

1 SB112
2 195756-2
3 By Senators Figures, Sessions and Williams (N & P)
4 RFD: Mobile County Legislation
5 First Read: 19-MAR-19

1 SB112

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With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Class 2 municipalities; to amend

8 Sections 11-54B-40, 11-54B-41, 11-54B-43 to 11-54B-50,

9 11-54B-57, and 11-54B-58 of the Code of Alabama 1975, to

10 provide procedures for the establishment of self-help business

11 improvement districts for the purpose of promoting tourism,

12 including the creation of nonprofit district management

13 corporations to manage the districts; to provide for the levy

14 of a special assessment on particular classes of businesses

15 located within the geographical area of a district for the

16 purpose of promoting tourism for the benefit of businesses in

17 the district; to provide for dissolution of a district and

18 withdrawal of a nonprofit corporation's designation as a

19 district management corporation; and to provide procedures for

20 certain self-help business improvement districts to expand or

21 reduce territory in the district under certain conditions.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act only applies to Class 2

24 municipalities.

1 Section 2. Sections 11-54B-40, 11-54B-41, 11-54B-43
2 to 11-54B-50, 11-54B-57, and 11-54B-58 of the Code of Alabama
3 1975, are amended to read as follows:

4 "§11-54B-40.

5 "Legislative findings.

6 "(a) The Legislature makes the following findings:

7 "(1) That patterns of urban development have had
8 substantial adverse impacts upon downtown and community
9 business districts vital to the economy of the State of
10 Alabama.

11 "(2) That the public interest would be advanced by
12 authorizing the creation of self-help business improvement
13 districts and district management corporations to assist any
14 Class 2 municipality in promoting economic growth in business
15 districts.

16 "(3) That the public interest would also be advanced
17 by authorizing the creation of self-help business districts
18 for the promotion of tourism that include businesses of a
19 designated class and funding supplemental business services
20 through the levy of assessments on businesses of the
21 designated class that receive benefits from those supplemental
22 business services.

23 "~~(3)~~ (4) That a district management corporation
24 representing real property owners, or in certain cases, owners
25 of a particular class of business, within self-help business

1 improvement districts can assist any Class 2 municipality in
2 promoting economic growth and employment within business
3 districts.

4 "~~(4)~~ (5) That any Class 2 municipality should be
5 authorized to create self-help business improvement districts
6 and designate a district management corporation to execute
7 self-help programs to improve the local business climate.

8 "(b) The Legislature further finds that it is the
9 public policy of the State of Alabama to permit any Class 2
10 municipality to protect the public welfare and the interests
11 of the public in the safe effective movement of persons, to
12 encourage healthy economic development, to promote jobs, and
13 to preserve and enhance the function and appearance of
14 business districts located within any Class 2 municipality
15 through the adoption of ordinances as authorized by this
16 article.

17 "§11-54B-41.

18 "Definitions.

19 "As used in this article, the following words and
20 phrases shall have the following meanings:

21 "(1) DISTRICT MANAGEMENT CORPORATION. An entity
22 created by incorporation under the Alabama Nonprofit
23 Corporation Act, Chapter 3A of Title 10, and designated by
24 ordinance by the incorporated municipality to manage a
25 self-help business improvement district.

1 "(2) MUNICIPALITY. Those municipalities designated
2 as Class 2 municipalities as defined in Section 11-40-12.

3 "(3) SELF-HELP BUSINESS IMPROVEMENT DISTRICT. An
4 area within the incorporated municipality designated by
5 ordinance as an area in which a special assessment may be
6 levied on the owners of real property located within the
7 geographical area of the district for the purposes of
8 providing supplemental services within the district and
9 promoting the economic and general welfare of the district;
10 or, alternatively with respect to a district formed for the
11 purpose of increasing tourism within the municipality, an area
12 or areas within the municipality designated by ordinance as an
13 area or areas in which a special assessment may be levied on
14 businesses of a particular class located within the
15 geographical area of the district for the purposes of
16 providing supplemental services for the benefit of the
17 businesses within the district, in which case the district
18 shall include only those existing and future businesses of the
19 designated class.

20 "§11-54B-43.

21 "Findings required for a public hearing on the
22 adoption of a self-help business improvement district
23 ordinance.

24 "A public hearing on the adoption of an ordinance
25 creating a self-help business improvement district may be

1 called only if the governing body of a Class 2 municipality
2 finds that:

3 "(1) A request for the creation of a self-help
4 business improvement district which satisfies the requirements
5 of Section 11-54B-44 has been filed with the clerk of the
6 municipality.

7 "(2) The area described in the self-help business
8 improvement plan would benefit from being designated as a
9 self-help business improvement district.

10 "(3) The self-help business improvement district
11 plan required by Section 11-54B-44 includes a designated
12 district management corporation to provide administrative and
13 other services to benefit businesses, employees, residents,
14 and consumers in the self-help business improvement district.

15 "(4) The self-help business improvement district
16 plan includes a special assessment which will be levied by the
17 municipality on the owners of the real property or, in certain
18 cases, on businesses of a particular class, located within the
19 geographical area of the district to finance the supplemental
20 services described in the plan and that the special assessment
21 is expected to produce revenue which is consistent with the
22 annual budget adopted and approved as provided in this
23 article.

1 "(5) The copies of the articles of incorporation and
2 bylaws of the district management corporation shall satisfy
3 the requirements of Section 11-54B-48.

4 "(6) It is in the best interest of the Class 2
5 municipality and the public to designate the geographical area
6 described in the plan as a self-help business improvement
7 district and to designate a district management corporation to
8 provide administrative and other services to the district.

9 "(7) The existing level of publicly funded services
10 provided by the municipality in the geographical area of the
11 proposed district has been documented in writing and certified
12 by the mayor of the municipality.

13 "§11-54B-44.

14 "Requirements of a request for the creation of a
15 self-help business improvement district.

16 "A request for the creation of a self-help business
17 improvement district shall contain all of the following:

18 "(1) The signatures of a representative group of the
19 owners of the nonexempt real property located within the
20 geographical area of the proposed district. The group shall
21 include the signatures of the owners of the nonexempt real
22 property comprising at least 60 percent of the total fair
23 market value of all nonexempt real property located in the
24 proposed district and the signature of an owner of at least 50
25 percent of the parcels of property located within the proposed

1 district. The county property tax assessment records shall
2 determine ownership of real property and the fair market
3 value. When record title to real property is vested in a
4 public corporation or authority under a bond financing plan
5 provided for by statute, the beneficial user of the real
6 property in which title may ultimately be vested by purchase
7 shall be deemed the owner of the real property.

8 "(2) Alternatively, in the case of a district formed
9 to increase tourism within the municipality, the signatures of
10 a representative group of the owners of the designated class
11 of businesses located within the geographical area of the
12 proposed district. The request shall define the designated
13 class of businesses. The group shall include the signatures of
14 the owners of businesses comprising at least 60 percent of the
15 proposed annual assessment and the signatures of the owners of
16 at least 50 percent of the number of the businesses of the
17 designated class located within the proposed district. The
18 municipality's records shall determine ownership of
19 businesses. If, however, the assessment methodology is based
20 on a fixed rate per occupied room per night, the group shall
21 include the signatures of the owners of businesses comprising
22 at least 60 percent of the number of rooms within the district
23 and the signatures of the owners of at least 50 percent of the
24 number of businesses of the designated class located within
25 the proposed district.

1 "~~(2)~~ (3) An accurate description, whether by metes
2 and bounds, or by lot and block numbers, or by street
3 addresses, of the proposed district.

4 "~~(3)~~ (4) A self-help business improvement district
5 plan that shall include all of the following:

6 "a. A description of the supplemental services to be
7 provided in the district.

8 "b. A budget outlining the annual cost of the
9 supplemental services described in paragraph a.

10 "c. A description of the method which will be used
11 to determine the amount of the special assessment to be levied
12 on the owners of the real property or, in the case of a
13 district formed to increase tourism within the municipality,
14 on businesses of a designated class, in either case located
15 within the geographical area of the district to finance the
16 supplemental services described in paragraph a. If the
17 district is formed to increase tourism within the
18 municipality, special assessments may be levied based on the
19 business activity, including, but not limited to, a percentage
20 of gross revenue or a fixed rate per occupied room per night
21 on parcels of property or on businesses of a designated class
22 within the district. If the assessment is levied on businesses
23 of a designated class, all other provisions of this article
24 referring to property assessment shall also include
25 assessments against the businesses.

1 "d. The number of years, not to exceed five years,
2 that the special assessments described in paragraph c. will be
3 levied.

4 "e. Copies of the articles of incorporation and
5 bylaws of the district management corporation designated by
6 the plan to provide the administrative and other services to
7 the district.

8 "§11-54B-45.

9 "Mailing of proposed ordinance and notice of
10 hearing.

11 "At least 20 days prior to the date set for a public
12 hearing on the proposed self-help business improvement
13 district plan, notice of the date, time, and place of the
14 hearing, with a description of the geographical area proposed
15 to be included in the district, the proposed ordinance, and
16 the self-help business district plan shall be mailed to all
17 known owners of nonexempt real property located within the
18 geographical area proposed to be included in the district by
19 the municipality. The notice shall be mailed to all known
20 owners of nonexempt real property at the address listed in the
21 county property tax assessment records. In addition, a copy of
22 the notice shall be posted in at least three places located
23 within the geographical area proposed to be included in the
24 district. A property owner's failure to receive a copy of the
25 notice shall not constitute grounds to contest the validity of

1 a self-help business improvement district established by
2 ordinance.

3 "Alternatively, in the case of a district formed to
4 increase tourism within the municipality, the notices required
5 shall be mailed to the owners of the businesses of the
6 designated class, but the failure of a business owner or
7 business to receive a copy of the notice shall not constitute
8 grounds to contest the validity of a self-help business
9 improvement district established by ordinance.

10 "§11-54B-46.

11 "Review of self-help business improvement district
12 plan and adoption of ordinance.

13 "The governing body of the municipality, upon review
14 of the self-help business improvement district plan and after
15 public hearing, may adopt an ordinance to designate,
16 establish, and maintain the area described in the plan as a
17 self-help business improvement district. The ordinance shall
18 provide for an effective date of 30 days from the date of
19 adoption of the ordinance by the governing body of the
20 municipality and shall provide that, if the owners of
21 nonexempt real property representing 60 percent of the total
22 fair market value of all real property located within the
23 district, or the owners of at least 50 percent of the parcels
24 of property located within the district~~;~~ or, alternatively
25 with respect to a district funded by assessments against a

1 particular class of businesses, if the owners of businesses,
2 consistent with the signatures required under subdivision (2)
3 of Section 11-54B-44, file written objections to the
4 establishment of the district with the clerk of the
5 municipality, the provisions of the ordinance shall be null
6 and void and no district shall be created. The ordinance shall
7 designate the district management corporation provided for in
8 the plan as the district management corporation authorized to
9 provide administrative and other services to the district and
10 authorize the execution of a contract between the municipality
11 and the district management corporation setting out the
12 services to be provided by the district and the municipality.
13 The contract shall provide that the municipality shall
14 continue the same level of services in the district as
15 provided prior to the creation thereof.

16 "§11-54B-47.

17 "Costs of supplemental services.

18 "(a) The self-help business improvement district
19 ordinance adopted by the municipality pursuant to Section
20 11-54B-46 shall provide that all costs of the supplemental
21 services provided in a self-help business improvement district
22 shall be financed through the levy by the municipality of a
23 special assessment on the owners of the ~~nonexempt~~ real
24 property located within the geographical area of the district
25 and or, in the case of a district formed to increase tourism

1 in the municipality, on businesses of the designated class
2 within the geographical area of the district, and in either
3 case shall designate the method set forth in the plan as the
4 method used to determine the amount of the special assessment
5 in a manner which fairly and equitably distributes the burden
6 of financing the supplemental services among the nonexempt
7 real property owners in the district. The ordinance shall list
8 and describe, by lot and block numbers and by street
9 addresses, all real properties or businesses against which the
10 special assessment shall be made to fund the supplemental
11 services. The ordinance shall also provide that property which
12 is a single-family, owner-occupied residential property shall
13 be exempt from the special assessment imposed by the district
14 management corporation to finance the supplemental services
15 provided in the business improvement district. Further, all
16 property of utilities shall be deemed personal property exempt
17 from the special assessment imposed by the district management
18 corporation except for land and retail, storage, and office
19 facilities owned by a utility within the business improvement
20 district.

21 "(b) The nonprofit corporation designated as a
22 district management corporation under this article shall be
23 exempt from the state corporate income tax, corporate
24 franchise tax, and permit fee, and from state, county, and

1 municipal sales, use, license, gross receipts, and ad valorem
2 taxes.

3 "§11-54B-48.

4 "Collection of special assessment.

5 (a) The self-help business improvement district
6 ordinance adopted by the municipality pursuant to Section
7 11-54B-46 shall provide that the special assessment levied on
8 the owners of the ~~nonexempt~~ real property located within the
9 geographical area of the district shall be collected by the
10 district management corporation, by the offices of the
11 municipal revenue department, or by the offices of the revenue
12 commissioner, who may be compensated for the service. ~~The~~
13 Except in the case of an assessment against a designated class
14 of business, the ordinance shall also provide that the amount
15 of any outstanding special assessment levied on a parcel of
16 real property, together with any accrued interest and
17 penalties, shall constitute a lien on the property. The lien
18 shall take precedence over all other liens, whether created
19 prior or subsequent to the date of the special assessment,
20 except a lien for any of the following:

21 (1) State, county, or municipal taxes.

22 (2) A prior special assessment.

23 (3) A prior recorded mortgage, deed of trust, or
24 similar security instrument.

1 (b) Other than foreclosures for state, county, or
2 municipal taxes, a prior special assessment, or a prior
3 recorded mortgage, deed of trust, or similar security
4 instrument, the lien for the special assessment shall not be
5 defeated or postponed by any private or judicial sale, or by
6 any mortgage, deed of trust, or similar security instrument
7 recorded subsequent to the date of final adoption by the
8 municipality of the self-help business improvement district
9 ordinance. No error in the proceeding of the governing body of
10 the municipality or of the board of directors of the district
11 management corporation shall exempt any real property from the
12 lien or from payment thereof.

13 "§11-54B-49.

14 "Amendment of the self-help business improvement
15 district ordinance.

16 "(a) The governing body of the A municipality may
17 amend an ordinance relating to the self-help business
18 improvement district upon the written request of a
19 representative group of the owners of the nonexempt real
20 property located within the geographical area of the district.
21 The request shall specify the ~~content of the~~ desired amendment
22 or amendments which should be made by the governing body of
23 the municipality to the self-help business improvement
24 district ordinance. The request shall also include the
25 signatures of the owners of the nonexempt real property

1 comprising at least 60 percent of the total fair market value
2 of all real property located in the district, or the owners of
3 at least 50 percent of the parcels of property located within
4 the district~~;~~ or, alternatively with respect to a district
5 funded by assessments against a particular class of
6 businesses, the signatures of the owners of businesses,
7 consistent with the signatures required under subdivision (2)
8 of Section 11-54B-44, determined pursuant to ~~subdivision~~
9 subdivisions (1) and (2) of Section 11-54B-44.

10 "(b) Except for districts funded by assessments
11 against businesses of a particular class, the governing body
12 of the municipality may amend the self-help business
13 improvement district ordinance to reduce or expand the real
14 property comprising the self-help business improvement
15 district in accordance with this subsection as follows:

16 "(1) The ordinance may be amended to reduce the real
17 property comprising the district following the submission of a
18 request for reduction by the board of directors of the
19 district management corporation.

20 "(2) The ordinance may be amended to expand the real
21 property comprising the district following the submission of a
22 request for expansion by both of the following:

23 "a. The owners of real property located within the
24 area that is to be newly included within the district as
25 provided in subdivision (3).

1 "b. The board of directors of the district
2 management corporation.

3 "(3) Where a request for expansion is sought under
4 this subsection, the request shall contain the signatures of
5 the owners of nonexempt real property comprising at least 60
6 percent of the total fair market value of all nonexempt real
7 property located in the geographical area to be added to the
8 district and the signatures of the owners of at least 50
9 percent of the parcels of property located in the geographical
10 area to be added to the district. Ownership of real property
11 and the fair market value thereof shall be determined using
12 the records of the tax assessor. When record title to real
13 property is vested in a public corporation or authority under
14 a bond financing plan provided for by statute, the beneficial
15 user of the real property in which title may ultimately be
16 vested by purchase shall be deemed the owner of the real
17 property.

18 "(4) A request for expansion or reduction shall
19 include an accurate description, whether by metes and bounds,
20 by lot and block numbers, or by street addresses, of the
21 geographical area which is the subject of the reduction or
22 expansion, as well as a similar description of the resulting
23 district if such reduction or expansion was approved.

24 "(5) At least 20 days prior to the date set for a
25 public hearing on the proposed self-help business improvement

1 district reduction or expansion, notice of the date, time, and
2 place of the hearing, together with a description of the
3 geographical area which is the subject of the reduction or
4 expansion, shall be mailed to all known owners of nonexempt
5 real property located within the geographical area which is
6 the subject of the reduction or expansion, as ownership shown
7 on the records of the tax assessor. In addition, a copy of the
8 notice shall be posted in at least three places located within
9 the geographical area which is the subject of the reduction or
10 expansion. A property owner's failure to receive a copy of the
11 notice shall not constitute grounds upon which the owner may
12 contest the validity of a self-help business improvement
13 district amendment.

14 "(6) The municipality, upon review of the request
15 for the reduction or expansion of the self-help business
16 improvement district and after public hearing, may adopt an
17 ordinance reducing or expanding the self-help business
18 improvement district. The ordinance shall provide for an
19 effective date which is 60 days from the date of adoption of
20 the ordinance by the municipality and shall provide that, if
21 the owners of real property which represent 50 percent or more
22 by number of all parcels of real property located within the
23 geographical area of the resulting district file written
24 objections to the establishment of the district with the clerk
25 of the municipality, the provisions of such ordinance shall be

1 null and void and no reduction or expansion shall occur. The
2 ordinance shall provide that the contract between the
3 municipality and the district management corporation setting
4 out the services to be provided by the district and the
5 municipality shall be amended to provide that the same level
6 of services provided by the municipality shall continue as
7 before the reduction or expansion of the real property
8 comprising the self-help business improvement district.

9 "(c) There shall be no requirement that the real
10 property located within the geographical area of the self-help
11 business improvement district be contiguous.

12 "§11-54B-50.

13 "District management corporation limits, powers, and
14 duties.

15 "(a) District management corporations provided for
16 in this article shall be incorporated under the Alabama
17 Nonprofit Corporation Act, Chapter 3A of Title 10, and shall
18 exercise their powers in a manner consistent with that law.

19 "(b) To qualify for designation by ordinance to
20 manage a self-help business improvement district, the articles
21 of incorporation of a proposed district management corporation
22 shall provide all of the following:

23 "(1) That a board of directors shall manage the
24 property, business, and affairs of the corporation.

1 "(2) The names and addresses of the initial members
2 of the board of directors.

3 "(3) That the initial members of the board shall be
4 divided into three groups which are as equal in number as is
5 possible, that those groups will serve for initial terms of
6 one, two, and three years respectively, and that all directors
7 thereafter elected by the board of directors shall serve for a
8 term of three years.

9 "(4) That the members of the board of directors
10 elected after the expiration of the initial terms set forth in
11 subdivision (3) shall be elected by a majority vote of the
12 owners of assessed real property or, in the case of districts
13 funded by assessments against a particular class of
14 businesses, of businesses of the designated class and dues
15 paying members present after notice by first class mail.

16 "(5) That a majority of the board of directors own
17 real property or, in the case of districts funded by
18 assessments against a particular class of businesses, of
19 businesses of the designated class located in the geographical
20 area of the district.

21 "(6) That no funds received by the corporation from
22 assessments on the property or businesses located in the
23 district shall be expended except in accordance with the
24 budget adopted or amended under the provisions of this
25 article.

1 "(7) That vacancies on the board of directors
2 resulting from death, resignation, or removal, shall be filled
3 by the remaining members of the board of directors of the
4 district management corporation for the unexpired portion of
5 the term.

6 "(8) That at least once a year after designation,
7 the corporation shall hold a general membership and public
8 meeting appropriately advertised in the district at a place
9 convenient to persons concerned with the operation of the
10 district.

11 "(9) That the corporation shall receive written
12 suggestions from businesses in the district at any time.

13 "(10) That municipal representatives designated by
14 the mayor and by the governing body of the municipality shall
15 be authorized to attend and participate in regular and called
16 meetings of the board of directors of the district management
17 corporation, but shall not vote on any matters considered by
18 directors.

19 "(11) That no amendment to the articles of
20 incorporation or any bylaws shall be effective unless approved
21 by the board of directors of the district management
22 corporation.

23 "(12) That a director shall receive no compensation
24 for his or her service as a director, but shall be entitled to

1 receive reimbursement for expenses actually incurred in the
2 performance of his or her duties as approved by the board.

3 "(13) That upon dissolution, or upon any withdrawal
4 of the designation as the district management corporation, all
5 interests in and title to funds held by or for the
6 corporation, and all property of the corporation shall be
7 transferred and assigned to a successor district management
8 corporation, or if no successor district management
9 corporation exists, to the general fund of the municipality
10 for use in funding the programs as the board of directors of
11 the district management corporation shall direct and
12 designate.

13 "(c) The district management corporation may do all
14 things necessary to implement its purposes, including, but not
15 limited to, the following:

16 "(1) Adopt bylaws for the regulation of its affairs
17 and the conduct of its business and to prescribe rules,
18 regulations, and policies in connection with the performance
19 of its functions and duties.

20 "(2) Employ persons as may be required, and fix and
21 pay their compensation from funds available to the
22 corporation.

23 "(3) Apply for, accept, administer, and comply with
24 the requirements respecting an appropriation of funds or a
25 gift, grant, or donation of property or money.

1 "(4) Make and execute agreements as may be necessary
2 or convenient to the exercise of the powers and functions of
3 the corporation, including contracts with any person, firm,
4 corporation, governmental agency, or other entity.

5 "(5) Administer and manage corporate funds and
6 accounts and pay corporate obligations.

7 "(6) Borrow money from private lenders or from
8 governmental entities.

9 "(7) Enforce the conditions of any loan, grant,
10 sale, or lease made by the corporation.

11 "(8) Provide security, sanitation, and other
12 services to the district supplemental to those provided by the
13 municipality.

14 "(9) Advertise the district and businesses included
15 within the district.

16 "(10) Recruit new businesses to fill vacancies in
17 the district.

18 "(11) Organize and promote special events in the
19 district.

20 "(12) Provide special parking arrangements or
21 management of ongoing parking programs for the district.

22 "(13) Participate in other governmental programs for
23 which qualified and included in its approval plan.

1 "(14) Undertake other activities or initiatives
2 within the district as the board of directors of the district
3 management corporation deem appropriate.

4 "§11-54B-57.

5 "Annual reports and audits.

6 "(a) Within 90 days after the close of each fiscal
7 year, the district management corporation shall make an annual
8 report of its activities for the preceding fiscal year to the
9 governing body of the municipality.

10 "(1) Each annual report shall include, at a minimum:

11 "a. A financial statement for the preceding year,
12 including a balance sheet, statement of income and loss, and
13 such other information as is reasonably necessary to reflect
14 the district management corporation's actual performance,
15 certified by the treasurer of the corporation.

16 "b. The budget for the current fiscal year.

17 "c. In the case of a district funded by assessments
18 against businesses of a particular class, a list of the
19 businesses of the designated class that are currently
20 operating within the district.

21 "(2) A copy of each annual report shall be sent to
22 the mayor, the city council, and to all property owners, or in
23 the case of districts funded by assessments against businesses
24 of a particular class, business owners of the self-help

1 business improvement district, in each case by first class
2 mail or by personal delivery.

3 "(b) Within 90 days after the close of each fiscal
4 year, the district management corporation shall cause an
5 annual audit of its books, accounts, and financial
6 transactions to be made and filed with the municipality and
7 for that purpose the corporation shall employ a certified
8 public accountant. The annual audit shall be completed and
9 filed with the governing body within four months after the
10 close of the fiscal year of the corporation and a certified
11 duplicate copy of the audit shall be filed with the mayor and
12 the finance director or other financial control officer of the
13 municipality.

14 "§11-54B-58.

15 "Sunset provision.

16 "(a) Within 90 days after the adoption and approval
17 of the fifth annual budget for any self-help business
18 improvement district, the municipality shall set a hearing to
19 determine whether the district should be continued, modified,
20 or terminated. At least 20 days before the hearing, notice of
21 the date, place, and time of the hearing shall be posted in at
22 least three places within the district and mailed, along with
23 the new district management plan, which shall contain the
24 items described in subdivision (3) of Section 11-54B-44, to
25 each real property or business owner who paid assessments to

1 the district during the previous year as certified by an
2 officer of the district management corporation collecting such
3 assessments, the officers of the municipal revenue department,
4 or the offices of county tax assessor and county tax
5 collector, if they are the billing and collecting agency.

6 "(b) At this hearing, if a petition presented to the
7 municipality objecting to the continuation of the district is
8 signed by non-exempt real property owners representing 60
9 percent of the total fair market value of all real property
10 located within the district and the owners of at least 50 per
11 cent of the parcels of real property located within the
12 district; or, alternatively with respect to a district funded
13 by assessments against businesses of a particular class,
14 signed by owners of businesses consistent with the signatures
15 required under subdivision (2) of Section 11-54B-44, the
16 district shall be terminated as of the end of the fiscal year
17 next following the hearing."

18 Section 3. All laws or parts of laws which conflict
19 with this act are repealed.

20 Section 4. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB112
Senate 18-APR-19
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 14-MAY-19

By: Senator Figures