

Senate Resolution 1024

By: Senators Weber of the 40th, Adelman of the 42nd, Johnson of the 1st, Williams of the 19th and Reed of the 35th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to authorize the General Assembly to
 2 provide by local law for the creation and comprehensive regulation of education
 3 improvement 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 VIII of the Constitution is amended by adding a new section to read as follows:

8 "SECTION VIII.

9 EDUCATION IMPROVEMENT DISTRICTS

10 Paragraph I. *Creation.* The General Assembly may by local law create one or more
 11 education improvement districts as provided in this section.

12 Paragraph II. *Purposes.* The purpose of an education improvement district shall be the
 13 provision of facilities needs of public schools or special schools established under Article
 14 VIII, Section V of this Constitution.

15 Paragraph III. *Administration.* (a) Any education improvement district shall be
 16 comprised of a single, contiguous geographical area containing at least 500 acres,
 17 containing a population of at least 2,000 persons, and in which at least 10 percent of the
 18 total geographical area is used or is zoned for purposes other than residential uses.

19 (b) Any local law creating an education improvement district shall provide for the
 20 establishment and membership of an administrative body for the education improvement
 21 district.

22 (c) Any local law creating an education improvement district shall:

23 (1) Be signed by the majority of the members of the House of Representatives and a
 24 majority of the members of the Senate whose districts are wholly or partially located
 25 within the education improvement district;

1 (2) Be conditioned upon approval by a majority of the qualified electors residing within
2 the limits of the education improvement district voting in a referendum thereon; and

3 (3) Require adoption of a resolution by the local board of education or, in the case of
4 a special school, by the governing body thereof, which resolution consents to the creation
5 of the education improvement district.

6 (d) The administrative body of each education improvement district may be authorized to
7 levy ad valorem taxes within the education improvement district only on real property and
8 specifically excluding tangible personal property and intangible property. Any ad valorem
9 tax so levied shall not exceed 1.0 mills per dollar or such lower limit as may be established
10 by law. Such taxes shall be used only for the purpose of providing facilities needs of public
11 schools or special schools. Any such tax shall be collected by the county or counties in
12 which the education improvement district is located in the same manner as ad valorem taxes
13 levied by such county or counties. The proceeds of such taxes so levied, less such fee to
14 cover the costs of collection as may be specified by law, shall be transmitted by the
15 collecting county or counties to the administrative body of the education improvement
16 district and shall be expended by the administrative body of the education improvement
17 district only for the purpose authorized by this section.

18 Paragraph IV. ***Solicitation of private contributions.*** The administrative body of an
19 education improvement district may solicit private donations to support facilities needs of
20 its schools and such donations may be tax deductible as provided by law. The
21 administrative body may solicit such contributions by publishing its intent to use tax
22 revenues to match private contributions in whatever ratio the administrative body deems
23 appropriate.

24 Paragraph V. ***Debt.*** The administrative body of an education improvement district may
25 incur debt, as authorized by law, without regard to the requirements of Section V of this
26 article, which debt shall be backed by the full faith, credit, and taxing power of the
27 education improvement district but shall not be an obligation of the State of Georgia or any
28 other unit of government of the State of Georgia other than the education improvement
29 district.

30 Paragraph VI. ***Cooperation with local governments.*** The facilities needs provided
31 pursuant to this section shall be provided for in a cooperation agreement executed jointly
32 by the administrative body and the local board of education in which the education
33 improvement district is created or, in the case of a special school, the governing body
34 thereof. The provisions of this section shall in no way limit the authority of any local board
35 of education or governing body of a special school to provide facilities needs within any
36 education improvement district. The administrative body of the education improvement
37 district is authorized to negotiate with and to enter into any contracts or agreements as may

1 be necessary with the local board of education or the governing body of a special school.
2 Such contracts and agreements may include, but specifically not be limited to, the transfer
3 of all or a portion of the right, title, interest, and ownership of new facilities or existing
4 facilities or the leasing of such facilities to the local board of education or the governing
5 body of a special school.

6 Paragraph VI. **Regulation by general law.** The General Assembly by general law may
7 regulate, restrict, and limit the creation of education improvement districts and the exercise
8 of the powers of administrative bodies of education improvement districts."

9 **SECTION 2.**

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

13 "() YES Shall the Constitution of Georgia be amended so as to authorize the General
14 Assembly to provide by local law for the creation and comprehensive
15 () NO regulation of education improvement districts?"

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