

House Bill 392

By: Representatives Sailor of the 61<sup>st</sup>, Post 1, Walker of the 115<sup>th</sup>, Watson of the 60<sup>th</sup>, Post 2, Mitchell of the 61<sup>st</sup>, Post 3 and Royal of the 140<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to authorize the consolidation, division, or merger of counties by intergovernmental  
3 agreement and referendum approval; to provide for legislative findings; to provide for the  
4 contents of such intergovernmental agreements; to provide for effect with respect to  
5 municipal corporations; to authorize programs of state grants to be administered by the  
6 Department of Community Affairs for the planning, negotiation, execution, and  
7 implementation of such agreements; to provide for related matters; to repeal conflicting laws;  
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
12 by adding a new Chapter 3A to read as follows:

13 "CHAPTER 3A

14 36-3A-1.

15 The General Assembly finds that the consolidation, division, or merger of counties may  
16 present both opportunities for long-term efficiencies and cost savings in governmental  
17 operations and short-term increased costs. The General Assembly finds that county  
18 governments and their citizens are best able to determine whether the consolidation,  
19 division, or merger of counties may be in the best interest of such counties and their  
20 citizens. The General Assembly finds that the provision of state financial assistance for  
21 short-term increased costs may facilitate the long-term efficiencies and cost savings which  
22 may be achieved through the consolidation, division, or merger of counties.

1 36-3A-2.

2 Any two or more adjacent counties may provide by intergovernmental agreement for the  
3 consolidation of such counties into one county or the division of a county and the merger  
4 of portions thereof into the other counties; but no such consolidation, division, or merger  
5 shall become effective unless approved by a majority of the qualified voters voting thereon  
6 in each of the affected counties.

7 36-3A-3.

8 Any intergovernmental agreement as authorized by this chapter:

9 (1) Shall provide for the name of each county resulting from the consolidation, division,  
10 or merger;

11 (2) Shall provide that each elected officer of each affected county shall serve out the  
12 remainder of the term which such officer is serving at the time of the referendum  
13 approval of such intergovernmental agreement;

14 (3) May provide for any elected officer of any affected county to become an officer or  
15 employee of any county resulting from the consolidation, division, or merger;

16 (4) Shall provide for the composition and manner of selection of the governing authority  
17 of each county resulting from the consolidation, division, or merger;

18 (5) Shall provide for the county site of each county resulting from the consolidation,  
19 division, or merger;

20 (6) May provide for the location of one or more facilities of each county resulting from  
21 the consolidation, division, or merger;

22 (7) Shall provide for the devolution of the assets and liabilities of each county affected  
23 by the consolidation, division, or merger;

24 (8) Shall provide for the retirement of any existing indebtedness of each affected county  
25 and may provide for one or more special services districts for the retirement of any such  
26 existing indebtedness;

27 (9) Shall provide for the date of the referendum approval required by this chapter and the  
28 form of the question to be presented on the ballot; and

29 (10) May provide for any other matters necessary or appropriate to such consolidation,  
30 division, or merger.

31 36-3A-4.

32 Any county resulting from a consolidation, division, or merger as authorized by this  
33 chapter shall be subject to the provisions of state general and local law in the same manner  
34 as any other county of this state.

1 36-3A-5.

2 A consolidation, division, or merger authorized by this chapter shall not affect the status  
3 of any municipal corporation or local school system in any of the affected counties, except  
4 that the county school systems of the affected counties may by intergovernmental  
5 agreement concur in the intergovernmental agreement of the affected counties and likewise  
6 provide for their consolidation, division, or merger, contingent on referendum approval by  
7 the voters of each affected county school system.

8 36-3A-6.

9 The Department of Community Affairs shall establish two grant programs in aid of the  
10 provisions of this chapter. The first grant program shall, to the extent of funds appropriated  
11 or otherwise available to the department for such purpose, provide grants to assist counties  
12 in planning, negotiating, and executing intergovernmental agreements as contemplated by  
13 this chapter. The second grant program shall, to the extent of funds appropriated or  
14 otherwise available to the department for such purpose, provide grants of up to \$5 million  
15 for each of the first three groups of counties implementing a consolidation, division, or  
16 merger as authorized by this chapter."

17 **SECTION 2.**

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