

House Resolution 192

By: Representatives Stephens of the 164th, Smith of the 70th, Greene of the 154th, Williams of the 168th, and Jackson of the 128th

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 community
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 COMMUNITY DEVELOPMENT DISTRICTS

10 Paragraph I. *Creation.* The General Assembly may by general law provide for the
11 creation of and comprehensive regulation of community development districts; provided,
12 however, that a community development district may only be created when approved by
13 the governing authority of each county in which county's unincorporated area any portion
14 of the district is proposed to be located and by the governing authority of each municipality
15 in which any portion of the district is proposed to be located.

16 Paragraph II. **Purposes.** The purpose of a community development district shall be the
17 creation, provision, and expansion of community development services and facilities as
18 may be provided for by general law.

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

23 (b) The administrative or governing body of each community development district may
24 be authorized to levy, impose, and collect such taxes, fees, and assessments within the
25 district, or portion or portions of such district, under such conditions as shall be specified
26 by general law.

27 Paragraph IV. **Debt.** The administrative or governing body of a community development
28 district may incur debt, as authorized by general law, without regard to any of the
29 provisions of Section V of this article, which debt may be backed by the full faith, credit,
30 and taxing power of the community development district but shall not be an obligation of
31 the State of Georgia or any unit of government of the State of Georgia.

32 Paragraph V. **Cooperation with local governments.** The provisions of this section shall
33 in no way limit the authority of any county or municipality to provide services or facilities
34 within any community development district, and any county or municipality shall retain
35 full and complete authority and control over any of its facilities located within a
36 community development district. Such control shall include, but shall not be limited to,
37 the modification of, access to, and the degree and type of services provided through or by
38 facilities of the county or municipality. Nothing contained in this section shall be
39 construed to limit or preempt the application of any governmental laws, ordinances,
40 resolutions, or regulations to any community development district or the services or
41 facilities provided therein. No administrative or governing body of a community
42 development district shall have or exercise the power of eminent domain, nor shall the state

43 or any local government delegate such power to or exercise such power through any
 44 administrative or governing body of a community development district.

45 Paragraph VI. *Regulation by general law.* The General Assembly by general law shall
 46 provide for the powers, duties, and authority of community development districts and may
 47 regulate, restrict, and limit the creation of community development districts and the
 48 exercise of the powers of administrative or governing bodies of community development
 49 districts in any appropriate manner, including, but not limited to, by limiting the application
 50 of such general law by population."

51 **SECTION 2.**

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

55 "() YES Shall the Constitution of Georgia be amended so as to authorize the General
 56 () NO Assembly to provide by general law for the creation and comprehensive
 57 regulation of community development districts to provide for public
 58 infrastructure for the provision of community development as authorized by
 59 local governments?"

60 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

61 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 62 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 63 become a part of the Constitution of this state.