

Senate Bill 178

By: Senators Moody of the 56th, Hill of the 4th and Weber of the 40th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 10 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
 2 Annotated, relating to capital outlay funds under the "Quality Basic Education Act," so as
 3 to embed and extend a sunset date of June 30, 2011, for provisions relating to advance
 4 funding, exceptional growth, and low-wealth capital outlay grants; to amend an Act approved
 5 May 6, 2008 (Ga. L. 2008, p. 288), an Act approved April 9, 2001 (Ga. L. 2001, p. 148), and
 6 an Act approved April 22, 1999 (Ga. L. 1999, p. 400), relating to the automatic repeal of
 7 provisions relating to advance funding, exceptional growth, and low-wealth capital outlay
 8 grants; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Part 10 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 12 relating to capital outlay funds under the "Quality Basic Education Act," is amended by
 13 revising subsection (h) of Code Section 20-2-260, relating to capital outlay funds generally,
 14 as follows:

15 "(h) A local school system may receive state capital outlay funds for one construction
 16 project under the advance funding category to meet educational facilities needs due to the
 17 following:

- 18 (1) Extraordinary growth of student population in excess of the capacity of existing
 19 facilities;
- 20 (2) Destruction of or damage to educational facilities by fire or natural disaster, limited
 21 by the provisions of paragraph (2) of subsection (f) of this Code section;
- 22 (3) Replacement of educational facilities which have been certified as hazards to health
 23 or safety;
- 24 (4) Projects, in priority order, which would otherwise require more than three years of
 25 the combined annual entitlement and required local participation amounts, estimated in

26 accordance with the total entitlement intended for authorization by the State Board of
27 Education; and

28 (5) Projects for consolidation of schools across local school system lines which have
29 costs that exceed the combined annual entitlements of the participating local school
30 systems. Such projects shall meet, with the exception of paragraph (2) of this subsection,
31 the following conditions to qualify for advanced funding:

32 (A) The local school systems have specifically requested funding under this subsection
33 prior to submission of the annual budget request for the state board to the General
34 Assembly;

35 (B) Annual entitlements accrued under subsection (g) of this Code section have offset
36 any advanced funding previously granted, except that no more than three years of
37 combined entitlements of the participating local school systems shall be required to
38 offset advance funding for consolidation projects pursuant to paragraph (5) of
39 subsection (e) of this Code section;

40 (C) The projects to be funded are not in addition to projects funded for local school
41 systems under the provisions of subsection (g) of this Code section in a given year; and

42 (D) The required local participation and all other procedural requirements of this Code
43 section are met.

44 This subsection shall be automatically repealed on June 30, 2011."

45 **SECTION 2.**

46 Said part is further amended in Code Section 20-2-260, relating to capital outlay funds
47 generally, by adding a new paragraph to subsection (j) to read as follows:

48 "(7) This subsection shall be automatically repealed on June 30, 2011."

49 **SECTION 3.**

50 Said part is further amended in Code Section 20-2-262, relating to low-wealth capital outlay
51 grants to local school systems, by adding a new subsection to read as follows:

52 "(e) This Code section shall be automatically repealed on June 30, 2011."

53 **SECTION 4.**

54 (1) An Act approved May 6, 2008 (Ga. L. 2008, p. 288), is amended by repealing Section
55 1 of such Act in its entirety.

56 (2) An Act approved April 9, 2001 (Ga. L. 2001, p. 148), is amended by repealing Section
57 21 of such Act in its entirety.

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SECTION 5.

59 (1) An Act approved May 6, 2008 (Ga. L. 2008, p. 288), is amended by repealing Section
60 2 of such Act in its entirety.

61 (2) An Act approved April 9, 2001 (Ga. L. 2001, p. 148), is amended by repealing Section
62 23 of such Act in its entirety.

63 (3) An Act approved April 22, 1999 (Ga. L. 1999, p. 400), is amended by striking in its
64 entirety Section 2 and inserting in lieu thereof a new Section 2 to read as follows:

65

"SECTION 2.

66 This Act shall become effective upon its approval by the Governor or upon its becoming law
67 without such approval ~~and shall be automatically repealed on June 30, 2002.~~"

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SECTION 6.

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