribution
 60 certificate and shall specify as a percentage of the total proceeds of the tax what portion
 61 of the proceeds shall be received by the county in which the special district is located and

62 by the new qualified municipality, ~~and~~ newly expanded qualified municipality, or
 63 qualified district area located wholly or partially within the special district, if any.

64 (4) Except as otherwise provided in this paragraph, a distribution certificate required by
 65 this subsection must be executed by the governing authorities of the county within which
 66 the special district is located, each new qualified municipality located wholly or partially
 67 within the special district, and each newly expanded qualified municipality, if any.
 68 Except as otherwise provided in this paragraph, a distribution certificate required by this
 69 subsection must also be executed by the governing authority of the county within which
 70 the special district is located and by the governing authority of the county on behalf of
 71 the qualified district area, if any. If a new certificate is not filed within 60 days as
 72 required by paragraph (3) of this subsection, the commissioner shall distribute the
 73 proceeds of the tax available for distribution from the percentage allocated to the county
 74 in the current distribution certificate such that:

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

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

84 Every other qualified municipality shall continue to receive the share provided by the
 85 existing distribution certificate or otherwise provided by law. The county shall receive
 86 the remaining proceeds of the tax, to be expended as provided in paragraph (2) of
 87 subsection (a) of Code Section 48-8-89. For the purpose of determining the population
 88 of qualified municipalities, only that portion of the population of each such municipality
 89 which is located within the special district shall be computed. For the purpose of
 90 determining the population of qualified district areas, only that portion of the population
 91 of each such district area which is located within the special district shall be computed.

92 For the purpose of determining population under this Code section, all calculations of
 93 population shall be according to the most recent decennial census, including the census
 94 data from such census applicable to any annexed territory.

95 (5) The commissioner shall begin to distribute the proceeds as specified in the newly
 96 filed certificate or, if such a certificate is not filed, as specified in paragraph (4) of this
 97 subsection on the first day of the first month which begins more than 60 days after the
 98 effective date of the notice referred to in paragraph (2) of this subsection. The

99 commissioner shall continue to distribute the proceeds of the tax according to the existing
100 certificate and the certificate applicable to the county and the new qualified municipality
101 or, if such a certificate is not filed, as specified in paragraph (4) of this subsection until
102 a subsequent certificate is filed and becomes effective as provided in Code Section
103 48-8-89."

104 **SECTION 2.**

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

107 **SECTION 3.**

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