

Senate Bill 323

By: Senators Ginn of the 47th, Dixon of the 45th and Cowser of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding provisions applicable to counties only, so as to create special
3 districts for fire protection services; to provide legislative findings; to authorize the activation
4 of such special districts; to prohibit municipalities from undertaking certain powers within
5 such special districts; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general
10 provisions regarding provisions applicable to counties only, is amended by adding a new
11 Code section to read as follows:

12 "36-1-28.

13 (a) The General Assembly finds that:

14 (1) The purpose of a special district is to provide services to a given geographic area and
15 to finance the provision of those services from taxes, fees, and assessments levied in the
16 geographic area which benefits from the services;

17 (2) The provision of fire protection services within a special district requires careful and
18 long-term planning and substantial investments in infrastructure and capital equipment
19 to ensure that such services are provided in an effective and economical manner
20 throughout the special district;

21 (3) Within a county that has created a special district for the provision of fire protection
22 services within the unincorporated area of the county, the expansion of municipalities
23 into unincorporated areas through annexation frustrates the purpose of such special
24 districts by reducing the tax base within the special district, thereby reducing a special
25 district's ability to purchase necessary infrastructure and equipment or to repay debt that
26 may have been incurred to finance necessary infrastructure and equipment. By
27 modifying the geographic area in which a special district provides fire protection
28 services, the utility of the special district's existing infrastructure and equipment is
29 reduced.

30 (b) In order to ensure that fire protection services are provided effectively and in an
31 economical manner, there is created in and for each county in this state a special district
32 for fire protection services. The provisions of subsection (c) of this Code section shall not
33 apply in a county until the governing authority of the county, by proper ordinance or
34 resolution, declares that there is a need for a special district to provide fire protection
35 services within the unincorporated area of the county and activates a special district for
36 such purposes. The geographical area of such special districts shall correspond with and
37 shall be conterminous with the geographical area of the unincorporated area of the county
38 as it exists on the date on which the county adopts an ordinance or resolution declaring the
39 need for such district; provided, however, that the governing authority of a county can, at
40 is discretion, reduce the boundaries of such district to address annexations or incorporations
41 of municipalities.

42 (c) No municipality may provide fire protection services, nor shall a municipality levy a
43 tax, fee, or assessment for the purposes of providing fire protection services, on any

44 property within a special service district that has been activated by a county pursuant to this
45 Code section, except by contract with the county that has established the special district."

46 **SECTION 2.**

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