

House Bill 356

By: Representative Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the City of Commerce, approved April 4, 1991  
2 (Ga. L. 1991, p. 4042), as amended, particularly by an Act approved May 30, 2003 (Ga. L.  
3 2003, p. 3926), so as to authorize the board of education to set the millage rate for the school  
4 district's property tax; to provide for related matters; to provide an effective date; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing a new charter for the City of Commerce, approved April 4, 1991 (Ga. L.  
9 1991, p. 4042), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p.  
10 3926), is amended by striking paragraph (40) of subsection (b) of Section 1.12 thereof and  
11 inserting in its place a new paragraph to read as follows:

12 "(40) Independent school system.

13 (A) The public school system of the City of Commerce was initially established on  
14 November 26, 1901, by Sections 41 through 45 of the Act incorporating the City of  
15 Harmony Grove, predecessor to the City of Commerce, and reenacted as Section 40 of  
16 the Act of 1909, page 674. The City of Commerce shall retain all of those powers and  
17 rights set forth in those predecessor Acts as an independent public school system. The  
18 City of Commerce shall have the power to establish and operate a complete public  
19 school system, including such facilities and programs as are deemed necessary by the  
20 Commerce City Board of Education.

21 (B) The Commerce City Board of Education which was appointed and which existed  
22 on January 1, 2003, is continued in existence but on and after January 1, 2004, shall be  
23 constituted as provided in this paragraph. The board of education of the independent  
24 school system of the City of Commerce so continued and constituted, sometimes  
25 referred to in this section as the 'board,' shall continue to have the powers, duties, rights,  
26 obligations, and liabilities of the Commerce City Board of Education as existed

1 immediately prior to January 1, 2004, and shall be subject to all constitutional and  
2 statutory provisions relating to boards of education and not in conflict with this section.

3 (C) The members of the board of education representing Education Districts 3, 4, and  
4 5 who are in office on January 1, 2003, and any person selected to fill a vacancy in such  
5 office, shall continue to serve out their regular terms of office, which shall expire  
6 December 31, 2003, and upon the election and qualification of their respective  
7 successors. The successors to members of the board representing Education Districts  
8 3, 4, and 5 shall be elected at the municipal general election in 2003, but as the  
9 members of the board from Districts 3, 4, and 5, respectively, as described in  
10 subsection (d) of Section 2.10 of this charter and shall reside in and be elected from  
11 Districts 3, 4, and 5 as so described.

12 (D) The members of the board of education representing Education Districts 1 and 2  
13 and who are in office on January 1, 2003, and any person selected to fill a vacancy in  
14 such office, shall continue to serve out their regular terms of office, which expire  
15 December 31, 2005, and upon the election and qualification of their respective  
16 successors. On and after January 1, 2004, the members of the board of education  
17 representing Education Districts 1 and 2 shall be deemed to be serving from and  
18 representing Districts 1 and 2, respectively, as newly described in subsection (d) of  
19 Section 2.10 of this charter. The successors to members of the board representing  
20 Education Districts 1 and 2 shall be elected at the municipal general election in 2005  
21 as members of the board from Districts 1 and 2, respectively, as described in  
22 subsection (d) of Section 2.10 of this charter and shall reside in and be elected from  
23 Districts 1 and 2 as so described.

24 (E) Members of the board first elected pursuant to subparagraphs (C) and (D) of this  
25 paragraph, and all future successors to such officers having terms of office which are  
26 to expire, shall be elected at the municipal general election immediately preceding the  
27 expiration of such terms, shall take office the first day of January immediately  
28 following that election, and shall serve for terms of four years and until their respective  
29 successors are elected and qualified.

30 (F)(i) No person shall be a member of the board if that person is ineligible for such  
31 office pursuant to Code Section 20-2-51 or 45-2-1 of the O.C.G.A. or any other  
32 general law.

33 (ii) In order to be elected as a member of the board from an education district, a  
34 person must be a legal resident of that district and must receive the votes cast as  
35 required by general law for that office in that district only and not at large. Only  
36 electors who are residents of that education district may vote for a member of the  
37 board for that district. At the time of qualifying for election as a member of the board

1 from an education district, each candidate for such office shall specify the education  
 2 district for which that person is a candidate. A person elected as a member of the  
 3 board from an education district must continue to reside in that district during that  
 4 person's term of office or that office shall thereupon become vacant.

5 (iii) All members of the board who are elected thereto shall be elected in accordance  
 6 with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' in  
 7 nonpartisan elections as provided in Code Section 21-2-139 of the O.C.G.A.

8 (G) In the event of a vacancy occurring on or after January 1, 1993, in the membership  
 9 of the board, for any reason other than expiration of term, that vacancy shall be filled  
 10 as provided in Code Section 20-2-54.1 of the O.C.G.A.

11 (H) The board of education shall organize by electing a president or chairperson and  
 12 a vice president or vice chairperson from their number. The superintendent of schools  
 13 shall be elected by the board of education from outside the membership of the board,  
 14 based upon that person's qualifications, and shall serve at the pleasure of the board.

15 (I) The superintendent of schools shall serve as the secretary and treasurer of the board.  
 16 Members of the board shall, when approved by the board, receive a per diem of  
 17 \$100.00 for each day of attendance at meetings of the board and while meeting and  
 18 traveling within or outside the state as a member of a committee of the board on official  
 19 business first authorized by a majority of the board, plus reimbursement for actual  
 20 expenses necessarily incurred in connection therewith. The accounts for such service  
 21 and expenses shall be submitted for approval to the school superintendent. The  
 22 compensation of members of the board shall be paid only from the local tax funds  
 23 available to the board for educational purposes.

24 (J) The board of education has the power to set the millage rate for the school district  
 25 property tax.

26 (K) In addition to these powers, the board of education shall possess all such other  
 27 powers as are granted to boards of education under general law. Except as otherwise  
 28 provided in this paragraph, the superintendent shall be subject to all general laws of this  
 29 state relating to school superintendents."

## 30 SECTION 2.

31 Said Act is further amended by striking Section 6.11 thereof and inserting in its place the  
 32 following:

33 "**Section 6.11.** Millage. Except as provided in subparagraph (b)(40)(J) of Section 1.12 of  
 34 this charter in regards to the millage for the school district's property tax, the city council  
 35 by ordinance shall establish a millage rate for the city property tax, a due date, and the time  
 36 period within which these taxes must be paid. The city council by ordinance may provide

1 for the payment of these taxes by installments or in one lump sum, as well as authorize the  
2 voluntary payment of taxes prior to the time when due."

3 **SECTION 3.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law  
5 without such approval.

6 **SECTION 4.**

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