

House Bill 574 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickson of the 6th and Williams of the 4th

A BILL TO BE ENTITLED
AN ACT

1 To continue the Dalton Independent School System, the Dalton Independent School District,
2 and the Board of Education for the Dalton Independent School System; to provide for the
3 powers and duties of the board; to provide for continuation in office of current board
4 members; to provide for elections, qualifications, posts, and terms of office of members of
5 the board; to provide for vacancies in office; to provide for meetings, organization, and
6 procedures of the board; to provide for ad valorem taxation; to provide for resolutions,
7 orders, rules, and regulations; to provide for existing rights, interests, obligations, and
8 liabilities; to provide for submission under the Voting Rights Act of 1965, as amended; to
9 provide effective dates; to provide for contingent automatic repeal; to repeal certain specific
10 Acts; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 The Dalton Independent School System (sometimes known as the "Dalton Public Schools"
14 and hereinafter referred to as the "school system") in Whitfield County, which was created
15 pursuant to an Act to authorize the Mayor and Council of the City of Dalton to levy a tax for
16 the purpose of establishing and maintaining public schools, approved September 28, 1881
17 (Ga. L. 1880-1881, p. 480), as amended, is hereby continued as an independent school
18 system and a political subdivision of the State of Georgia as provided by this Act.

19 style="text-align:center">**SECTION 2.**

20 The territory and boundaries of the Dalton Independent School District (hereinafter referred
21 to as the "school district") shall be the same as such existed on December 31, 2012.

22 style="text-align:center">**SECTION 3.**

23 (a) The Board of Education for the Dalton Independent School System (hereinafter referred
24 to as the "board") is hereby continued in existence as provided by this Act.

25 (b) The board shall have and exercise control and management of the school system in
 26 accordance with the provisions of this Act and the Constitution and general laws of the state.
 27 The board shall have all the powers and duties provided to local boards of education by the
 28 Constitution and general laws of the state.

29 **SECTION 4.**

30 (a) Those members of the board serving as such on December 31, 2012, and any person
 31 selected to fill a vacancy in any such office shall continue to serve as such members until the
 32 regular expiration of their respective terms of office and upon the election and qualification
 33 of their respective successors.

34 (b) On and after January 1, 2013, the board shall consist of five members, each of whom
 35 shall be elected at-large to designated posts as provided in this Act. At the time of
 36 qualifying, each candidate shall designate the post to which he or she seeks election.

37 **SECTION 5.**

38 (a) No person shall be a member of the board if that person is ineligible for such office
 39 pursuant to Code Sections 45-2-1 and 20-2-51 of the O.C.G.A. or any other general law
 40 applicable to that office.

41 (b) In order to be elected or appointed as a member of the board, a person must have resided
 42 in the school district for at least 12 months prior to election or appointment thereto and, if
 43 elected, must receive the number of votes cast as required by general law for that office.
 44 Only electors who are residents of the school district may vote for a member of the board.
 45 At the time of qualifying for election as a member of the board, each candidate for such
 46 office shall specify the post for which that person is a candidate. A person elected or
 47 appointed as a member of the board must continue to reside in the school district during that
 48 person's term of office or that office shall become vacant.

49 **SECTION 6.**

50 (a)(1) The members of the board shall be elected as provided in this subsection.

51 (2) The members from Posts 1 and 2 shall be elected at the general election on the
 52 Tuesday next following the first Monday in November, 2013. Those members of the
 53 board elected thereto from Posts 1 and 2 in 2013 shall take office the first day of January
 54 immediately following that election and shall serve for initial terms of office which
 55 expire December 31, 2016, and upon the election and qualification of their respective
 56 successors.

57 (3) The members from Posts 3, 4, and 5 shall be elected at the general election on the
 58 Tuesday next following the first Monday in November, 2015. Those members of the

59 board elected thereto from Posts 3, 4, and 5 in 2015 shall take office the first day of
60 January immediately following that election and shall serve for initial terms of office
61 which expire December 31, 2018, and upon the election and qualification of their
62 respective successors.

63 (4) Those and all future successors to members of the board whose terms of office are
64 to expire shall be elected at the time of the state-wide general election immediately
65 preceding the expiration of such terms, shall take office the first day of January
66 immediately following that election, and shall serve for terms of office of four years each.
67 Members of the board shall serve for the terms of office specified therefor in this
68 subsection and until their respective successors are elected and qualified.

69 (b) All members of the board who are elected thereto shall be nominated and elected in
70 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

71 (c) Any vacancy in office upon the board which occurs for any reason shall be filled by an
72 eligible person selected by majority vote of the remaining board members, and the person
73 so selected shall serve for the remainder of the unexpired term.

74 **SECTION 7.**

75 (a) At the first regular meeting of the board in January following each regular election, the
76 newly elected members shall take their oaths of office.

77 (b) At the first regular meeting of the board in January of each year, the board shall elect a
78 chairperson, a vice chairperson, and a treasurer by a majority vote of its members. The
79 chairperson, vice chairperson, and treasurer shall serve for a term of one year and may be
80 reelected to such position thereafter. The chairperson shall preside at all meetings of the
81 board. The vice chairperson shall serve as chairperson during any absence of the
82 chairperson.

83 (c) Three members of the board shall constitute a quorum for the transaction of business,
84 although a smaller number may adjourn from time to time and compel the attendance of its
85 members.

86 (d) The affirmative vote of three members of the board shall be required for the passage of
87 any resolution.

88 (e) The board shall adopt rules of procedure governing the transaction of its business
89 consistent with the provisions of this Act and any other applicable laws. The rules of the
90 board shall provide for regular meetings which shall be held at least monthly and in
91 accordance with the provisions of Code Section 20-2-58 of the O.C.G.A. and shall provide
92 for any special meetings of the board.

93 **SECTION 8.**

94 Members of the board may receive salary and expenses as provided by Code Section 20-2-55
95 of the O.C.G.A.

96 **SECTION 9.**

97 (a) Pursuant to Article VIII, Section VI, Paragraph I of the Constitution, the board shall
98 support and maintain the school system by levy of school taxes upon the assessed value of
99 all taxable property within the school district; and the board shall annually certify to the
100 consolidated government of Dalton and Whitfield County, as successor in interest to the
101 governing authority of the former City of Dalton, the mill rate of the tax levy. The
102 consolidated government of Dalton and Whitfield County, as successor in interest to the
103 governing authority of the former City of Dalton, shall in all respects assume the
104 responsibilities of the former municipality under Code Section 48-5-405 of the O.C.G.A. for
105 purposes of levying, collecting, and remitting to the school system ad valorem taxes for
106 support and maintenance of the school system. Funds so remitted to the school system shall
107 be expended by the board only for those purposes authorized by Article VIII, Section VI,
108 Paragraph I of the Constitution.

109 (b) The mill limitation in effect on December 31, 2012, shall remain in effect unless and
110 until provided otherwise in accordance with Article VIII, Section VI, Paragraph II of the
111 Constitution.

112 **SECTION 10.**

113 Existing resolutions, orders, rules, and regulations of the board and the school system and
114 any departments and agencies thereof, not inconsistent with the provisions of this Act, shall
115 remain effective unless and until they are repealed, modified, or amended.

116 **SECTION 11.**

117 This Act shall not impair any right or obligation of any contract entered into prior to
118 January 1, 2013; and the board shall continue to have such rights, interests, obligations, and
119 liabilities of the board, including but not limited to rights and interests in real property, as
120 existed on December 31, 2012.

121 **SECTION 12.**

122 The Board of Education for the Dalton Independent School System shall through its legal
123 counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act
124 of 1965, as amended; and such submission shall be made to the United States Department

125 of Justice or filed with the appropriate court no later than 45 days after the date on which this
126 Act is approved by the Governor or otherwise becomes law without such approval.

127 **SECTION 13.**

128 (a) This section and Section 12 of this Act shall become effective upon approval of this Act
129 by the Governor or upon its becoming law without such approval.

130 (b)(1) Sections 1 through 11, 14, and 15 of this Act shall become effective only if a
131 charter for a consolidated government of the City of Dalton and Whitfield County,
132 abolishing the City of Dalton, is approved in a local referendum held on the date of the
133 November, 2012, state-wide general election as provided by a local Act of the General
134 Assembly creating the Dalton-Whitfield Charter Commission, in which event said
135 sections of this Act shall become effective on January 1, 2013.

136 (2) If the charter is not approved as provided in such local Act or the referendum is not
137 held as provided in such local Act, then Sections 1 through 11, 14, and 15 of this Act
138 shall not become effective and this Act shall stand repealed on January 1, 2013; provided,
139 however, that any such automatic repeal of this Act shall have no effect on the continued
140 existence of the Dalton Independent School System, the Dalton Independent School
141 District, or the Board of Education for the Dalton Independent School System under other
142 law.

143 **SECTION 14.**

144 (a) An Act to authorize the Mayor and Council of the City of Dalton to levy a tax for the
145 purpose of establishing and maintaining public schools, approved September 28, 1881 (Ga.
146 L. 1880-1881, p. 480), as amended, is hereby repealed.

147 (b) An Act to provide for the levying of a tax for the maintenance of public schools in the
148 City of Dalton, approved March 10, 1937 (Ga. L. 1937, p. 1729), is hereby repealed.

149 (c) Any provision of an Act to consolidate, amend, and codify the various Acts incorporating
150 the City of Dalton in the County of Whitfield, approved February 24, 1874 (Ga. L. 1874, p.
151 181), as amended, regarding the Dalton Independent School System, the Dalton Independent
152 School District, or the Board of Education for the Dalton Independent School System which
153 is in conflict with this Act is hereby repealed.

154 **SECTION 15.**

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