

Senate Bill 615

By: Senators James of the 28th, Rahman of the 5th, Harbison of the 15th and Mangham of the 55th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to
2 incorporation of municipal corporations, so as to provide for county police services for
3 qualified municipalities; to hold certain agreements void; to provide for special service
4 districts to raise funds for police services for qualified municipalities; to prohibit qualified
5 municipalities from taking control of, maintaining, or responsibility for certain infrastructure;
6 to provide for exceptions; to provide qualified municipalities access to certain provisions; to
7 provide for a definition; to provide for related matters; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation
12 of municipal corporations, is amended in Code Section 36-31-11.1, relating to municipality
13 control over parks and fire stations, by revising paragraph (1) of subsection (a), by revising
14 subsection (d), and by adding new subsections to read as follows:

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15 "(1) 'County' means:

16 (A) A a county in which a tax is being levied and collected for purposes of a
17 metropolitan area system of public transportation; or

18 (B) Any county which owns, operates, or maintains, directly or by service agreement,
19 a transit system that links with or provides transfers to and from a metropolitan system
20 of public transportation."

21 "(c.1) A qualified municipality created by local Act which became law on or after
22 January 1, 2022, shall continue to receive police and law enforcement services from the
23 county in which such qualified municipality was created so long as property owners within
24 a qualified municipality continue to pay a property tax to the county's general fund. Such
25 county shall not charge or assess, by agreement or otherwise, any cost to the qualified
26 municipality for the county's provision of police and law enforcement services separate
27 from the property tax paid by such qualified municipality's property owners into the
28 county's general fund, nor shall the county raise the general fund millage rate for such
29 qualified municipality's property owners in a manner which is inconsistent with the general
30 fund millage rate paid by unincorporated property owners. Such county may create a
31 special service district to be funded by property owners of both the qualified municipality
32 and the county for police and law enforcement services so long as the rate set by the county
33 for such special service district is paid by property owners of both the qualified
34 municipality and the county. A qualified municipality may elect not to utilize the county
35 in which such qualified municipality was created for the provision of police and law
36 enforcement services. This Code section shall not prohibit the county in which a qualified
37 municipality was created from adding other municipalities to any special service district
38 created by the county for police and law enforcement services. Any agreement inconsistent
39 with this Code section shall be void.

40 (d) A qualified municipality located within a county that charges fees on a periodic basis
41 for the provision of water or sewer services, or both, including but not limited to storm

42 water services, may elect to continue receiving such services for the same fees charged
43 residents in the unincorporated area of the county. Such election may be set forth in the
44 local Act creating such qualified municipality or be made by resolution of the governing
45 authority of the qualified municipality provided the governing authority of the qualified
46 municipality delivers a copy of such resolution to the governing authority of the county
47 within 30 days after the date the resolution is adopted. A qualified municipality shall not
48 take control of, maintain, be responsible for, or hold title to any infrastructure designed to
49 temporarily retain 500 gallons or more of storm water or any dams or detention ponds
50 located within the boundaries of such municipality that, prior to the creation of such
51 municipality, were controlled, maintained, or the responsibility of the county in which such
52 qualified municipality was created unless such municipality provides notice to the county
53 by resolution of its intent to do otherwise. Regardless of any transition period, the county
54 shall continue to control, maintain, and be responsible for such infrastructure in the same
55 manner and degree as the county did prior to the incorporation of the qualified municipality
56 until the qualified municipality and the county agree otherwise. The provisions of any
57 agreement requiring a qualified municipality to accept ownership of detention ponds or
58 other water and sewer related infrastructure as a condition to continuing to receive water
59 or sewer services, or both, including but not limited to storm water services, from the
60 county, shall be void."
61 "(m) Notwithstanding any other provision of law to the contrary, the provisions of this
62 Code section shall be available and applicable to any qualified municipality at any time."

63 **SECTION 2.**

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