

House Bill 1115 (AS PASSED HOUSE AND SENATE)

By: Representatives Geisinger of the 48th, Dudgeon of the 25th, Jones of the 47th, Lindsey of the 54th, Rice of the 95th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating one or more community improvement districts in unincorporated
2 Fulton County and within each municipality therein, approved April 3, 1987 (Ga. L. 1987,
3 p. 5460), as amended, particularly by an Act approved April 2, 1998 (Ga. L. 1998, p. 4065),
4 as amended, so as to change certain definitions; to change certain provisions regarding
5 written consent of property owners; to change provisions relating to the appointment of
6 district board members; to provide for an effective date and applicability; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act creating one or more community improvement districts in unincorporated Fulton
11 County and within each municipality therein, approved April 3, 1987 (Ga. L. 1987, p. 5460),
12 as amended, particularly by an Act approved April 2, 1998 (Ga. L. 1998, p. 4065), as
13 amended, is amended in Section 3 by striking paragraph (12) and inserting in lieu thereof a
14 new paragraph to read as follows:

15 "(12) 'Property owner' or 'owner of real property' means any entity or person shown as
16 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
17 records of Fulton County within the district as certified by the chairperson of the Fulton
18 County Board of Tax Assessors. Multiple owners of one parcel shall constitute one
19 property owner and shall designate in writing one of their number to represent the whole."

20 **SECTION 2.**

21 Said Act is further amended by striking paragraph (2) of Section 4 and inserting in lieu
22 thereof a new paragraph (2) to read as follows:

23 "(2) Written consent to the creation of the community improvement district by:

24 (A) A majority of the owners of real property within the district which will be subject
25 to taxes, fees, and assessments levied by the board of the district;

26 (B) The owners of real property within the district which constitutes at least 75 percent
 27 by value of all real property within the district which will be subject to taxes, fees, and
 28 assessments levied by the board and for this purpose value shall be determined by the
 29 most recent approved county ad valorem tax digest; and

30 (C) The written consent provided for in this paragraph shall be submitted to the
 31 chairperson of the Fulton County Board of Tax Assessors who shall within 60 days of
 32 receipt of said written consent either certify whether subparagraphs (A) and (B) of this
 33 paragraph have been satisfied with respect to each such proposed district or state in
 34 writing the reasons why certification cannot be made.

35 No district or board created under this Act shall transact any business or exercise any
 36 powers under this Act until the conditions of this paragraph are met. A copy of such
 37 resolutions shall be filed with the Secretary of State who shall maintain a record of all
 38 districts activated under this Act and a second copy shall be filed with the Department of
 39 Community Affairs."

40 **SECTION 3.**

41 Said Act is further amended by striking subsection (a) of Section 5 and inserting in lieu
 42 thereof a new subsection (a) to read as follows:

43 "(a) Each district created pursuant to this Act shall be administered by a board composed
 44 of a minimum of seven members to be appointed and elected as provided in this section.
 45 If more than 50 percent of the land area of the district is located within unincorporated
 46 Fulton County, two board members shall be appointed by the Fulton County Board of
 47 Commissioners, one board member shall be appointed by the governing authority of each
 48 municipality within which any portion of the district lies, and the remaining board
 49 members shall be elected by the owners of real property within the district subject to taxes,
 50 fees, and assessments levied by the board. If less than 50 percent of the land area of the
 51 district is located within unincorporated Fulton County, one board member shall be
 52 appointed by the Fulton County Board of Commissioners, one board member shall be
 53 appointed by the governing authority of each municipality within which any portion of the
 54 district lies, and the remaining board members shall be elected by the owners of real
 55 property within the district subject to taxes, fees, and assessments levied by the board. The
 56 board shall be seven in number plus one member appointed by the governing authority of
 57 each municipality as provided above. The appointed board members shall serve at the
 58 pleasure of the governing body which appointed same, respectively. The initial elected
 59 board members shall serve for terms of office as follows: two shall serve for two years, and
 60 the remaining board members shall serve for four years. Thereafter, all terms of office of
 61 elected board members shall be for four years."

62 **SECTION 4.**

63 Said Act is further amended by striking paragraph (2) of subsection (a) of Section 14 and
64 inserting in lieu thereof a new paragraph to read as follows:

65 "(2) The written consent to the dissolution of the community improvement district by:
66 (A) Two-thirds (67 percent) of the owners of real property within the district which are
67 subject to taxes, fees, and assessments levied by the board of the district; and
68 (B) The owners of real property constituting at least 75 percent by value of all real
69 property within the district which are to be subject to taxes, fees, and assessments
70 levied by the board and for this purpose value shall be determined by the most recent
71 approved county ad valorem tax digest.

72 The written consent provided for in this paragraph shall be submitted to the chairperson
73 of the Fulton County Board of Tax Assessors, who shall certify whether subparagraphs
74 (A) and (B) of this paragraph have been satisfied with respect to each proposed district
75 dissolution."

76 **SECTION 5.**

77 This Act shall become effective upon its approval by the Governor or upon its becoming law
78 without such approval and shall apply to any community improvement district created after
79 the effective date of this Act.

80 **SECTION 6.**

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