

Senate Resolution 392

By: Senators Johnson of the 1st, Moody of the 56th and Shafer of the 48th

## 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 the status and effect of the implementing law; to provide for  
 5 submission of this amendment for ratification or rejection; and for 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 revising Paragraph II as follows:

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

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

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

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

28 the transfer over time of powers, functions, facilities, and assets and obligations to the  
 29 county; shall have the force and effect of general law notwithstanding its territorial  
 30 application; and shall not be preempted by any other general law. The law re-creating the  
 31 county and any amendments thereto:

32 (A) Shall not be subject to the multiple subject matter prohibition of Article III, Section  
 33 V, Paragraph III to the extent that such law and amendments may make provisions for  
 34 the re-created county and for associated governmental entities and may also make  
 35 provisions for any other county whose territorial limits are affected and for  
 36 governmental entities associated with such other county or counties;

37 (B) Shall not be subject to the population Act prohibition of Article III, Section VI,  
 38 Paragraph IV(b) to the extent that such law and amendments may provide for the  
 39 application or nonapplication of previously existing population Acts to:

40 (i) The re-created county and associated governmental entities;

41 (ii) Any other county or counties whose territorial limits are affected and  
 42 governmental entities associated with such other county or counties; or

43 (iii) Neither or both of the foregoing;

44 (C) Shall not be subject to the provisions of Article XI, Section I, Paragraph IV to the  
 45 extent that such law and amendments may provide for the application or nonapplication  
 46 of previously existing local constitutional amendments to:

47 (i) The re-created county and associated governmental entities;

48 (ii) Any other county or counties whose territorial limits are affected and  
 49 governmental entities associated with such other county or counties; or

50 (iii) Neither or both of the foregoing; and

51 (D) May include provisions not consistent with the provisions of this Constitution  
 52 found in:

53 (i) Article VI, Section I;

54 (ii) Article VIII, Section V;

55 (iii) Article VIII, Section VI; and

56 (iv) Article IX, Section I.

57 (2) The re-creation shall not become effective unless approved by a majority of the  
 58 qualified voters voting thereon in the area of the county to be re-created, as defined in the  
 59 Act re-creating the county.

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

63 (4) The territory within the re-created county shall constitute a new county school district  
64 and shall be removed from any other local school district in the manner to be provided  
65 by law."

66 **SECTION 2.**

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

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

73 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

74 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
75 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
76 become a part of the Constitution of this state.