

Senate Bill 67

By: Senators Burke of the 11th, Hill of the 4th, Kirk of the 13th, Sims of the 12th and Mullis of the 53rd

**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 for elementary and secondary education, so as to  
3 provide for eligibility for regular funding, advance funding, and low-wealth capital outlay  
4 funding for educational facilities that are extensively destroyed or damaged by a fire or  
5 natural disaster to concurrently repair, update, or replace the portion of any such facility that  
6 was not destroyed or damaged; to provide an additional path for eligibility for local school  
7 systems for low-wealth capital outlay funding; to provide for related matters; to repeal  
8 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 for elementary and secondary education, is amended in Code  
13 Section 20-2-260, relating to capital outlay funds generally, by revising subsection (t) as  
14 follows:

15 "(t)(1) In the event of destruction or damage to an educational facility caused by fire or  
16 natural disaster, if a local school system has insufficient funds to meet its required local  
17 participation, the school system may submit a request to the Department of Education for  
18 State Board of Education approval to redirect bond proceeds from a project which has not  
19 been started or in which a school system has not yet requested the full reimbursement.  
20 Such request to redirect shall be submitted by the board to the Georgia State Financing  
21 and Investment Commission and the Office of Planning and Budget for approval. If such  
22 request is approved, the local school system shall apply for an equivalent amount of funds  
23 in the following year to replace the funds advanced to it pursuant to this ~~subsection~~  
24 paragraph.

25 (2) In the event of destruction or damage to an educational facility caused by a fire or  
 26 natural disaster in which the majority of the facility is destroyed or damaged, a local  
 27 school system shall be immediately qualified for and may receive regular state capital  
 28 outlay funds pursuant to paragraph (1) of subsection (e) of this Code section and regular  
 29 advance funding pursuant to paragraph (2) of subsection (h) of this Code section for the  
 30 concurrent update, repair, or replacement of the portion of the facility that was not  
 31 destroyed or damaged so long as the facility is 20 years old or older."

32 **SECTION 2.**

33 Said part is further amended in Code Section 20-2-262, relating to low-wealth capital outlay  
 34 grants to local school systems, by revising subsection (d) and by adding a new subsection to  
 35 read as follows:

36 "(d) Local school systems which meet the following criteria shall be eligible for a  
 37 low-wealth capital outlay grant:

38 (1)(A)(i) The amount of sales tax revenues per unit in the full-time equivalent student  
 39 count of the local school system is ranked in the bottom 25 percent of local school  
 40 systems for sales tax revenues per unit in the full-time equivalent student count; and

41 (ii) The value of property per unit in the full-time equivalent student count of the  
 42 local school system is ranked in the bottom 25 percent of local school systems for  
 43 value of property per unit in the full-time equivalent student count; ~~or~~

44 (B) For local school systems in which the amount of special purpose local option sales  
 45 tax revenues is ranked in the bottom 25 percent of local school systems receiving such  
 46 sales tax revenues, such systems may submit a request to the department for  
 47 consideration; provided, however, that the local school system shall be required to  
 48 commit the equivalent of five years of such revenues for the project. The department  
 49 shall consider factors such as the high cost of a project, the local school system's ability  
 50 to manage the project on its own, and the needs of the local school system, in  
 51 determining whether to approve a project pursuant to this subparagraph; or

52 (C) For local school systems that are consolidating educational facilities in accordance  
 53 with a local facilities plan, the amount of special purpose local option sales tax revenues  
 54 for a local school system over a five-year period would not generate the required local  
 55 contribution, as determined pursuant to subsection (c) of this Code section;

56 (2) The local school system's millage rate for maintenance and operation is at least 12  
 57 mills or an equivalent millage thereof;

58 (3) A special purpose local option sales tax is in effect in the local school district or the  
 59 local school system has in place a millage rate for debt service on bonds, or both; and

60 (4) The local school system uses prototypical specifications as defined by the State  
61 Board of Education for the project."

62 "(f) In the event of destruction or damage to an educational facility caused by a fire or  
63 natural disaster in which the majority of the facility is destroyed or damaged, a local school  
64 system which meets the eligibility criteria in subsection (d) of this Code section shall be  
65 immediately qualified for and may receive low-wealth capital outlay grants pursuant to this  
66 Code section for the concurrent update, repair, or replacement of the portion of the facility  
67 that was not destroyed or damaged so long as the facility is 20 years old or older."

68 **SECTION 3.**

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