

Senate Resolution 309

By: Senators Grant of the 25th and Thompson of the 33rd

ADOPTED

A RESOLUTION

1 Proposing an amendment to the Constitution so as to authorize the General Assembly to
 2 provide by general law for the creation and comprehensive regulation of infrastructure
 3 development districts; to provide for the submission of this amendment for ratification or
 4 rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article IX of the Constitution is amended by adding a new section to read as follows:

8 **"SECTION VIII.**

9 **INFRASTRUCTURE DEVELOPMENT DISTRICTS**

10 Paragraph I. **Creation.** The General Assembly may by general law provide for the
 11 creation of and comprehensive regulation of infrastructure development districts; provided,
 12 however, that an infrastructure development district may only be created when approved
 13 by a county governing authority when the entire district is proposed to be in the
 14 unincorporated area of a county, a municipal governing authority when the entire district
 15 is proposed to be wholly within the municipality, or both a county governing authority and
 16 a municipal governing authority when the district is proposed to be partially in the
 17 unincorporated area of a county and partially in a municipality.

18 Paragraph II. **Purposes.** The purpose of an infrastructure development district shall be
 19 the creation, provision, and expansion of such infrastructure services and facilities as may
 20 be provided for by general law.

21 Paragraph III. **Administration.** (a) Any general law providing for the creation of
 22 infrastructure development districts shall provide for the establishment of an administrative
 23 or governing body for the infrastructure development district and the appointment or
 24 election, terms, and qualifications of the members of such body.

1 (b) The administrative or governing body of each infrastructure development district may
 2 be authorized to impose and collect such fees and assessments within the district, or portion
 3 or portions of such district, under such conditions as shall be specified by general law.

4 Paragraph IV. **Debt.** The administrative or governing body of an infrastructure
 5 development district may incur debt, as authorized by general law, without regard to any
 6 of the provisions of Section V of this article, which debt may be backed by the full faith
 7 and credit of the infrastructure development district but shall not be an obligation of the
 8 State of Georgia or any unit of government of the State of Georgia.

9 Paragraph V. **Cooperation with local governments.** The provisions of this section shall
 10 in no way limit the authority of any county or municipality to provide services or facilities
 11 within any infrastructure development district; and any county or municipality shall retain
 12 full and complete authority and control over any of its facilities located within an
 13 infrastructure development district. Said control shall include but not be limited to the
 14 modification of, access to, and degree and type of services provided through or by facilities
 15 of the municipality or county. Nothing contained in this section shall be construed to limit
 16 or preempt the application of any governmental laws, ordinances, resolutions, or
 17 regulations to any infrastructure development district or the services or facilities provided
 18 therein. No administrative or governing body of an infrastructure development district
 19 shall have or exercise the power of eminent domain, nor shall the state or any local
 20 government delegate such power to or exercise such power through any administrative or
 21 governing body of an infrastructure development district.

22 Paragraph VI. **Regulation by general law.** The General Assembly by general law shall
 23 provide for the powers, duties, and authority of infrastructure development districts and
 24 may regulate, restrict, and limit the creation of infrastructure development districts and the
 25 exercise of the powers of administrative or governing bodies of infrastructure development
 26 districts in any appropriate manner, including, but not limited to, limiting the application
 27 of such general law by population."

28 SECTION 2.

29 The above proposed amendment to the Constitution shall be published and submitted as
 30 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 31 above proposed amendment shall have written or printed thereon the following:

32 "() YES Shall the Constitution of Georgia be amended so as to authorize the General
 33 Assembly to provide by general law for the creation and comprehensive
 34 () NO regulation of infrastructure development districts for the provision of
 35 infrastructure as authorized by local governments?"

- 1 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
- 2 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
- 3 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
- 4 become a part of the Constitution of this state.