

House Resolution 12

By: Representatives Jones of the 46th, Burkhalter of the 50th, Geisinger of the 48th, Martin of the 47th, Wilkinson of the 52nd, and others

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to provide that the
 2 re-creation of a previously existing county which was merged into another county may be
 3 accomplished by law subject to the approval of the voters therein and subject to certain
 4 conditions; to provide for submission of this amendment for ratification or rejection; and for
 5 other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article IX, Section I of the Constitution is amended by striking Paragraph II and inserting
 9 in its place a new Paragraph II to read as follows:

10 "Paragraph II. *Number of counties limited; county boundaries and county sites; county*
 11 *consolidation.* (a) There shall not be more than 159 counties in this state.

12 (b) The metes and bounds of the several counties and the county sites shall remain as
 13 prescribed by law on June 30, 1983, unless changed under the operation of a general law.

14 (c) The General Assembly may provide by law for the consolidation of two or more
 15 counties into one or the division of a county and the merger of portions thereof into other
 16 counties under such terms and conditions as it may prescribe; but no such consolidation,
 17 division, or merger shall become effective unless approved by a majority of the qualified
 18 voters voting thereon in each of the counties proposed to be consolidated, divided, or
 19 merged.

20 (d)(1) Subparagraphs (a), (b), and (c) of this Paragraph shall not apply with respect to
 21 the re-creation of a county which was previously merged with and made a part of another
 22 county; and such a re-creation of a previously existing county may be accomplished by
 23 law notwithstanding the provisions of subparagraphs (a), (b), and (c) of this Paragraph
 24 or any other provision of this Constitution. The boundaries of the re-created county may
 25 be the same as those in effect immediately prior to the previous merger or may be
 26 generally similar but not identical as determined in the discretion of the General
 27 Assembly in the Act re-creating the county. The law re-creating the county shall contain

1 a definite description of boundaries of the county; may provide transitional provisions for
 2 the transfer over time of powers, functions, facilities, and assets and obligations to the
 3 county; and shall have the force and effect of general law notwithstanding its territorial
 4 application. The re-creation shall not become effective unless approved by a majority of
 5 the qualified voters voting thereon in the area of the county to be re-created, as defined
 6 in the Act re-creating the county.

7 (2) The superior court of a county re-created under this subparagraph (d) shall be
 8 included in the same judicial circuit as the county which previously included the greatest
 9 part of the territory of the re-created county, unless otherwise provided by law.

10 (3) The territory within the re-created county shall constitute a new county school
 11 district and shall be removed from any other local school district in the manner to be
 12 provided by law."

13 SECTION 2.

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

17 "() YES Shall the Constitution of Georgia be amended to allow the re-creation of a
 18 historically existing county which was merged into another if the voters
 19 () NO therein approve it by referendum?"

20 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 21 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 22 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 23 become a part of the Constitution of this state.