

The House Committee on Ways and Means offers the following substitute to HB 715:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
2 relating to municipal taxation, so as to prohibit certain contracts, extensions, or renewals
3 regarding the billing and collection of municipal taxes and preparation of tax digests; to
4 provide for new requirements regarding contracts to assess and collect municipal taxes and
5 prepare tax digests; to provide for procedures, conditions, and limitations; to provide for
6 related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 6 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to
11 municipal taxation, is amended by revising Code Section 48-5-359.1, relating to contracts
12 to assess and collect municipal taxes and prepare tax digests, as follows:

13 "48-5-359.1.

14 ~~(a)(1)(A) This paragraph shall apply to a county which has fewer than 50,000 tax~~
15 ~~parcels within such county.~~

16 ~~(B) Any county and any municipality wholly or partially located within such county~~
17 ~~may contract, subject to approval by the tax commissioner of the county, for the tax~~
18 ~~commissioner to prepare the tax digest for such municipality; to assess and collect~~
19 ~~municipal taxes in the same manner as county taxes; and, for the purpose of collecting~~
20 ~~such municipal taxes, to invoke any remedy permitted for collection of municipal taxes.~~
21 ~~Any contract authorized by this subsection between the county governing authority and~~
22 ~~a municipality shall specify an amount to be paid by the municipality to the county~~
23 ~~which amount will substantially approximate the cost to the county of providing the~~
24 ~~service to the municipality. Notwithstanding the provisions of any other law, the tax~~
25 ~~commissioner is authorized to contract for and to accept, receive, and retain~~
26 ~~compensation from the municipality for such additional duties and responsibilities in~~

27 addition to that compensation provided by law to be paid to the tax commissioner by
 28 the county.

29 ~~(2)(A) This paragraph shall apply to any county which has 50,000 or more tax parcels
 30 within such county.~~

31 ~~(B) Any county and any municipality wholly or partially located within such county
 32 may contract for the tax commissioner to prepare the tax digest for such municipality;
 33 to assess and collect municipal taxes in the same manner as county taxes; and, for the
 34 purpose of collecting such municipal taxes, to invoke any remedy permitted for
 35 collection of municipal taxes. Any contract authorized by this subsection between the
 36 county governing authority and a municipality shall specify an amount to be paid by the
 37 municipality to the county which amount will substantially approximate the cost to the
 38 county of providing the service to the municipality. Notwithstanding the provisions of
 39 any other law, the tax commissioner is authorized to accept, receive, and retain
 40 compensation from the county for such additional duties and responsibilities in addition
 41 to that compensation provided by law to be paid to the tax commissioner by the county.~~

42 ~~(b) With respect to any county for which the office of tax commissioner has not been
 43 created, any reference in subsection (a) of this Code section to the tax commissioner shall
 44 be deemed to refer to the tax receiver and the tax collector.~~

45 (a)(1) No contract which was entered into under any provision of this subsection as it
 46 existed prior to the effective date of this Act shall be in any way renewed or extended.
 47 Any such contract shall remain valid and in force and effect, but only until the expiration
 48 date specified in such contract. Any such new contract or its extension or renewal
 49 entered into on or after the effective date of this Act which violates this paragraph shall
 50 be deemed contrary to public policy and shall be unenforceable.

51 (2) No other contract between the tax commissioner and a municipality which was
 52 entered into prior to the effective date of this Act for the collection of municipal taxes
 53 which provides for compensation to the tax commissioner from the municipality for the
 54 billing and collection of municipal taxes shall be in any way renewed or extended. Any
 55 such contract shall remain valid and in force and effect, but only until the expiration date
 56 specified in such contract. Any such new contract or its extension or renewal entered into
 57 on or after the effective date of this Act which violates this paragraph shall be deemed
 58 contrary to public policy and shall be unenforceable.

59 (b) With respect to any county for which the office of tax commissioner has not been
 60 created, any reference in subsection (a) or (c) of this Code section to the tax commissioner
 61 shall be deemed to refer to the tax receiver and the tax collector.

62 (c) Subject to approval by the tax commissioner of the county, the governing authority of
 63 any county and the governing authority of any municipality wholly or partially located

64 within such county may jointly contract with the tax commissioner of the county to prepare
 65 the tax digest for such municipality; to bill and collect municipal taxes in the same manner
 66 as county taxes; and, for the purpose of collecting such municipal taxes, to invoke any
 67 remedy permitted for collection of municipal taxes. Any contract authorized by this
 68 subsection between the county governing authority and a municipal governing authority
 69 shall specify an amount to be paid by the municipality to the county which amount will
 70 substantially approximate the cost to the county of providing the service to the
 71 municipality. The tax commissioner shall be authorized to perform the duties specified
 72 under this subsection when a contract is entered between such county and municipal
 73 governing authorities for this service. The tax commissioner is specifically prohibited from
 74 contracting directly with the governing authority of the municipality or any person or entity
 75 representing such municipality for such additional duties and responsibilities. However,
 76 as compensation for such additional duties and responsibilities, the tax commissioner shall
 77 be authorized to receive and the county authorized to pay to the tax commissioner a
 78 municipal supplemental salary. This supplement shall be in addition to any other
 79 compensation provided by law to the tax commissioner. In the event the county governing
 80 authority enters into a contract under this subsection, it shall be the responsibility of the
 81 county governing authority to pay to the office of the tax commissioner the amount
 82 specified in the contract between the county and municipal governing authorities to provide
 83 additional funding to the office of the tax commissioner to cover the additional costs
 84 incurred by that office for performing such service for each year such contract is in effect."

85 **SECTION 2.**

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

88 **SECTION 3.**

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