

Senate Bill 399

By: Senator Golden of the 8th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 8 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to consolidation of independent and county school systems, so as to provide for an  
3 election to dissolve an independent school system in the event that it becomes financially  
4 insolvent; to require a majority vote of the qualified voters in both the independent school  
5 district and the county school district; to provide that an election to dissolve by petition may  
6 not be held more often than every 36 months; to provide for related matters; to provide for  
7 an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 8 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
11 consolidation of independent and county school systems, is amended by revising Code  
12 Section 20-2-370, relating to referendum on repeal of special school law and consolidation  
13 of systems, as follows:

14 "20-2-370.

15 (a)(1) Whenever the citizens of a ~~municipality~~ or an independent school district  
16 authorized by law to establish and maintain a system of schools by local taxation in  
17 whole or in part are operating a system of public schools independent of the county  
18 school system and wish to annul their special school law and become a part of the county  
19 school system, they shall present and file with the governing authority of both the city  
20 and the county in which the independent school system is located a petition signed by  
21 one-fourth of the qualified voters of their territory both the independent school district  
22 and the county.;

23 (2) Whenever an independent school district authorized by law to establish and maintain  
24 a system of schools by local taxation in whole or in part is operating a system of public  
25 schools independent of the county school system and becomes or is expected to become  
26 financially insolvent, the local school superintendent shall recommend to the local board

27 that the local board approve a resolution requesting that the state auditor certify such  
 28 actual or impending financial insolvency and calling for a referendum to annul their  
 29 special school law and become a part of the county school system. Upon certification by  
 30 the state auditor, the local board shall present and file such resolution with the governing  
 31 authority of both the city and the county in which the independent school system is  
 32 located.

33 (b) Upon receipt of a petition or resolution pursuant to subsection (a) of this Code section,  
 34 the ~~and the~~ governing authority of both the city and the county shall then submit the  
 35 question at an election to be held in accordance with Chapter 2 of Title 21. A majority of  
 36 those voting shall be necessary to carry the election. ~~Only qualified~~ Qualified voters  
 37 residing within either the ~~municipality or independent school district~~ or the county at large  
 38 for six months prior to the election shall be eligible to vote.

39 (c) An election pursuant to a petition under paragraph (1) of subsection (a) of this Code  
 40 section shall not be held for the same purpose more often than every ~~12~~ 36 months."

41 **SECTION 2.**

42 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 43 without such approval.

44 **SECTION 3.**

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