

House Bill 1318

By: Representative Crawford of the 16th

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 36-30-7.1 of the Official Code of Georgia Annotated, relating to
 2 inactive municipalities, so as to specify the burden of proof upon the filing of declaratory
 3 judgment action for a declaration of the dissolution of a municipal corporation; to provide
 4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 36-30-7.1 of the Official Code of Georgia Annotated, relating to inactive
 8 municipalities, is amended by revising subsection (j) as follows:

9 "(j) In any case in which the legal dissolution of a municipal corporation has not been
 10 certified under the provisions of subsection (f) of this Code section but the municipal
 11 corporation does not in fact meet the minimum standards for determining an active
 12 municipality enumerated in subsection (b) of this Code section, any citizen of the
 13 municipal corporation or the county in which the legal situs of the municipal corporation
 14 is located may bring at any time on or after July 1, 1995, a declaratory judgment action for
 15 a declaration of the dissolution of the municipal corporation. Any such action shall be
 16 brought in the superior court of the county wherein the legal situs of the municipal
 17 corporation is located. The municipal corporation shall bear the burden of proof to show
 18 that it does meet the minimum standards for determining an active municipality including
 19 but not limited to showing that the requisite number of services enumerated in paragraph
 20 (1) of subsection (b) of this Code section are being provided in such a manner that the
 21 health, safety, and welfare of the property owners and citizens of the municipal corporation
 22 would be negatively impacted if the municipal corporation was dissolved. If a judgment
 23 is entered declaring the dissolution of the municipal corporation, the court shall file a
 24 certified copy of the judgment with the Secretary of State and the legislative counsel. A
 25 copy of such judgment shall be published in the next publication of the annual session laws
 26 with the same status and effect provided for in subsection (f) of this Code section; and a

27 certified copy of the judgment from the court or the Secretary of State shall have the same
28 status and effect as described in subsection (f) of this Code section."

29

SECTION 2.

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