

House Bill 574

By: Representatives Riley of the 50th, Martin of the 49th, Dudgeon of the 25th, Rice of the 95th,
and Willard of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Johns Creek in Fulton County, Georgia, approved
2 March 29, 2006 (Ga. L. 2006, p. 3503), as amended, so as to clarify the cap on changing the
3 millage rate for ad valorem property taxes; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 An Act to incorporate the City of Johns Creek in Fulton County, Georgia, approved
8 March 29, 2006 (Ga. L. 2006, p. 3503), as amended, is amended by revising
9 subparagraph (b)(39)(A) of Section 1.12 as follows:

10 "(A) For all years, the millage rate imposed for ad valorem taxes on real property for
11 operating budget purposes shall not exceed 4.731 unless a higher limit is recommended
12 by resolution of the city council and approved by a majority of the qualified voters of the
13 city voting in a referendum; provided, however, that for the purposes of compliance with
14 Code Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the
15 sole purpose of complying with the millage rate rollback provisions set forth therein. For
16 the purposes of this subparagraph, the term 'qualified voters' means those voters of the
17 city who are qualified to vote in city elections and cast a vote for or against such measure
18 in such referendum. The question to be presented to the voters in the referendum on
19 increasing the millage rate shall be 'Do you approve increasing taxes on residential and
20 nonresidential property for City of Johns Creek property owners by raising from [current
21 millage rate] to [proposed millage rate] the operating budget millage rate, which was
22 capped in the original charter for the city?' If such millage rate increase is approved by
23 the qualified voters of the City of Johns Creek voting in the referendum, the new rate
24 shall become the maximum limit until changed again by resolution of the city council and
25 approval by a majority of the qualified voters of the City of Johns Creek voting in a
26 referendum;".

27

SECTION 2.

28 Said Act is further amended by revising subsection (b) of Section 6.11 as follows:

29 "(b) For all years, the millage rate imposed for ad valorem taxes on real property shall not
30 exceed 4.731 unless a higher millage rate is recommended by resolution of the city council
31 and subsequently approved by a majority of the qualified voters of the city voting in a
32 referendum. For the purposes of this subsection, the term 'qualified voters' means those
33 voters of the city who are qualified to vote in city elections and cast a vote for or against
34 such measure in such referendum. This millage rate limit shall apply to the millage rate
35 actually levied and shall not apply to the hypothetical millage rate computed under
36 subsection (a) of Code Section 48-8-91 of the O.C.G.A., relating to conditions on
37 imposition of the joint county and municipal sales tax."

38

SECTION 3.

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