

House Bill 1361 (COMMITTEE SUBSTITUTE)

By: Representatives Martin of the 47th, Royal of the 171st, Graves of the 137th, and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the
2 "Redevelopment Powers Law," so as to change certain definitions; to change certain
3 provisions regarding minimum millage rate requirements; to change certain provisions
4 relative to creation of tax allocation districts; to change certain provisions regarding
5 payments in lieu of taxes to certain political subdivisions; to amend Code Section 48-5-32.1,
6 relating to certification of assessed taxable value of property and method of computation, so
7 as to make certain conforming changes thereto; to provide for related matters; to provide for
8 an effective date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 44 of Title 36 of the Official Code of Georgia Annotated, the "Redevelopment
12 Powers Law," is amended by striking Code Section 36-44-3, relating to definitions applicable
13 to such chapter, and inserting in lieu thereof a new Code Section 36-44-3 to read as follows:
14 "36-44-3.

15 As used in this chapter, the term:

16 (1) 'Ad valorem property taxes' means all ad valorem property taxes levied by each
17 political subdivision and each county and independent board of education consenting to
18 the inclusion of that board of education's property taxes as being applicable to a tax
19 allocation district as provided by Code Section 36-44-9, except ~~those~~:

20 (A) Those ad valorem property taxes levied to repay bonded indebtedness;

21 (B) Unless otherwise provided in the resolution creating such district, those ad valorem
22 property taxes levied on personal property or on motor vehicles; and

23 (C) Unless otherwise provided in the resolution creating such district, those ad
24 valorem property taxes levied on the assessed value of property owned by public
25 utilities and railroad companies, as determined pursuant to the provisions of Chapter
26 5 of Title 48.

1 (2) 'Area of operation' means, in the case of a municipality or its redevelopment agency,
 2 the territory lying within the corporate limits of such municipality; in the case of a county
 3 or its redevelopment agency, the territory lying within the unincorporated area of the
 4 county; and, in the case of a consolidated government or its redevelopment agency, the
 5 area lying within the territorial boundaries of the consolidated government. 'Area of
 6 operation' may also mean the combined areas of operation of political subdivisions which
 7 participate in the creation of a common redevelopment agency to serve such participating
 8 political subdivisions as provided in subsection (d) of Code Section 36-44-4.

9 (3) 'Local legislative body' means the official or body in which the legislative powers of
 10 a political subdivision are vested.

11 (4) 'Political subdivision' means any county, municipality, or consolidated government
 12 of this state.

13 (5) 'Redevelopment' means any activity, project, or service necessary or incidental to
 14 achieving the development or revitalization of a redevelopment area or a portion thereof
 15 designated for redevelopment by a redevelopment plan or the preservation or
 16 improvement of historical or natural assets within a redevelopment area or a portion
 17 thereof designated for redevelopment by a redevelopment plan. Without limiting the
 18 generality of the foregoing, redevelopment may include any one or more of the following:

19 (A) The construction of any building or other facility for use in any business,
 20 commercial, industrial, governmental, educational, charitable, or social activity;

21 (B) The renovation, rehabilitation, reconstruction, remodeling, repair, demolition,
 22 alteration, or expansion of any existing building or other facility for use in any business,
 23 commercial, industrial, governmental, educational, charitable, or social activity;

24 (C) The construction, reconstruction, renovation, rehabilitation, remodeling, repair,
 25 demolition, alteration, or expansion of public or private housing;

26 (D) The construction, reconstruction, renovation, rehabilitation, remodeling, repair,
 27 demolition, alteration, or expansion of public works or other public facilities necessary
 28 or incidental to the provision of governmental services;

29 (E) The identification, preservation, renovation, rehabilitation, reconstruction,
 30 remodeling, repair, demolition, alteration, or restoration of buildings or sites which are
 31 of historical significance;

32 (F) The preservation, protection, renovation, rehabilitation, restoration, alteration,
 33 improvement, maintenance, and creation of open spaces or green spaces;

34 (G) The development, construction, reconstruction, repair, demolition, alteration, or
 35 expansion of structures, equipment, and facilities for mass transit;

36 (H) The development, construction, reconstruction, renovation, rehabilitation, repair,
 37 demolition, alteration, or expansion of telecommunication infrastructure;

1 (I) The development, construction, reconstruction, renovation, rehabilitation, repair,
2 demolition, alteration, or expansion of facilities for the improvement of pedestrian
3 access and safety;

4 (J) Improving or increasing the value of property; and

5 (K) The acquisition and retention or acquisition and disposition of property for
6 redevelopment purposes or the use for redevelopment purposes of property already
7 owned by a political subdivision or any agency or instrumentality thereof.

8 (6) 'Redevelopment agency' means the local legislative body of a political subdivision
9 or a public body corporate and politic created as the redevelopment agency of the
10 political subdivision or an existing public body corporate and politic designated as the
11 redevelopment agency of the political subdivision pursuant to Code Section 36-44-4.

12 (7) 'Redevelopment area' means:

13 (A) Any urbanized or developed area in which the structures, buildings, or
14 improvements, by reason of dilapidation, deterioration, age, or obsolescence,
15 inadequate provision for ventilation, light, air, sanitation, or open spaces, high density
16 of population and overcrowding, or the existence of conditions which endanger life or
17 property by fire and other causes, or any combination of such factors, is conducive to
18 ill health, transmission of disease, infant mortality, high unemployment, juvenile
19 delinquency, or crime and is detrimental to the public health, safety, morals, or welfare;

20 (B) Any urbanized or developed area which by reason of the presence of a predominant
21 number of substandard, slum, deteriorated, or deteriorating structures; the
22 predominance of defective or inadequate street layout, inadequate parking, roadways,
23 bridges, or public transportation facilities incapable of handling the volume of traffic
24 flow into or through the area, either at present or following proposed redevelopment;
25 the faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary
26 or unsafe conditions; deterioration of site or other improvements; the diversity of
27 ownership, tax, or special assessment delinquency exceeding the fair value of the land;
28 diversity of ownership on defective or unusual conditions of title which prevent or
29 encumber the free alienability of land; or the existence of conditions which endanger
30 life or property by fire and other causes; or any combination of the foregoing,
31 substantially impairs or arrests the sound growth of the community, retards the
32 provision of housing accommodations or employment opportunities; or constitutes an
33 economic or social liability and is a menace to the public health, safety, morals, or
34 welfare in its present condition and use;

35 (C) Any open area located within an urbanized or developed area within the corporate
36 limits of a municipality which because of any factor or combination of factors

1 enumerated in subparagraph (A) or (B) of this paragraph substantially impairs or arrests
2 the sound growth of the community;

3 (D) Any area located within an urbanized or developed area and which, immediately
4 prior to becoming an open area, qualified as a redevelopment area under subparagraph
5 (A) or (B) of this paragraph;

6 (E) Any area located within an urbanized or developed area which is substantially
7 underutilized by containing open lots or parcels of land or by containing a substantial
8 number of buildings or structures which are 40 years old or older or by containing
9 structures or buildings of relatively low value as compared to the value of structures or
10 buildings in the vicinity of the area or by having development impaired by airport and
11 related transportation noise or by related environmental factors or an area in which
12 there is a shortage of housing that is affordable for persons of low or moderate income
13 which the local legislative body designates as appropriate for community
14 redevelopment or by any combination of the foregoing factors;

15 (F) Any geographic area designated within the comprehensive plan of a political
16 subdivision for redevelopment which has previously been developed for commercial,
17 residential, industrial, office, or similar or ancillary uses and which lies within the
18 service delivery area of the political subdivision, in which the current condition of the
19 area is less desirable than the redevelopment of the area for new commercial,
20 residential, industrial, office, or other uses, or a combination of uses, including the
21 provision of open space or pedestrian and transit improvements, and any geographic
22 area that is adversely affected by airport or transportation related noise or other
23 environmental degradation, contamination, or other environmental factors which the
24 political subdivision has determined to be impairing or retarding the redevelopment of
25 the area;

26 (G) Any urbanized or developed area or an area connecting two or more urbanized or
27 developed areas that has been subject to some development but which has inadequate
28 roadways, bridges, or public transportation or transit facilities incapable of handling the
29 volume of traffic or passenger flow in or through the area in a safe and efficient manner
30 either at present or following proposed redevelopment; or

31 (H) Any area combining any factors specified in subparagraphs (A) through (G) of this
32 paragraph.

33 (8) 'Redevelopment costs' means any expenditures made or estimated to be made or
34 monetary obligations incurred or estimated to be incurred to achieve the redevelopment
35 of a redevelopment area or any portion thereof designated by a redevelopment plan or any
36 expenditures made to carry out or exercise any powers granted by this chapter. Without

1 limiting the generality of the foregoing, redevelopment costs may include any one or
2 more of the following:

3 (A) Capital costs, including the costs incurred or estimated to be incurred for the
4 construction of public works or improvements, new buildings, structures, and fixtures;
5 the renovation, rehabilitation, reconstruction, remodeling, repair, demolition, alteration,
6 or expansion of existing buildings, structures, and fixtures; the acquisition of
7 equipment; and the clearing and grading of land;

8 (B) Financing costs, including, but not limited to, all necessary and incidental expenses
9 related to the issuance of obligations and which may include payment of interest on any
10 obligations issued under this chapter occurring during the estimated period of
11 construction of any project with respect to which any capital costs within the meaning
12 of subparagraph (A) of this paragraph are financed in whole or in part by such
13 obligations and for a period not to exceed 42 months after completion of any such
14 construction and including reasonable reserves related thereto and all principal and
15 interest paid to holders of evidences of indebtedness issued to pay for other
16 redevelopment costs and any premium paid over the principal amount thereof because
17 of the redemption of such obligations prior to maturity;

18 (C) Professional service costs, including those costs incurred for architectural,
19 planning, engineering, financial, marketing, and legal advice and services;

20 (D) Imputed administrative costs, including reasonable charges for the time spent by
21 public employees in connection with the implementation of a redevelopment plan;

22 (E) Relocation costs as authorized by a redevelopment plan for persons or businesses
23 displaced by the implementation of a redevelopment plan, including but not limited to,
24 those relocation payments made following condemnation under Chapter 4 of Title 22,
25 'The Georgia Relocation Assistance and Land Acquisition Policy Act';

26 (F) Organizational costs, including the costs of conducting environmental impact and
27 other studies, and the costs of informing the public with respect to the creation and
28 implementation of redevelopment plans;

29 (G) ~~Payments by one political subdivision~~ to a political subdivision or board of
30 education in lieu of taxes to compensate for any loss of tax revenues or for any capital
31 costs incurred because of redevelopment activity; provided, however, that any such
32 payments to a political subdivision or board of education shall not exceed in any year
33 the amount of the contribution to the tax allocation increment in that year by such
34 political subdivision or board of education; and

35 (H) Real property assembly costs.

36 (9) 'Redevelopment plan' means a written plan of redevelopment for a redevelopment
37 area or a designated portion thereof which:

- 1 (A) Specifies the boundaries of the proposed redevelopment area;
- 2 (B) Explains the grounds for a finding by the local legislative body that the
3 redevelopment area on the whole has not been subject to growth and development
4 through private enterprise and would not reasonably be anticipated to be developed
5 without the approval of the redevelopment plan or that the redevelopment area includes
6 one or more natural or historical assets which have not been adequately preserved or
7 protected and such asset or assets would not reasonably be anticipated to be adequately
8 preserved or protected without the approval of the redevelopment plan;
- 9 (C) Explains the proposed uses after redevelopment of real property within the
10 redevelopment area;
- 11 (D) Describes any redevelopment projects within the redevelopment area proposed to
12 be authorized by the redevelopment plan, estimates the cost thereof, and explains the
13 proposed method of financing such projects;
- 14 (E) Describes any contracts, agreements, or other instruments creating an obligation
15 for more than one year which are proposed to be entered into by the political
16 subdivision or its redevelopment agency or both for the purpose of implementing the
17 redevelopment plan;
- 18 (F) Describes the type of relocation payments proposed to be authorized by the
19 redevelopment plan;
- 20 (G) Includes a statement that the proposed redevelopment plan conforms with the local
21 comprehensive plan, master plan, zoning ordinance, and building codes of the political
22 subdivision or explains any exceptions thereto;
- 23 (H) Estimates redevelopment costs to be incurred or made during the course of
24 implementing the redevelopment plan;
- 25 (I) Recites the last known assessed valuation of the redevelopment area and the
26 estimated assessed valuation after redevelopment;
- 27 (J) Provides that property which is to be redeveloped under the plan and which is either
28 designated as a historic property under Article 2 of Chapter 10 of Title 44, the 'Georgia
29 Historic Preservation Act,' or is listed on or has been determined by any federal agency
30 to be eligible for listing on the National Register of Historic Places will not be:
- 31 (i) Substantially altered in any way inconsistent with technical standards for
32 rehabilitation; or
- 33 (ii) Demolished unless feasibility for reuse has been evaluated based on technical
34 standards for the review of historic preservation projects,
35 which technical standards for rehabilitation and review shall be those used by the state
36 historic preservation officer, although nothing in this subparagraph shall be construed

1 to require approval of a redevelopment plan or any part thereof by the state historic
2 preservation officer;

3 (K) Specifies the proposed effective date for the creation of the tax allocation district
4 and the proposed termination date;

5 (L) Contains a map specifying the boundaries of the proposed tax allocation district
6 and showing existing uses and conditions of real property in the proposed tax allocation
7 district;

8 (M) Specifies the estimated tax allocation increment base of the proposed tax
9 allocation district;

10 (N) Specifies ad valorem property taxes for computing tax allocation increments
11 determined in accordance with Code Section 36-44-9 and supported by any resolution
12 required under paragraph ~~(2)~~(3) of Code Section 36-44-8;

13 (O) Specifies the amount of the proposed tax allocation bond issue or issues and the
14 term and assumed rate of interest applicable thereto;

15 (P) Estimates positive tax allocation increments for the period covered by the term of
16 the proposed tax allocation bonds;

17 (Q) Specifies the property proposed to be pledged for payment or security for payment
18 of tax allocation bonds which property may include positive tax allocation increments
19 derived from the tax allocation district, all or part of general funds derived from the tax
20 allocation district, and any other property from which bonds may be paid under Code
21 Section 36-44-14, subject to the limitations of Code Sections 36-44-9 and 36-44-20;
22 and

23 (R) Includes such other information as may be required by resolution of the political
24 subdivision whose area of operation includes the proposed redevelopment area.

25 (10) 'Resolution' means a resolution or ordinance by which a local legislative body takes
26 official legislative action, and any duly-adopted amendment thereto.

27 (11) 'Special fund' means the fund provided for in subsection (c) of Code Section
28 36-44-11.

29 (12) 'Tax allocation bonds' means one or more series of bonds, notes, or other obligations
30 issued by a political subdivision to finance, wholly or partly, redevelopment costs within
31 a tax allocation district and which are issued on the basis of pledging for the payment or
32 security for payment of such bonds positive tax allocation increments derived from the
33 tax allocation district, all or part of general funds derived from the tax allocation district,
34 and any other property from which bonds may be paid under Code Section 36-44-14, as
35 determined by the political subdivision subject to the limitations of Code Sections
36 36-44-9 and 36-44-20. Tax allocation bonds shall not constitute debt within the meaning
37 of Article IX, Section V of the Constitution.

1 (13) 'Tax allocation district' means a contiguous geographic area within a redevelopment
 2 area which is defined and created by resolution of the local legislative body of a political
 3 subdivision pursuant to subparagraph (B) of paragraph (3) of Code Section 36-44-8 for
 4 the purpose of issuing tax allocation bonds to finance, wholly or partly, redevelopment
 5 costs within the area.

6 (14) 'Tax allocation increment' means that amount obtained by multiplying the total ad
 7 valorem property taxes, determined as provided in Code Section 36-44-9, levied ~~on all~~
 8 ~~taxable property~~ within a tax allocation district in any year by a fraction having a
 9 numerator equal to that year's taxable value of all taxable property subject to ad valorem
 10 property taxes within the tax allocation district minus the tax allocation increment base
 11 and a denominator equal to that year's taxable value of all taxable property subject to ad
 12 valorem property taxes within the tax allocation district. In any year, a tax allocation
 13 increment is 'positive' if the tax allocation increment base is less than that year's taxable
 14 value of all taxable property subject to ad valorem property taxes and 'negative' if such
 15 base exceeds such taxable value.

16 (15) 'Tax allocation increment base' means the taxable value of all taxable property
 17 subject to ad valorem property taxes, as certified by the state revenue commissioner,
 18 located within a tax allocation district on the effective date such district is created
 19 pursuant to Code Section 36-44-8.

20 (16) 'Taxable property' means all real and personal property subject to ad valorem
 21 ~~property taxes of taxation by~~ a political subdivision, including property subject to local
 22 ad valorem taxation for educational purposes.

23 (17) 'Taxable value' means the current assessed value of taxable property as shown on
 24 the tax digest of the county in which the property is located."

25 SECTION 2.

26 Said chapter is further amended by striking in its entirety Code Section 36-44-8, relating to
 27 creation of tax allocation districts, and inserting in lieu thereof a new Code Section 36-44-8
 28 to read as follows:

29 "36-44-8.

30 In order to create and carry out the purposes of a tax allocation district, the following steps
 31 are required:

32 (1) Preparation by the redevelopment agency of a redevelopment plan for the proposed
 33 tax allocation district and its submission for consent to the political subdivision or board
 34 of education required to consent, if the plan proposes to include in the tax allocation
 35 increment ad valorem property taxes levied by a political subdivision or board of
 36 education required to consent to such inclusion under Code Section 36-44-9, or if the plan

1 proposes to pledge for payment or security for payment of tax allocation bonds and other
 2 redevelopment costs the general funds of a county required to consent to such inclusion
 3 under Code Section 36-44-9;

4 (2) Submission of the redevelopment plan to the local legislative body of the political
 5 subdivision whose area of operation will include the tax allocation district;

6 (3) Adoption by the local legislative body of a resolution approving the redevelopment
 7 plan and which:

8 (A) Describes the boundaries of the tax allocation district with sufficient definiteness
 9 to identify with ordinary and reasonable certainty the territory included. The boundaries
 10 shall include only those whole units of property assessed for ad valorem property tax
 11 purposes;

12 (B) Creates the district on December 31 following the adoption of the resolution or on
 13 December 31 of a subsequent year as determined by the local legislative body;

14 (C) Assigns a name to the district for identification purposes. The first district created
 15 shall be known as 'Tax Allocation District Number 1,' followed by the name of the
 16 political subdivision within whose area of operation the district is located;

17 (D) Specifies the estimated tax allocation increment base;

18 (E) Specifies ad valorem property taxes to be used for computing tax allocation
 19 increments;

20 (F) Specifies the property proposed to be pledged for payment or security for payment
 21 of tax allocation bonds which property may include positive tax allocation increments
 22 derived from the tax allocation district, all or part of general funds derived from the tax
 23 allocation district, and any other property from which bonds may be paid under Code
 24 Section 36-44-14, as determined by the political subdivision subject to the limitations
 25 of Code Sections 36-44-9 and 36-44-20; and

26 (G) Contains findings that:

27 (i) The redevelopment area on the whole has not been subject to growth and
 28 development through private enterprise and would not reasonably be anticipated to
 29 be developed without the approval of the redevelopment plan or includes one or more
 30 natural or historical assets which have not been adequately preserved or protected and
 31 such asset or assets would not reasonably be anticipated to be adequately preserved
 32 or protected without the approval of the redevelopment plan; and

33 (ii) The improvement of the area is likely to enhance the value of a substantial
 34 portion of the other real property in the district.

35 If any information required to be included in the resolution approving the redevelopment
 36 plan under subparagraphs (A) through (G) of this paragraph is contained in the
 37 redevelopment plan, then the resolution approving the redevelopment plan may

1 incorporate by reference that portion of the redevelopment plan containing said
 2 information; and
 3 (4) A certified copy of any resolution giving the consent required under paragraph (1)
 4 of this Code section must be submitted to the local legislative body of the political
 5 subdivision whose area of operation will include the tax allocation district prior to
 6 inclusion of such ad valorem property taxes or general funds in calculation of the tax
 7 allocation increment."

8 **SECTION 3.**

9 Said chapter is further amended by redesignating subsection (e) of Code Section 36-44-9,
 10 relating to computation of tax allocation increments, as subsection (f) thereof, and inserting
 11 immediately prior to said new subsection (f), a new subsection (e) to read as follows:
 12 "(e) The resolution of any county, municipality, consolidated government or board of
 13 education consenting to the inclusion of ad valorem property taxes in the computation of
 14 tax increments shall not specify the inclusion of any ad valorem property taxes not
 15 specified in the resolution creating the tax allocation district."

16 **SECTION 4.**

17 Said chapter is further amended by striking in its entirety subsection (e) of Code Section
 18 36-44-10, relating to determination of tax allocation increment base of proposed district,
 19 effect of amending district, identification on tax digests and notice of current taxable value
 20 and tax increment base, and inserting in lieu thereof a new subsection (e) to read as follows:
 21 "(e) The county board of tax assessors, joint city-county board of tax assessors, or
 22 consolidated government board of tax assessors shall annually give notice to the county tax
 23 collector or tax commissioner and to the municipal official responsible for collecting
 24 municipal ad valorem property taxes as to both the current taxable value of property subject
 25 to ad valorem property taxes within each tax allocation district and the tax allocation
 26 increment base. The notice shall also explain that any taxes collected as a result of
 27 increases in the tax allocation increment base constitute tax allocation increments and shall
 28 be paid to the appropriate political subdivision as provided by subsection (b) of Code
 29 Section 36-44-11."

30 **SECTION 5.**

31 Said chapter is further amended by striking in its entirety Code Section 36-44-11, relating
 32 to allocation of positive tax allocation increments of district and creation of special fund, and
 33 inserting in lieu thereof a new Code Section 36-44-11 to read as follows:

1 "36-44-11.

2 (a) Positive tax allocation increments of a tax allocation district shall be allocated to the
3 political subdivision which created the district for each year from the effective date of the
4 creation of the district until that time when all redevelopment costs and all tax allocation
5 bonds of the district have been paid or provided for, subject to any agreement with
6 bondholders. General funds derived from the tax allocation district which have been
7 pledged for payment or security for payment of tax allocation bonds and other
8 redevelopment costs of the tax allocation district shall also be allocated to the political
9 subdivision which created the district for each year from the effective date of the creation
10 of the district until that time when all redevelopment costs and all tax allocation bonds have
11 been paid or provided for, subject to any agreement with bondholders.

12 (b)(1) Each county tax collector or tax commissioner, municipal official responsible for
13 collecting municipal ad valorem property taxes, or consolidated government official
14 responsible for collecting consolidated government ad valorem property taxes shall, on
15 the dates provided by law for the payment of taxes collected to the respective political
16 subdivisions, pay over to the appropriate fiscal officer of each political subdivision
17 having created a tax allocation district, out of taxes collected on behalf of such political
18 subdivision, including but not limited to taxes collected for a political subdivision or
19 board of education consenting, pursuant to Code Section 36-44-9, to inclusion of its ad
20 valorem property taxes in the computation of tax allocation increments for that tax
21 allocation district, that portion, if any, which represents positive tax allocation increments
22 payable to such political subdivision.

23 (2) In addition, each county shall, upon receipt, pay over to the appropriate fiscal officer
24 of each municipality having created a tax allocation district that portion, if any, of its
25 general funds derived from the tax allocation district which have been pledged for
26 payment or security for payment of tax allocation bonds and for payment of other
27 redevelopment costs of the tax allocation district pursuant to Code Section 36-44-9.

28 (c) All positive tax allocation increments received for a tax allocation district shall be
29 deposited into a special fund for the district upon receipt by the fiscal officer of the political
30 subdivision. All general funds derived from the tax allocation district which have been
31 pledged for payment or security for payment of tax allocation bonds and other
32 redevelopment costs of the tax allocation district shall be deposited upon receipt into the
33 special fund. Any lease or other contract payments made under the district's redevelopment
34 plan shall also be deposited upon receipt into the special fund. Moneys derived from
35 positive tax allocation increments, general fund moneys, and moneys derived from lease
36 or other contract payments shall be accounted for separately within the special fund.
37 Moneys shall be paid out of the fund only to pay redevelopment costs of the district or to

1 satisfy claims of holders of tax allocation bonds issued for the district. The local legislative
 2 body shall irrevocably pledge all or a part of such special fund to the payment of the tax
 3 allocation bonds. The special fund or designated part thereof may thereafter be used only
 4 for the payment of the tax allocation bonds and interest until they have been fully paid, and
 5 a holder of said bonds shall have a lien against the special fund or said designated part
 6 thereof pledged for payment of said bonds and may either at law or in equity protect and
 7 enforce the lien. General funds derived from the tax allocation district may be used for
 8 payment of tax allocation bonds only to the extent that positive tax allocation increments
 9 and lease or other contract payments in the special fund are insufficient at any time to pay
 10 principal and interest due on such bonds. Subject to any agreement with bondholders,
 11 moneys in the fund may be temporarily invested in the same manner as other funds of the
 12 political subdivision. Except as provided in Code Section 36-44-20, general funds derived
 13 from the tax allocation district may be used for payment of tax allocation bonds only to the
 14 extent that positive tax allocation increments and lease or other contract payments in the
 15 special fund are insufficient at any time to pay the principal and interest due on such bonds.
 16 After all redevelopment costs and all tax allocation bonds of the district have been paid or
 17 provided for, subject to any agreement with bondholders, if there remains in the fund any
 18 moneys derived from positive tax allocation increments, they shall be paid over to each
 19 county, municipality, consolidated government, or county or independent board of
 20 education whose ad valorem property taxes were affected by the tax allocation district in
 21 proportion to the aggregate contribution of such taxes by such political subdivision less
 22 aggregate payments to such political subdivision pursuant to subparagraph (G) of
 23 paragraph (8) of Code Section 36-44-3 and in the same manner ~~and proportion~~ as the most
 24 recent distribution by the county tax collector or tax commissioner, municipal official
 25 responsible for collecting municipal ad valorem property taxes, or consolidated government
 26 official responsible for collecting consolidated government ad valorem property taxes. If
 27 there remains in the fund any other moneys, they shall be paid over to each political
 28 subdivision which contributed to the fund in proportion to the respective total contribution
 29 each made to the fund."

30 SECTION 6.

31 Said chapter is further amended by striking Code Section 36-44-15, relating to tax millage
 32 rate, and inserting in lieu thereof a new Code Section 36-44-15 to read as follows:

33 "36-44-15.

34 (a) For the purpose of fixing the tax millage rate to fund the annual budget of each political
 35 subdivision or county or independent board of education having the power to levy taxes or
 36 set ad valorem tax millage rates on property located within a tax allocation district, which

1 has consented to the inclusion of its ad valorem property taxes for the computation of tax
 2 allocation increments as provided in Code Section 36-44-9, the taxable value of property
 3 subject to ad valorem property taxes within a tax allocation district shall not exceed the tax
 4 allocation increment base of the district until the district is terminated. Nothing in this
 5 chapter shall be construed to freeze the ad valorem tax millage rate of any political
 6 subdivision or county or independent board of education consenting to the inclusion of its
 7 ad valorem property taxes as a basis for computing tax allocation increments, and any such
 8 rate may be increased or decreased at any time after the creation of a tax allocation district
 9 in the same manner and under the same authority that such rate has been previously fixed
 10 by such political subdivision or county or independent board of education.

11 ~~(b) Notwithstanding the provisions of subsection (a) of this Code section and the~~
 12 ~~provisions of any other law to the contrary, including but not limited to those provisions~~
 13 ~~relating to the joint county and municipal sales and use tax provided for in Article 2 of~~
 14 ~~Chapter 8 of Title 48, until a tax allocation district is terminated, a political subdivision or~~
 15 ~~county or independent board of education consenting to the inclusion of its property taxes~~
 16 ~~as a basis for computing a tax allocation increment base within a tax allocation district, as~~
 17 ~~provided in Code Section 36-44-9, may not decrease its ad valorem tax millage rate on~~
 18 ~~taxable property located within that district below the millage rate levied on that property~~
 19 ~~on the last date tax allocation bonds were issued for redevelopment costs of that district."~~

20 SECTION 7.

21 Said chapter is further amended by striking Code Section 36-44-17, relating to limitation on
 22 creation of tax allocation districts, and inserting in lieu thereof a new Code Section 36-44-17
 23 to read as follows:

24 "36-44-17.

25 No political subdivision may create a tax allocation district when the total current taxable
 26 value of property subject to ad valorem property taxes within the proposed district plus the
 27 total current taxable value of property subject to ad valorem property taxes within all its
 28 existing tax allocation districts exceeds 10 percent of the total current taxable value of all
 29 taxable property located within the area of operation of the political subdivision."

30 SECTION 8.

31 Code Section 48-5-32.1, relating to certification of assessed taxable value of property and
 32 method of computation, is amended by striking paragraph (9) of subsection (a) of said Code
 33 section in its entirety and inserting in lieu thereof the following:

34 "(9) 'Roll-back rate' means the previous year's millage rate minus the millage equivalent
 35 of the total net assessed value added by reassessments; ~~provided, however, that if the~~

1 ~~taxing jurisdiction has created a redevelopment area under the provisions of Chapter 44~~
2 ~~of Title 36 and the roll-back rate that would otherwise result is lower than the minimum~~
3 ~~millage permissible under such chapter, the roll-back rate shall mean such minimum~~
4 ~~millage."~~

5 **SECTION 9.**

6 Nothing in this Act shall impair or invalidate any redevelopment plan, redevelopment area,
7 or tax allocation district in effect on the effective date of this Act, or any bonds, notes or
8 certificates thereof. Any redevelopment agency as defined in paragraph (6) of Code Section
9 36-44-3 having an existing tax allocation district to which the definition of "ad valorem
10 property taxes" provided for in Section 1 of this Act is effective may apply, in writing, to the
11 state revenue commissioner for a determination or redetermination of the tax allocation
12 increment base of such tax allocation district. Within a reasonable time, and not exceeding
13 60 days after such application, the state revenue commissioner shall certify to the
14 redevelopment agency the tax allocation increment base, as defined by this Act, as of the
15 effective date of the creation of such tax allocation district. Such certification shall supersede
16 any prior certification and, unless amended pursuant to subsection (b) of Code Section
17 36-44-10, shall constitute the tax allocation increment base of the tax allocation district.

18 **SECTION 10.**

19 This Act shall become effective on its approval by the Governor or upon its becoming law
20 without such approval; provided, however, that the definition of "ad valorem property taxes"
21 provided for in Section 1 of this Act shall not be effective as to the calculation of the tax
22 allocation increment base of any tax allocation district for which a political subdivision has
23 issued tax allocation bonds, notes, or certificates prior to the effective date hereof, and the
24 definition of such term effective prior to the effective date hereof shall remain effective as
25 to any such tax allocation district.

26 **SECTION 11.**

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