

House Bill 42

By: Representatives Lim of the 98th, Lumsden of the 12th, Reeves of the 99th, and Mainor of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
2 valorem taxation, so as to revise provisions concerning the duties of county tax
3 commissioners with respect to the assessment and collection of municipal taxes and fees; to
4 provide for terms and conditions; to provide for related matters; to provide for effective dates
5 and applicability; to provide for nonseverability; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

13 "48-5-359.1.

14 (a)(1)(A) Any municipality wholly or partially located within a county may contract
15 for any such county and its tax commissioner to prepare the tax digest for such
16 municipality; to assess and collect municipal taxes, fees, or special assessments in the

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17 same manner as county taxes; and, for the purpose of collecting such municipal taxes,
18 fees, or special assessments to invoke any remedy permitted for collection of municipal
19 taxes or fees.

20 (B) A municipality may only contract with a county tax commissioner under this Code
21 section concerning the areas of the municipality represented by such county tax
22 commissioner.

23 (2) Any contract authorized by this subsection shall:

24 (A) Be a three-party contract negotiated between and approved by the municipality, the
25 county, and the county's tax commissioner;

26 (B) Be applicable only and limited to the county tax commissioner's current term of
27 office plus the year immediately following it, inclusive of any period of the current term
28 of office fulfilled by any other person serving as the county tax commissioner;

29 (C) Specify the exact services to be provided by the county tax commissioner;

30 (D) Specify an amount to be paid by the municipality to such tax commissioner's
31 county; such amount shall substantially approximate the cost to the county of providing
32 the services to the municipality; and

33 (E) Specify the total amount to be paid by the municipality to such county and
34 thereafter paid by such county to its tax commissioner for conducting such services.

35 (3) In addition to the fixed salary that a county must pay to its tax commissioner by law,
36 a county shall pay to its tax commissioner any amounts received by the county and due
37 to the tax commissioner under any contracts approved by such county governing
38 authority in accordance with subparagraph (2)(E) of this subsection, provided that the
39 aggregate amount paid to or accepted, received, or retained by the county tax
40 commissioner for the contractual services allowed under this subsection shall not, for any
41 year, exceed 50 percent of the minimum annual salary to be paid to such tax
42 commissioner by the county pursuant to Code Section 48-5-183 and subsection (g) of
43 Code Section 48-5-137, regardless of whether such county tax commissioner is paid by

44 a fixed salary or by a fee system of compensation in lieu of a fixed salary. For any year
45 in which the amount to be paid to the county tax commissioner would exceed such annual
46 limit, the excess funds shall be returned no later than April 1 of the following year by the
47 county to the contracting municipalities, which paid their contractual amounts in full, in
48 a pro rata share based upon the total number of tax parcels within each municipality
49 relative to the combined number of tax parcels of all such contracting municipalities.

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

52 ~~(B) Any county and any municipality wholly or partially located within such county~~
53 ~~may contract, subject to approval by the tax commissioner of the county, for the tax~~
54 ~~commissioner to prepare the tax digest for such municipality; to assess and collect~~
55 ~~municipal taxes in the same manner as county taxes; and, for the purpose of collecting~~
56 ~~such municipal taxes, to invoke any remedy permitted for collection of municipal taxes.~~
57 ~~Any contract authorized by this subsection between the county governing authority and~~
58 ~~a municipality shall specify an amount to be paid by the municipality to the county~~
59 ~~which amount will substantially approximate the cost to the county of providing the~~
60 ~~service to the municipality. Notwithstanding the provisions of any other law, the tax~~
61 ~~commissioner is authorized to contract for and to accept, receive, and retain~~
62 ~~compensation from the municipality for such additional duties and responsibilities in~~
63 ~~addition to that compensation provided by law to be paid to the tax commissioner by~~
64 ~~the county.~~

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

67 ~~(B) Any county and any municipality wholly or partially located within such county~~
68 ~~may contract for the tax commissioner to prepare the tax digest for such municipality;~~
69 ~~to assess and collect municipal taxes in the same manner as county taxes; and, for the~~
70 ~~purpose of collecting such municipal taxes, to invoke any remedy permitted for~~

71 ~~collection of municipal taxes. Any contract authorized by this subsection between the~~
72 ~~county governing authority and a municipality shall specify an amount to be paid by the~~
73 ~~municipality to the county which amount will substantially approximate the cost to the~~
74 ~~county of providing the service to the municipality. Notwithstanding the provisions of~~
75 ~~any other law, the tax commissioner is authorized to accept, receive, and retain~~
76 ~~compensation from the county for such additional duties and responsibilities in addition~~
77 ~~to that compensation provided by law to be paid to the tax commissioner by the county.~~
78 ~~(3)(A) This paragraph shall apply to any county which contains 14 or more~~
79 ~~municipalities, in whole or in part, within such county, and paragraphs (1) and (2) of~~
80 ~~this subsection shall not apply to such counties.~~
81 ~~(B) Any county and any municipality wholly or partially located within such county~~
82 ~~may contract for the county tax commissioner to prepare the tax digest for such~~
83 ~~municipality; to assess and collect municipal taxes in the same manner as county taxes;~~
84 ~~and, for the purpose of collecting such municipal taxes, to invoke any remedy permitted~~
85 ~~for collection of municipal taxes. Such contracts shall not be subject to the approval~~
86 ~~of any county tax commissioner. Any contract authorized by this subparagraph~~
87 ~~between the county governing authority and a municipality shall specify an amount to~~
88 ~~be paid by the municipality to the county which amount will substantially approximate~~
89 ~~the cost to the county of providing the service to the municipality, as well as the cost~~
90 ~~to the county of providing compensation to its tax commissioner, if any, with respect~~
91 ~~to providing such service. Notwithstanding any provision of law to the contrary,~~
92 ~~including paragraphs (1) and (2) of this subsection, the tax commissioner of any such~~
93 ~~county shall conduct such additional duties and responsibilities, and shall be authorized~~
94 ~~to accept, receive, and retain compensation to be determined and paid by the county for~~
95 ~~such additional duties and responsibilities in addition to that compensation provided by~~
96 ~~law to be paid to the tax commissioner by the county. Nothing in this subparagraph~~

97 ~~shall require a county to compensate the county tax commissioner for such additional~~
98 ~~duties and responsibilities.~~

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

102 **SECTION 2.**

103 This Act shall become effective upon its approval by the Governor or upon its becoming law
104 without such approval, shall be applicable and effective thereafter except with respect to any
105 active contract that was executed in accordance with Code Section 48-5-359.1 as it existed
106 the day before the effective date of this Act. For such active contracts, Section 1 of this Act
107 shall become applicable upon the expiration of the present contract year to which such
108 contract pertains and shall be applicable thereafter.

109 **SECTION 3.**

110 In the event any section, subsection, paragraph, subparagraph, item, sentence, clause, phrase,
111 or word of this Act is declared or adjudged to be invalid or unconstitutional, the remaining
112 portions of this Act shall automatically be repealed upon the entry of such declaration or
113 adjudication and shall not remain of full force and effect after such declaration or
114 adjudication. The General Assembly declares that it would not have enacted the remaining
115 parts of this Act if it had known that such portion of this Act would be declared or adjudged
116 invalid or unconstitutional.

117 **SECTION 4.**

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