House Bill 109 (AS PASSED HOUSE AND SENATE)
By: Representatives Black of the 174th, Shaw of the 176th, Carter of the 175th, and Hatfield of the 177th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 68 of Title 36 of Official Code of Georgia Annotated, relating to consolidation of a county and municipality through repeal of the charter of the municipality, so as to provide that under certain circumstances a county which contains no municipality shall be deemed to constitute a consolidated government and shall be subject to certain provisions of said chapter; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 68 of Title 36 of Official Code of Georgia Annotated, relating to consolidation of a county and municipality through repeal of the charter of the municipality, is amended by adding a new Code section to read as follows:

"36-68-4.

(a) If as of July 1, 2007, or at any time thereafter there exists in this state a county in which no part of any municipal corporation is located, then the governing authority of that county may elect that the county shall thenceforth be deemed to be and constituted as a consolidated government for purposes of the laws of this state. In order to be effective under this Code section, the election by the county governing authority must comply with all of the following conditions:

(1) The election shall be carried out by the adoption of an appropriate resolution by the county governing authority which must be adopted by unanimous vote of the members of the governing authority voting thereon and ratified by a majority of the electors of the county voting in a referendum;

(2) The election must be made by the county governing authority within one calendar year after July 1, 2007, or such later date as this Code section becomes applicable to the county;

(3) The county must at the time of election be providing at least three of the services specified in subsection (b) of Code Section 36-30-7.1; and

(4) Within 30 days after the adoption of the resolution and ratification by the electors of the county a certification of election must be filed by the county with the Department of Community Affairs in such form and manner as may be specified by the department.

(b) A county which is constituted as a consolidated government under this Code section shall constitute a municipal corporation as well as a county for the purpose of the application of the general laws and Constitution of this state. Such a county may exercise the powers vested in municipalities generally as well as the powers vested in the county by general or local law. When similar but not identical laws apply to counties and municipalities and a determination must be made as to which law applies, the county which is constituted as a consolidated government may elect which law to proceed under.

(c) When a county has become subject to this Code section, no municipal corporation may thereafter be created in or extend into the county."

SECTION 2.

This Act shall become effective on July 1, 2007.

SECTION 3.

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