

Senate Resolution 153

By: Senators Weber of the 40th, Adelman of the 42nd, Williams of the 19th and Thompson of the 5th

ADOPTED SENATE

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 for the provision of facilities for one or more public or special schools;
 4 to provide for the submission of this amendment for ratification or rejection; and for other
 5 purposes.

6 **BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Article VIII of the Constitution is amended by adding a new section to read as follows:

9 **"SECTION VIII.**

10 **EDUCATION IMPROVEMENT DISTRICTS**

11 Paragraph I. *Creation.* The General Assembly may by local law create one or more
 12 education improvement districts to provide for facilities for of one or more schools as
 13 provided in this section.

14 Paragraph II. *Purposes.* The purpose of an education improvement district shall be the
 15 provision of facilities for one or more public schools established by a board of education
 16 under Article VIII, Section V, Paragraph I of this Constitution or one or more special
 17 schools established under Article VIII, Section V, Paragraph VII of this Constitution or a
 18 combination of such public schools and special schools. Facilities may include
 19 construction of new school facilities, capital improvements to existing school facilities, or
 20 leasing of school facilities or a combination thereof. Facilities may also include
 21 pre-kindergarten programs within a public school or special school.

22 Paragraph III. *Administration.* (a) Any education improvement district shall be composed
 23 of a single, contiguous geographical area containing at least 500 acres and containing a
 24 population of at least 2,000 persons and may include portions of one or more school
 25 systems.

26 (b) Any local law creating an education improvement district shall provide for the
27 establishment and membership of an administrative body for the education improvement
28 district. Such membership shall include representation from each local board of education
29 included within the education improvement district, if one or more public schools are to
30 be benefitted, and representation from the governing board of each special school if such
31 special school is to be benefitted.

32 (c) Any local law creating an education improvement district shall provide for the
33 duration of such district. Such local law shall also include provisions which address
34 occurrences such as closure and sale of a facility provided for under the district.

35 (d) Any local law creating an education improvement district shall be signed by every
36 member of the House of Representatives and the Senate whose districts are wholly or
37 partially located within the education improvement district and shall be conditioned upon:

38 (1) The adoption of a resolution consenting to the creation of the education
39 improvement district by:

40 (A) Each local board of education which is included within the education
41 improvement district if such district is to be established for the benefit of one or more
42 public schools of the local board of education; and

43 (B) The governing board of each special school which is included within the
44 education improvement district if such district is to be established for the benefit of any
45 such special school; and

46 (2) Approval by a majority of the qualified electors residing within the limits of the
47 education improvement district voting in a referendum thereon. Such referendum shall
48 identify the tax rate to be levied, the specific facility or facilities for which the ad valorem
49 taxes collected under subparagraph (e) of this Paragraph will be used, and the estimated
50 costs relating to the facility or facilities. Any referendum held pursuant to this
51 subparagraph shall be conducted only on the Tuesday after the first Monday in November
52 in odd-numbered years or on the date of the presidential preference primary, general
53 primary, or general election in even-numbered years.

54 (e) The administrative body of each education improvement district may be authorized
55 to levy ad valorem taxes within the education improvement district only on real property
56 and specifically excluding tangible personal property and intangible property. The tax rate
57 charged by the education improvement district may not exceed the rate specified in the
58 referendum. Any such ad valorem tax shall not apply to the homestead property of any
59 person residing within the education improvement district who is 65 years of age or older.
60 Any such tax shall be collected by the county or counties in which the education
61 improvement district is located in the same manner as ad valorem taxes levied by such
62 county or counties. The proceeds of such taxes so levied, less such fee to cover the costs

63 of collection as may be specified by law, shall be transmitted by the collecting county or
64 counties to the administrative body of the education improvement district and shall be
65 expended by such administrative body for the purpose authorized by this section. The
66 administrative body of the education improvement district may not use such ad valorem
67 taxes to fund any facility other than the specific facility or facilities specified in the
68 referendum. In the event that actual costs for the facility or facilities are less than the
69 estimated costs presented in the referendum, the local law may provide for lowering of the
70 tax, ceasing to collect such tax at an earlier date, refunds to taxpayers, or any other
71 appropriate mechanism.

72 Paragraph IV. *Solicitation of contributions.* The administrative body of an education
73 improvement district may accept bequests, donations, grants and transfers of land,
74 buildings, and other property from individuals, private entities, counties, local boards of
75 education, municipalities, the State Board of Education, the Board of Regents, or the State
76 of Georgia.

77 Paragraph V. *Debt.* The administrative body of an education improvement district may
78 incur debt, as authorized by law, without regard to the requirements of Article IX,
79 Section V of this Constitution, which debt shall be backed by the full faith, credit, and
80 taxing power of the education improvement district but shall not be an obligation of the
81 State of Georgia or any other unit of government of the State of Georgia other than the
82 education improvement district.

83 Paragraph VI. *Cooperation with local governments.* The facilities provided pursuant to
84 this section shall be provided for in a cooperative agreement executed jointly by the
85 administrative body and one or more local boards of education or, in the case of a special
86 school or special schools, the governing body or bodies thereof. The provisions of this
87 section shall in no way limit the authority of any local board of education or governing
88 body of a special school to provide facilities within any education improvement district.
89 Such cooperative agreements may include, but specifically not be limited to, the transfer
90 of all or a portion of the right, title, interest, and ownership of new facilities or existing
91 facilities or the leasing of such facilities to the local board of education, the governing body
92 of a special school, or the state, as appropriate.

93 Paragraph VII. *Regulation by general law.* The General Assembly by general law may
94 regulate, restrict, and limit the creation of education improvement districts and the exercise
95 of the powers of administrative bodies of education improvement districts."

96

SECTION 2.

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

100 " YES Shall the Constitution of Georgia be amended so as to authorize the General
101 Assembly to provide by local law for the creation and comprehensive
102 NO regulation of education improvement districts for the provision of facilities
103 for one or more public or special schools?"

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

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