

1976 Georgia Constitution (as ratified without subsequent amendments)

PREAMBLE

To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen, and transmit to posterity the enjoyment of liberty, we the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS

SECTION I.

RIGHTS OF PERSONS

Paragraph I. Life, Liberty, and Property. No person shall be deprived of life, liberty, or property, except by due process of law.

Paragraph II. Freedom of Conscience. All men have the natural and inalienable right to worship God, each according to the dictates of his own conscience, and no human authority should, in any case, control or interfere with such right of conscience.

Paragraph III. Religious Options; Liberty of Conscience. No inhabitant of this State shall be molested in person or property, or prohibited from holding any public office, or trust, on account of his religious opinions; but the right of liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

Paragraph IV. Liberty of Speech or of the Press Guaranteed. No law shall ever be passed to curtail, or restrain the liberty of speech, or of the press; any person may speak, write and publish his sentiments, on all subjects, being responsible for the abuse of that liberty.

Paragraph V. Arms, Right to Keep and Bear. The right of the people to keep and bear arms, shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

Paragraph VI. Right to Assemble and Petition. The people have the right to assemble peaceably for their common good and to apply to those vested with the powers of government for redress of grievances by petition or remonstrance.

Paragraph VII. Attainder; Ex Post Facto and Retroactive Laws, Etc. No bill of attainder, ex post facto law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grant of special privileges or immunities, shall be passed.

Paragraph VIII. Libel; Jury in Criminal Cases; New Trials. In all prosecutions or indictments for libel the truth may be given in evidence; and the jury in all criminal cases, shall be the judges of the law and the facts. The power of the judges to grant new trials in case of conviction is preserved.

Paragraph IX. Right to the Courts. No person shall be deprived of the right to prosecute or defend his own

cause in any of the courts of this State, in person, by attorney, or both.

Paragraph X. Searches, Seizures, and Warrants. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue except upon probable cause, supported by oath, or affirmation, particularly describing the place, or places, to be searched, and the persons or things to be seized.

Paragraph XI. Benefit of Counsel; Accusation; List of Witnesses; Compulsory Process; Trial by Jury. Every person charged with an offense against the laws of this State shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation, and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the testimony of his own witnesses; shall be confronted with the witnesses testifying against him; and shall have a public and speedy trial by an impartial jury.

Paragraph XII. Habeas Corpus. The writ of Habeas Corpus shall not be suspended.

Paragraph XIII. Crimination of Self Not Compelled. No person shall be compelled to give testimony tending in any manner to criminate himself.

Paragraph XIV. Bail; Fines; Punishment; Arrest, Abuse of Prisoners. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused in being arrested, while under arrest, or in prison.

Paragraph XV. Jeopardy of Life or Liberty More Than Once Forbidden. No person shall be put in jeopardy of life or liberty more than once for the same offense, save on his, or her own motion for a new trial after conviction, or in case of mistrial.

Paragraph XVI. Treason. Treason against the State of Georgia, shall consist in levying war against her; adhering to her enemies; giving them aid and comfort. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or confession in open court.

Paragraph XVII. Conviction, Effect of. No conviction shall work corruption of blood, or forfeiture of estate.

Paragraph XVIII. Banishment and Whipping as Punishment for Crime. Neither banishment beyond the limits of the State, nor whipping, as a punishment for crime, shall be allowed.

Paragraph XIX. Slavery and Involuntary Servitude. There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

Paragraph XX. Imprisonment for Debt. There shall be no imprisonment for debt.

Paragraph XXI. Costs. No person shall be compelled to pay costs except after conviction on final trial.

Paragraph XXII. Status of the Citizen. The social status of the citizen shall never be the subject of legislation.

Paragraph XXIII. Exemptions from Levy and Sale. There is hereby exempt from levy and sale, by virtue of any process whatever under the laws of this State, the property of every head of a family, or guardian, or trustee of a family of minor children, or every aged or infirm person, or person having the care and support of dependent females of any age, who is not the head of a family, realty or personalty, or both, to the value in the aggregate of sixteen hundred dollars; and the General Assembly shall have authority to provide the manner of exempting said property, the sale, alienation and encumbrance thereof, and to provide for the

waiver of said exemption by the debtor. The laws now of force with respect to the exemptions provided herein shall remain in full force until changed by law.

Paragraph XXIV. Wife's Separate Estate. All property of the wife at the time of her marriage, and all property given, [sic.] to, inherited or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

Paragraph XXV. Enumeration of Rights Not Denial of Others. The enumeration of rights herein contained as a part of this Constitution shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

SECTION II.

ORIGIN AND STRUCTURE OF GOVERNMENT

Paragraph I. Origin and Foundation of Government. All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and at all times, amenable to them.

Paragraph II. State Rights. The people of this State have the inherent, sole and exclusive right of regulating their internal government, and the police thereof, and of altering and abolishing their Constitution whenever it may be necessary to their safety and happiness.

Paragraph III. Protection the Duty of Government. Protection to person and property is the paramount duty of government, and shall be impartial and complete.

Paragraph IV. Legislative, Judicial, and Executive Powers, Separate. The legislative, judicial, and executive powers shall forever remain separate and distinct, and no person discharging the duties of one, shall, at the same time, exercise the functions of either of the others, except as herein provided.

Paragraph V. Civil Authority Superior to Military. The civil authority shall be superior to the military, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except by the civil magistrate, in such manner as may be provided by law.

Paragraph VI. Contempts. The power of the Courts to punish for contempt shall be limited by legislative acts.

Paragraph VII. General Laws; Uniform Operation; How Varied. Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights, shall be varied in any particular case, by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person under legal disability to contract, is capable of such consent.

Paragraph VIII. What Acts Void. Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the Judiciary shall so declare them.

Paragraph IX. Citizens, Protection of. All citizens of the United States, resident in this State, are hereby declared citizens of this State, and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges and immunities due to such citizenship.

Paragraph X. Appropriations to Churches, Sects, Etc., Forbidden. No money shall ever be taken from the public Treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution.

Paragraph XI. Lotteries. All lotteries, and the sale of lottery tickets, are hereby prohibited; and this prohibition shall be enforced by penal laws.

Paragraph XII. Lobbying; Penalties. Lobbying is declared to be a crime, and the General Assembly shall enforce this provision by suitable penalties.

Paragraph XIII. Fraud; Concealment of Property. The General Assembly shall have the power to provide for the punishment of fraud; and, shall provide by law, for reaching property of the debtor concealed from the creditor.

SECTION III.

GENERAL PROVISIONS

Paragraph I. Private Ways; Just Compensation; Relocation Assistance; Land Acquisition Policies, Practices and Expenses. 1. In case of necessity, private ways may be granted upon just compensation being first paid by the applicant. Private property shall not be taken, or damaged, for public purposes, without just and adequate compensation being first paid, except that when private property is taken or damaged for public road and street purposes by the State and the counties and the municipalities of the State, just and adequate compensation therefor need not be paid until the same has been finally fixed and determined as provided by law, but such just and adequate compensation shall then be paid in preference to all other obligations except bonded indebtedness. The General Assembly may by law require the condemnor to make prepayment against adequate compensation as a condition precedent to the exercise of the right of eminent domain and provide for the disbursement of the same to the end that the rights and equities of the property owner, lien holders, and the State and its subdivisions may be protected.

2. Notwithstanding any other provisions of this Constitution, the General Assembly of the State of Georgia may by law require the State and State agencies and institutions, and counties, municipalities, school districts, political subdivisions, public authorities, public agencies, public corporations and public instrumentalities created under this Constitution or the laws of this State: (i) to provide relocation assistance and payments to persons displaced by public projects or programs undertaken or sponsored by the foregoing public entities, including without limitation, all of those relocation assistances and payments as are, by section 210 of that certain Act of Congress of the United States of America known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 91st Congress, approved January 2, 1971), required to be made or furnished to such displaced persons by such public entities in order that federal financial assistance can be made available to such public entities with respect to the public projects or programs causing such displacements, and (ii) to establish and implement acquisition policies and practices and provide for the payment or reimbursement of necessary expenses of persons whose properties are acquired in connection with the acquisition of real property for public projects or programs, such policies, practices, payments and reimbursements to include, without limitation, those real property acquisition policies, practices, payments and reimbursements which section 305 of said Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires that the foregoing public entities establish and implement or pay and reimburse, as the case may be, in acquiring real property for a public project or program in order that federal financial assistance can be made available to such public entities with respect to

such projects or programs. The providing of all of such relocation assistances and payments and, in connection with the acquisition of real property for public projects or programs, the establishing of all of such policies and practices and the paying or reimbursing of all of such necessary expenses, are declared to be necessary, among other reasons, in order to avoid the loss of large sums of money which will otherwise be made available to the foregoing public entities as financial assistance by the United States of America and shall constitute governmental functions undertaken for public purposes, and the powers of taxation may be exercised and public funds expended in furtherance thereof.

Paragraph II. Tidewater Titles Confirmed. The Act of the General Assembly approved December 16, 1902, which extends the title of ownership of lands abutting on tidal water to low water mark is hereby ratified and confirmed.

Paragraph II. Tidewater Titles Confirmed. The Act of the General Assembly approved December 16, 1902, which extends the title of ownership of lands abutting on tidal water to low water mark is hereby ratified and confirmed.

ARTICLE II.

ELECTIVE FRANCHISE

SECTION I.

QUALIFICATIONS AND DISABILITIES OF ELECTORS.

Paragraph I. Elections by Ballot; Registration of Voters. Elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.

Paragraph II. Who Shall Be An Elector Entitled to Register and Vote. Every citizen of this State who is a citizen of the United States, eighteen years old or upwards, not laboring under any of the disabilities named in this Article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: Provided, that no soldier, sailor or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

Paragraph III. Qualifications of Electors. Every citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of Paragraph I of section II of this Article, and who possesses the qualifications prescribed in Paragraph II of sections I and II of this Article or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the two following subdivisions of this paragraph.

1. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or,
2. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the

Constitution of the United States or of this State that may be read to them by any of the registrars.

SECTION II.

REGISTRATION REQUIREMENTS AND APPEALS.

Paragraph I. Registration of Electors; Who Disfranchised. The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote or hold any office, or appointment of honor, or trust in this State, to-wit: 1st. Those who shall have been convicted in any court of competent jurisdiction of treason against the State, of embezzlement of public funds, malfeasance in office, bribery or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such persons shall have been pardoned. 2nd. Idiots and insane persons.

Paragraph II. Residence Requirements to Register and Vote. The General Assembly shall provide by law for the durational residence requirements necessary to register and vote at any election by the people except that no person shall be entitled to register and vote unless he shall have resided in the State at least thirty (30) days immediately preceding the election at which he seeks to vote.

Paragraph III. Appeal from Decision of Registrars. Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the two subdivisions of Paragraph III of section I of this Article shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under said subdivisions. All appeals must be filed in writing with the registrars within ten days from the date of the decision complained of and shall be returned by the registrars to the office of the clerk of the superior court to be tried as other appeals.

Paragraph IV. Judgment of Force Pending Appeal. Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

SECTION III.

GENERAL PROVISIONS

Paragraph I. Privilege of Electors from Arrest. Electors shall, in all cases, except for treason, felony, larceny, and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

Paragraph II. Holder of Public Funds. No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the Treasury.

Paragraph III. Write-in Votes. No person elected on a write-in vote shall be eligible to hold office unless notice of his intention of candidacy was given twenty or more days prior to the election by the person to be a write-in candidate, or by some other person or group of persons qualified to vote in the subject election, as follows: In a State general election, to the Secretary of State and by publication in a paper of general circulation in the State; in a general election of county officers, to the Judge of the Probate Court of the county in which he is to be a candidate and by publication in the official organ of the same county; in a municipal general election, to the mayor or similar officer thereof and by publication in the official gazette of the municipality holding the election. The General Assembly may enact other reasonable regulations and require compliance therewith as a condition of eligibility to hold office in this State.

Paragraph IV. Returns Made to Whom. Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and also for members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by law.

Paragraph V. Sale of Liquors on Election Days. The General Assembly shall by law forbid the sale of intoxicating drinks in this State or any political subdivision thereof on all days for the holding of any election in the area in which such election is held and prescribed punishment for any violation of the same.

ARTICLE III.

LEGISLATIVE BRANCH

SECTION I.

LEGISLATIVE POWER, WHERE VESTED

Paragraph I. Power Vested in General Assembly. The legislative power of the State shall be vested in a General Assembly which shall consist of a Senate and House of Representatives.

SECTION II.

SENATORIAL DISTRICTS

Paragraph I. Apportionment of Senate. The Senate shall consist of not less than fifty-four and not more than fifty-six members. Each Senator shall be elected from and represent one Senatorial District. The General Assembly may create, rearrange and change Senatorial Districts as it deems proper. The apportionment of the Senate shall be changed by the General Assembly, if necessary, after each United States decennial census becomes official.

Paragraph II. Qualifications of Senators. The Senators shall be citizens of the United States, who have attained the age of twenty-five years, and who shall have been citizens of this State for four years, and for one year residents of the districts from which elected.

SECTION III.

REPRESENTATIVE DISTRICTS

Paragraph I. Apportionment of the House of Representatives. The House of Representatives shall consist of representatives apportioned among the Representative Districts of the State. The General Assembly may create, rearrange and change Representative Districts as it deems proper. The apportionment of the House of Representatives shall be changed by the General Assembly, if necessary, after each United States decennial census becomes official.

Paragraph II. Qualifications of Representatives. The Representatives shall be citizens of the United States who have attained the age of twenty-one years and who shall have been citizens of this State for two years, and for one year residents of the districts from which elected.

SECTION IV.

OFFICERS OF THE GENERAL ASSEMBLY

Paragraph I. President and President Pro Tempore. The presiding officer of the Senate shall be styled the President of the Senate. A President Pro Tempore shall be elected viva voce from the Senators and shall become President in case of the death, resignation or permanent disability of the President or in the event of the succession of the President to the executive power. In the event the President is unable to perform the duties of his office because of temporary disability, the President Pro Tempore shall act as President during the period of temporary disability. In the event the President Pro Tempore becomes President while the General Assembly is in session, the Senate shall elect a President Pro Tempore viva voce from the Senators. In the event the President Pro Tempore becomes President at a time when the General Assembly is not in session, the Senate shall elect a President Pro Tempore viva voce from the Senators at the next session, if any, during the same term, whether it be a regular session or an extraordinary session. The General Assembly shall provide by law for the method of determining disability as provided in this Paragraph. When a President Pro Tempore becomes President of the Senate as provided in this Paragraph, such President shall receive the same compensation and allowances as the Speaker of the House of Representatives. The provisions of this Paragraph shall become effective on the first day of the regular session of the General Assembly in 1977.

Paragraph II. Speaker. The presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives, and shall be elected viva voce from the Representatives. A Speaker Pro Tempore shall be elected viva voce from the Representatives and shall act in case of the death, resignation or disability of the Speaker, or in the event of succession to the executive power.

Paragraph III. Officers of the Two Houses. The officers of the two houses, other than the President of the Senate and the Speaker of the House, shall be a President Pro Tempore and a Secretary of the Senate and a Speaker Pro Tempore and a Clerk of the House of Representatives, and such assistants as each House may provide for.

SECTION V.

GENERAL ASSEMBLY; ORGANIZATION AND PROCEDURE

Paragraph I. Term of Members. The members of the General Assembly shall be elected for two years, and shall serve until the time fixed by law for the convening of the General Assembly in the year following the second year of such member's term of office.

Paragraph II. Election. When. The first election for members of the General Assembly, under this Constitution shall take place on Tuesday after the first Monday in November, 1978, and subsequent elections biennially, on that day, until the day of election is changed by law.

Paragraph III. Meeting; Time Limit; Adjournment. The General Assembly shall meet in regular session on the second Monday in January of each year. By concurrent resolution adopted by a majority of the members elected to both Houses of the General Assembly, the General Assembly may adjourn any regular session to such later date as it may fix for reconvening in regular session but shall remain in regular session no longer than forty days in the aggregate each year. Separate periods of adjournment may be fixed by one or more such concurrent resolutions. The Senate and the House of Representatives shall organize each odd-numbered year and shall be a different General Assembly for each two-year period. All business pending in the Senate or the House of Representatives at the time of adjournment of any regular session may be considered at any

regular session of the same General Assembly, as if there had been no adjournment. Nothing herein shall be construed to affect the power of the Governor to convoke the General Assembly in extraordinary session, or the duty of the Governor to convene the General Assembly in extraordinary session upon the certificate of three-fifths of the members elected to the Senate and the House of Representatives as provided in Article V, Section II, Paragraph III of this Constitution. If any impeachment trial is pending at the end of any regular or extraordinary session, the Senate may continue in session until such trial is completed.

Paragraph IV. Oath of Members. Each Senator and Representative, before taking his seat shall take the following oath, or affirmation, to-wit: "I will support the Constitution of this State and of the United States, and on all questions and measures which may come before me, I will so conduct myself, as will, in my judgment, be most conducive to the interests and prosperity of this State."

Paragraph V. Quorum. A majority of each House shall constitute a quorum to transact business; but a smaller number may adjourn from day to day and compel the presence of its absent members, as each House may provide.

Paragraph VI. Adjournment. Neither House shall adjourn for more than three days, or to any other place, without the consent of the other, and in case of disagreement between the two Houses on a question of adjournment, the Governor may adjourn either, or both of them.

Paragraph VII. Eligibility; Appointments Forbidden. No person holding a military commission, or other appointment, or office, having any emolument, or compensation annexed thereto, under this State, or the United States, or either of them except Justices of the Peace and officers of the militia, nor any defaulter for public money, or for any legal taxes required of him shall have a seat in either house; nor shall any Senator, or Representative, after his qualification as such, be elected by the General Assembly, or appointed by the Governor, either with or without the advice and consent of the Senate to any office or appointment having any emolument annexed thereto, during the time for which he shall have been elected, unless he shall first resign his seat, provided, however, that during the term for which he was elected no Senator or Representative shall be appointed to any civil office which has been created during such term.

Paragraph VIII. Removal from District, Effect of. The seat of a member of either house shall be vacated on his removal from the district from which he was elected.

Paragraph IX. Compensation and Allowances. The compensation and allowances of the members of the General Assembly shall be as provided by law.

Paragraph X. Election, Returns, Etc.; Disorderly Conduct. Each House shall be the judge of the election, returns, and qualifications of its members and shall have power to punish them for disorderly behavior, or misconduct, by censure, fine, imprisonment, or expulsion; but no member shall be expelled, except by a vote of two-thirds of the House to which he belongs.

Paragraph XI. Contempts, How Punished. Each House may punish by imprisonment, not extending beyond the session, any person, not a member, who shall be guilty of a contempt, by any disorderly behavior in its presence, or who shall rescue, or attempt to rescue, any person arrested by order of either House.

Paragraph XII. Privilege of Members. The members of both Houses shall be free from arrest during their attendance on the General Assembly, and in going thereto, or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer in any other place for anything spoken in debate in either House

Paragraph XIII. Viva Voce Vote; Place of Meeting. All elections by the General Assembly shall be viva

voce, and the vote shall appear on the Journal of the House of Representatives. When the Senate and House of Representatives unite for the purpose of election, they shall meet in the Representative Hall, and the President of the Senate shall, in such cases, preside and declare the results.

SECTION VI.

IMPEACHMENTS

Paragraph I. Power to Impeach. The House of Representatives shall have the sole power to vote impeachment charges against all persons who shall have been or may be in office.

Paragraph II. Impeachments. The Senate shall have the sole power to try impeachments. When sitting for that purpose, the Senators shall be on oath, or affirmation, and shall be presided over by the Chief Justice of the Supreme Court. Should the Chief Justice be disqualified, then the Presiding Justice shall preside. Should the Presiding Justice be disqualified, then the Senate shall select a Justice of the Supreme Court to preside. No person shall be convicted without concurrence of two-thirds of the members present.

Paragraph III. Judgments in Impeachments. Judgments, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, within this State; but the party convicted shall nevertheless, be liable, and subject, to indictment, trial, judgment, and punishment, according to law.

SECTION VII.

ENACTMENT OF LAWS

Paragraph I. Journals and Acts. Each House shall keep a journal of its proceedings, and publish it immediately after its adjournment. The General Assembly shall provide for the publication of the laws passed by each session.

Paragraph II. Where Journals Kept. The original journal shall be preserved after publication, in the office of the Secretary of State, but there shall be no other record thereof.

Paragraph III. Bills to Be Read. Every bill, before it shall pass, shall be read three times, and on three separate days, in each House, unless in cases of actual invasion, or insurrection, but the first and second reading of each local bill, shall consist of the reading of the title only, unless said bill is ordered to be engrossed.

Paragraph IV. One Subject Matter Expressed. No law shall pass which refers to more than one subject matter, or contains matter different from what is expressed in the title thereof.

Paragraph V. Yeas and Nays, When Taken. The yeas and nays on any question shall, at the desire of one-fifth of the members present, be entered on the Journal.

Paragraph VI. Yeas and Nays to Be Entered, When. Whenever the Constitution requires a vote of two-thirds of either or both houses for the passage of an act or resolution, the yeas and nays on the passage thereof shall be entered on the Journal.

Paragraph VII. Majority of Members to Pass Bill. No bill shall become a law unless it shall receive a

majority of the votes of all the members elected to each House of the General Assembly, and it shall, in every instance, so appear on the Journal.

Paragraph VIII. Bills for Revenue. All bills for raising revenue, or appropriating money, shall originate in the House of Representatives, but the Senate may propose, or concur in amendments, as in other bills.

Paragraph IX. Notice of Intention to Ask Local Legislation Necessary. No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the newspaper in which the Sheriff's advertisements for the locality affected are published, once a week for three weeks during a period of sixty days immediately preceding its introduction into the General Assembly. No local or special bill shall become law unless there is attached to and made a part of said bill a copy of said notice certified by the publisher, or accompanied by an affidavit of the author, to the effect that said notice has been published as provided by law. No office to which a person has been elected shall be abolished, nor the term of the office shortened or lengthened by local or special bill during the term for which such person was elected unless the same be approved by the people of the jurisdiction affected in a referendum on the question. Where any local law shall add any member or members to any municipal or county governing authority, the members of which are elected by the people, such local law must provide that the member or members so added must be elected by the qualified voters of the political subdivision affected under such rules as the General Assembly may in said law provide.

Paragraph X. Acts Signed; Rejected Bills. All acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and no bill or resolution, intended to have the effect of a law, which shall have been rejected by either house, shall be again proposed during the same session, under the same or any other title, without the consent of two-thirds of the House by which the same was rejected.

Paragraph XI. Signature of Governor. No provision in this Constitution for a two-thirds vote of both houses of the General Assembly shall be construed to waive the necessity for the signature of the Governor as in any other case, except in the case of the two-thirds vote required to override the veto, to submit constitutional amendments or a new Constitution, and in case of prolongation of a session of the General Assembly.

Paragraph XII. Statutes and Sections of Code. How Amended. No law, or section of the Code, shall be amended or repealed by mere reference to its title, or to the number of the section of the Code, but the amending, or repealing act, shall distinctly describe the law to be amended or repealed, as well as the alteration to be made.

SECTION VIII.

GENERAL ASSEMBLY; EXERCISE OF POWERS

Paragraph I. Powers of the General Assembly. The General Assembly shall have the power to make all laws consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

Paragraph II. Right of Eminent Domain. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking property and franchises, and subjecting them to public use.

Paragraph III. Police Power. The exercise of the police power of the state shall never be abridged, nor so construed as to permit the conduct of business in such manner as to infringe the equal rights of others, or the general well-being of the State.

Paragraph IIIA. Restrictions upon Land Use for the Protection of Natural Resources, Environment and Vital Areas. The General Assembly shall have the authority to provide restrictions upon land use in order to protect and preserve the natural resources, environment and vital areas of this State.

Paragraph IV. Compensation and Allowance of Elective Officials; How Changed. The General Assembly may, at any time, provide by law other and different compensation or allowances for all of the elective officers provided for in this Constitution.

Paragraph V. Corporate Powers, How Granted. The General Assembly shall have no power to grant corporate powers and privileges to private companies, to make or change election precincts, nor to establish bridges or ferries, nor to change names of legitimate children; but it shall prescribe by law the manner in which such powers shall be exercised by the courts; it may confer this authority to grant corporate powers and privileges to private companies to the judges of the superior courts of this State in vacation. All corporate powers and privileges to banking, trust, insurance, railroad, canal, navigation, express and telegraph companies shall be issued and granted by the Secretary of State in such manner as shall be prescribed by law; and if in any event the Secretary of State should be disqualified to act in any case, then in that event the legislature shall provide by general law by what person such charter shall be granted.

Paragraph VI. Charters Revived or Amended Subject to Constitution. The General Assembly shall not remit the forfeiture of the charter of any corporation existing at the time the Constitution of 1945 became effective, nor alter or amend the same, nor pass any other general or special law, for the benefit of said corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter and shall bring the same under the provision of this Constitution.

Paragraph VII. Recognizances. The General Assembly shall have no power to relieve principals or securities upon forfeited recognizances, from the payment thereof, either before or after judgment thereon, unless the principal in the recognizance shall have been apprehended and placed in the custody of the proper officers.

Paragraph VIII. Contracts to Defeat Competition. All contracts and agreements, which may have the effect, or be intended to have the effect, to defeat or lessen competition, or to encourage monopoly, shall be illegal and void. The General Assembly of this State shall have no power to authorize any such contract or agreement. The General Assembly shall enforce the provisions of this Paragraph by appropriate legislation.

Paragraph IX. Public Utility Tariffs and Charges. The power and authority of regulating railroad freight and passenger tariffs and of charges of public utilities for their services, of preventing unjust discriminations, and requiring reasonable and just rates of freight and passenger tariffs and of charges of public utilities, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws from time to time, to regulate such tariffs and charges, to prohibit unjust discriminations by the various railroad and public utilities of this State, and to prohibit said railroads and public utilities from charging other than just and reasonable rates and to enforce the same by adequate penalties, provided, nevertheless, that such power and authority shall never be exercised in any way to regulate or fix charges of such public utilities as are or may be owned or operated by any county or municipality of this State; except as provided in this Constitution.

Paragraph X. Rebates. No public utility company shall give, or pay, any rebate, or bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freight or passage or services furnished, any such payments shall be illegal and void; and these prohibitions shall be enforced by suitable penalties.

Paragraph XI. Street Railways. The General Assembly shall not authorize the construction of any street

passenger railway, within the limits of any incorporate town or city, without the consent of the Corporate Authorities.

Paragraph XII. Gratuities; Exceptions.

1. Except as provided in this Constitution, the General Assembly shall not by vote, resolution, or other, grant any donation or gratuity in favor of any person, corporation or association.
2. The General Assembly shall not grant or authorize extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into.
3. The General Assembly is authorized to provide by law for the payment of two hundred and fifty thousand dollars (\$250,000.00) to the first person, firm or corporation, or combination thereof, which puts down and brings in the first commercial oil well in this State. Such well must produce at least 100 barrels of oil per day, and the determination as to whether such well is producing this amount is hereby vested in the Commissioner of Natural Resources. Said law shall provide for the distribution of said amount as the General Assembly may by statute provide between the company or individual who drills or causes to be drilled said well, the contractor who furnishes the equipment, among such workmen and employees actually engaged in the job, and to the mineral and/or property owner where the well is drilled. The General Assembly shall provide for the method of payment by the Governor.
4. The General Assembly is hereby authorized to provide by law for the granting of funds to a county in which is located land belonging to the State consisting of at least 20,000 acres from which such county receives no taxes. The General Assembly is authorized to provide in such law the procedure for determining the amount of funds and all other matters relative to any such grant.
5. Notwithstanding any other provisions of this Constitution, the General Assembly is hereby authorized to provide by law for the indemnification with respect to death, personal injury or property damage sustained in preventing the commission of a crime against the person or property of another, in apprehending a criminal, or in assisting a peace officer in prevention of a crime or apprehension of a criminal. Such law may provide for the method of payment of such indemnification and all other matters relative to the purposes herein provided. The General Assembly is hereby authorized to appropriate State funds for the payment of such indemnification and for the purpose of implementing any law as authorized by this paragraph.
6. Notwithstanding any other provisions of this Constitution, the Department of Community Development, in order to make Georgia competitive with other states in securing new business, industry and tourism, is hereby authorized to expend available funds for the business meals and incidental expenses of bona fide industrial prospects and other persons who attend any meeting at the request of the Department to discuss the location or development of new business, industry or tourism within the State. All such expenditures shall be verified by vouchers showing the date, place, purpose and persons for whom such expenditures were made. The State Auditor shall conduct an audit of such expenditures at least every six months.

SECTION IX.

INSURANCE REGULATION

Paragraph I. General Assembly to Enact Laws for People's Protection, Etc. The General Assembly shall, from time to time enact laws to compel all fire insurance companies, doing business in this State, whether chartered by this State, or otherwise, to deposit reasonable securities with the Director, Fiscal Division, Department of Administrative Services, of this State or such other officer as may be designated by law, to

secure the people against loss by the operations of said companies.

Paragraph II. Reports By Insurance Companies. The General Assembly shall compel all insurance companies in this State, or doing business therein, under proper penalties, to make annual reports to the Comptroller General, and print the same at their own expense, for the information and protection of the people.

Paragraph III. Nonresident Insurance Companies. All life insurance companies now doing business in this State, or which may desire to establish agencies and do business in the State of Georgia, chartered by other States of the Union, or foreign States, shall show that they have deposited with the Comptroller General of the State in which they are chartered, or of this State, the Insurance Commissioner, or such other officer as may be authorized to receive it, not less than one hundred thousand dollars, in such securities as may be deemed by such officer equivalent to cash, subject to his order, as a guarantee fund for the security of policy-holders.

Paragraph IV. License by Comptroller General. When such showing is made to the Comptroller General of the State of Georgia by a proper certificate from the State officials having charge of the funds so deposited, the Comptroller General of the State of Georgia is authorized to issue to the company making such showing, a license to do business in the State, upon paying the fees required by law.

Paragraph V. Resident Insurance Companies; Guarantee Fund. All life insurance companies chartered by the State of Georgia, or which may hereafter be chartered by the State, shall, before doing business, deposit with the Comptroller General of the State of Georgia, or with some strong corporation, which may be approved by said Comptroller General, one hundred thousand dollars, in such securities as may be deemed by him equivalent to cash, to be subject to his order, as a guarantee fund for the security of the policy-holders of the company making such deposit, all interest and dividends from such securities to be paid, when due, to the company so depositing. Any such securities as may be needed or desired by the company may be taken from said department at any time by replacing them with other securities equally acceptable to the Comptroller General, whose certificate for the same shall be furnished to the company.

SECTION X.

APPROPRIATIONS

Paragraph I. Public Money, How Drawn. No money shall be drawn from the Treasury except by appropriation made by law.

Paragraph II. Bills Appropriating Money. No bill or resolution appropriating money shall become a law unless, upon its passage, the yeas and nays in each house, are recorded.

Paragraph III. Preparation, Submission and Enactments of General Appropriations Bill. (a) The Governor shall submit to the General Assembly within five days after its convening in regular session each year, a budget message and a budget report, accompanied by a draft of a General Appropriations Bill, in such form and manner as may be prescribed by statute, which shall provide for the appropriation of the funds necessary to operate all the various departments and agencies, and to meet the current expenses of the State for the next fiscal year.

(b) The General Assembly shall annually appropriate the funds necessary to operate all the various departments and agencies, and meet the current expenses of the State for the next fiscal year. The fiscal year of the State shall commence on the first day of July of each year and terminate on the thirtieth of June

following.

(c) The General Assembly shall by general law provide for the regulation and management of the finance and fiscal administration of the State.

Paragraph IV. General Appropriations Bill. The General Appropriations Bill shall embrace nothing except appropriations fixed by previous laws, the ordinary expenses of the Executive, Legislative and Judicial Departments of the Government, payment of the public debt and interest thereon, and for support of the public institutions and educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

Paragraph V. General Appropriations Act. (a) Each General Appropriations Act, now of force or hereafter adopted with such amendments as are adopted from time to time, shall continue in force and effect for the next fiscal year after adoption and it shall expire except for the mandatory appropriations required by this Constitution and those required to meet contractual obligations authorized by this Constitution and the continued appropriation of Federal grants.

(b) The General Assembly shall not appropriate funds for any given fiscal year which, in aggregate, exceed a sum equal to the amount to unappropriated surplus expected to have accrued in the State Treasury at the beginning of the fiscal year, together with an amount not greater than the total Treasury receipts from existing revenue sources anticipated to be collected in the fiscal year, less refunds, as estimated in the Budget Report and amendments thereto. Supplementary appropriations, if any, shall be made in the manner provided in Paragraph VI of this section of the Constitution, but in no event shall a supplementary appropriations Act continue in force and effect beyond the expiration of the General Appropriations Act in effect when such supplementary appropriations Act was adopted and approved.

(c) All appropriated funds, except for the mandatory appropriations required by this Constitution, remaining unexpended and not contractually obligated at the expiration of such General Appropriations Act, shall lapse.

(d) All federal funds received by the State of Georgia are hereby continually appropriated in the exact amounts and for the purposes authorized and directed by the Federal Government in making the grant.

(e) The State, State institutions, departments and agencies of the State are hereby prohibited from entering into any contract with any public agency, public corporation or authority pursuant to the provisions of Article IX, Section VI, Paragraph I (a), which such contract constitutes security for bonds or other obligations issued by any such public agency, public corporation or authority and the appropriation or expenditure of any funds for the payment of obligations under any such contract, is likewise prohibited at any time when the aggregate annual payments under all such contracts, including the contract or contracts proposed to be entered into, exceed 15% of the total revenue receipts, less refunds, of the State Treasury in the fiscal year immediately preceding the making and entering into of any such contract; provided, however, this provision shall not affect contracts validly entered into prior to the effective date of the amendment to Article VII, section IX, Paragraph II of the Constitution of 1945 adopted November 6, 1962. The execution of any such contract is further prohibited until the General Assembly has specifically provided funds in an Appropriations Act for the payment of at least one year's rental under such contract.

Paragraph VI. Other or Supplementary Appropriations. In addition to the appropriations made by the General Appropriations Act and amendments thereto, the General Assembly may make additional appropriations by Acts, which shall be known as supplementary appropriation Acts, provided no such supplementary appropriation shall be available unless there is an unappropriated surplus in the State Treasury or the revenue necessary to pay such appropriation shall have been provided by a tax laid for such purpose and collected into the General Fund of the State Treasury. Neither House shall pass a Supplementary

Appropriation Bill until the General Appropriations Act shall have been finally adopted by both Houses and approved by the Governor.

Paragraph VII. Appropriations to be for Specific Sums. (a) Except as hereinafter provided, the appropriation for each department, officer, bureau, board, commission, agency or institution for which appropriation is made shall be for a specific sum of money, and no appropriation shall allocate to any object, the proceeds of any particular tax or fund or a part or percentage thereof.

(b) An amount equal to all money derived from motor fuel taxes received by the State in each of the immediately preceding fiscal years, less the amount of refunds, rebates and collection costs authorized by law, is hereby appropriated for the fiscal year beginning July 1, of each year following, for all activities incident to providing and maintaining an adequate system of public roads and bridges in this State, as authorized by laws enacted by the General Assembly of Georgia; and for grants to counties by law authorizing road construction and maintenance, as provided by law authorizing such grants. Said sum is hereby appropriated for, and shall be available for, the aforesaid purposes regardless of whether the General Assembly enacts a General Appropriations Act and said sum need not be specifically stated in any General Appropriations Act passed by the General Assembly in order to be available for such purposes. However, this shall not preclude the General Assembly from appropriating for such purposes and amount greater than the sum specified above for such purposes. The expenditure of such funds shall be subject to all the rules, regulations and restrictions imposed on the expenditure of appropriations by provisions of the Constitution and laws of this State, unless such provisions are in conflict with the provisions of this paragraph. And provided, however, that the proceeds of the tax hereby appropriated shall not be subject to budgetary reduction. In the event of invasion of this State by land, sea or air, or in case of a major catastrophe so proclaimed by the Governor, said funds may be utilized for defense or relief purposes on the Executive Order of the Governor.

Paragraph VIII. Appropriations Void, When. Any appropriation made in conflict with either of the foregoing provisions shall be void.

SECTION XI.

MILITIA

Paragraph I. Organization of Militia. A well regulated militia being essential to the peace and security of the State, the General Assembly shall have authority to provide by law how the militia of this State shall be organized, officered, trained, armed and equipped; and of whom it shall consist.

Paragraph II. Volunteers. The General Assembly shall have power to authorize the formation of volunteer companies, and to provide for their organization into battalions, regiments, brigades, divisions, and corps, with such restrictions as may be prescribed by law, and shall have authority to arm and equip the same.

Paragraph III. Pay of Militia and Volunteers. The officers and men of the militia and volunteer forces shall not be entitled to receive any pay, rations, or emoluments, when not in active service by authority of the State.

Paragraph IV. Discipline of the Militia. When not in Federal service the discipline of members of the Militia shall be in accordance with the applicable provisions of the Constitution and laws of the United States, Acts of the General Assembly, and directives of the Governor in his capacity as Commander-in-Chief of the Militia. Notwithstanding any other provisions of this Constitution, the General Assembly shall have the authority to provide for trial by courts-martial and non-judicial punishment of members of the Militia, for the initiation of charges and subsequent procedures thereon, rules of evidence, venue, and all other matters

necessary and proper for the maintenance of a well regulated and disciplined Militia.

SECTION XII.

EMERGENCY POWERS

Paragraph I. Emergency Powers of the General Assembly. The General Assembly, in order to insure continuity of State and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty:

(1) To provide for prompt and temporary succession to the powers and duties of persons holding office in the Executive, Judicial and Legislative branches of State and local government whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices during such emergency; and

(2) To adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergency, including but not limited to the suspension of any or all constitutional legislative rules.

Any legislation heretofore adopted by the General Assembly which would have been invalid except for the provisions of this Paragraph is hereby ratified as part of the statute laws of the State of Georgia.

ARTICLE IV.

CONSTITUTIONAL BOARDS AND COMMISSIONS

SECTION I.

PUBLIC SERVICE COMMISSION

Paragraph I. Public Service Commission as Constitutional Officers. There shall be a Public Service Commission for the regulation of utilities, vested with the jurisdiction, powers and duties as provided by law. Such Commission shall consist of five members, who shall be elected by the people. A Chairman shall be selected by the members of the Commission from its membership. The first Commission under this Constitution shall consist of the commissioners in office on the effective date of this Constitution and they shall serve until December 31 after the general election at which the successor of each member is elected. Thereafter all succeeding terms of members shall be for six years. The qualifications, compensations, filling of vacancies, manner and time of election, power and duties of members of the Commission, including the chairman, shall be as provided by law.

SECTION II.

STATE BOARD OF PARDONS AND PAROLES

Paragraph I. State Board of Pardons and Paroles. There shall be a State Board of Pardons and Paroles to be composed of not less than five or more than seven members, the number to be determined by the General

Assembly. Until changed by the General Assembly, the Board shall consist of five members. The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms. Additional members of the Board, if added by the General Assembly, and the successors to the present members and all members of the Board who are subsequently appointed to fill vacancies shall serve on the Board for a period of seven years. Any member of the Board may be removed from office for cause by the unanimous action of the Governor, Lieutenant Governor and Attorney General or by the judgment of the Senate in a trial of impeachment. All appointments to the Board shall be made by the Governor and shall be subject to the confirmation of the Senate. The Governor shall not be a member of the State Board of Pardons and Paroles. The General Assembly shall fix the compensation of the members of the Board. The State Board of Pardons and Paroles shall have power to grant reprieves, pardons and paroles, to commute penalties, remove disabilities imposed by law, and may remit any part of a sentence for any offense against the State, after conviction except in cases of treason or impeachment, and except in cases in which the Governor refuses to suspend a sentence of death. Provided that such board shall act on all applications within 90 days from the filing of same, and in all cases a majority shall decide the action of the Board. The State Board of Pardons and Paroles shall at each session of the General Assembly communicate to that body in full detail each case of pardon, parole, commutation, removal of disabilities or remission of sentence granted, stating the name of the convicted, the offense for which he was convicted, the sentence and its date, the date of the pardon, parole, commutation, removal of disabilities or remission of sentence and the reasons for granting the same, and the State Board of Pardons and Paroles may make rules and regulations as may be authorized by law. Each year the Board shall elect one of its members to serve as Chairman of the Board for the ensuing year. The General Assembly may enact laws in aid of, but not inconsistent with, this Paragraph.

SECTION III.

STATE BOARD OF CORRECTIONS

Paragraph I. State Board of Corrections; How Composed, Director. There shall be a State Board of Corrections composed of five members in charge of the State Penal System. The Board shall have such jurisdiction, powers, duties and control of the State Penal System and the inmates thereof as shall be provided by law. The Board shall elect a Director of Corrections who shall be the executive officer of the Board. The Board of Corrections shall be appointed by the Governor with the consent of the Senate. The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms and their successors shall be appointed for terms of five years each. The compensation of the Director and members of the Board shall be fixed by law.

SECTION IV.

BOARD OF NATURAL RESOURCES

Paragraph I. Creation; Membership; Appointment; Terms of Office; Powers and Duties; Compensation. There shall be a Board of Natural Resources. Said Board of Natural Resources shall consist of one member from each Congressional District in this State, and one additional member from one of the following named counties, to-wit: Chatham, Bryan, Liberty, McIntosh, Glynn, or Camden; and four members from the State at Large. The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms. Thereafter, all succeeding appointments of members of the Board of Natural Resources shall be made by the Governor and confirmed by the Senate for a term of seven years from the expiration of the previous term, except in case of an unexpired term. Insofar as it is practicable, the members of the Board shall be representative of all areas and functions encompassed within the Department of Natural

Resources. All members of the Board of Natural Resources shall hold office until their successors are appointed and qualified. Vacancies in office shall be filled by appointment by the Governor and submitted to the Senate for confirmation at the next session of the General Assembly after the making of the appointment.

The Board of Natural Resources shall have such powers, authority, duties, and shall receive such compensation and expenses as may be delegated or provided for by the General Assembly.

SECTION V.

VETERANS SERVICE BOARD

Paragraph I. Veterans Service Board; How Composed; Director. There shall be a State Department of Veterans Service and Veterans Service Board composed of seven members, who shall have such control, duties, powers and jurisdiction of the State Department of Veterans Service as shall be provided by law. Said Board shall appoint a director who shall be the executive officer of the Department. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate and all members of the Board and the Director shall be veterans of some war in which the United States has engaged.

The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms. Thereafter all terms and appointments, except in case of vacancy, shall be for seven years. Vacancies shall be filled by appointment by the Governor.

SECTION VI.

STATE PERSONNEL BOARD

Paragraph I. State Personnel Board. A non-salaried State Personnel Board comprised of three citizens of this State, of known interest in the improvement of public administration, shall administer a State Merit System under which State personnel shall be selected on a basis of merit, fitness, and efficiency according to law. The members of the State Personnel Board shall be appointed by the Governor with the advice of the Senate. The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms. All subsequent appointments shall be for a period of seven years, except unexpired terms. No State official or employee shall be a member of the State Personnel Board.

Paragraph II. Veterans Preference. Any veteran who has served as a member of the armed forces of the United States during the period of a war or armed conflict in which any branch of the armed forces of the United States engaged, whether under United States command or otherwise, and was honorably discharged therefrom, shall be given such veterans preference [sic.] in any civil service program established in the State government or any political subdivision thereof as may be determined by appropriate action of the General Assembly.

Provided, however, notwithstanding any such action by the General Assembly, any veteran who has served as a member of the armed forces of the United States during the period of any war or the Korean Conflict and who was honorably discharged therefrom shall be entitled to and shall receive the following preference in taking a competitive examination for employment with the State government or any political subdivision thereof:

(a) Such veteran who has at least a ten per centum service connected disability as rated and certified by the Veterans Administration shall be entitled to and shall have ten points added to his passing score on such

examination; and

(b) Any other such veteran shall be entitled to and shall have five points added to his passing score on such examination.

SECTION VII.

BOARD OF COMMUNITY DEVELOPMENT

Paragraph I. Board of Community Development. There shall be a Department of Community Development. Wherever the words "Department of Industry and Trade" were used heretofore in any statute they shall be held and taken to mean the Department of Community Development. There shall be a Board of Community Development. Wherever the words "Board of Commissioners of the Department of Industry and Trade" were used heretofore in any statute they shall be held and taken to mean the Board of Community Development. The Board shall be composed of twenty members, two from each Congressional District in the State. The Board shall be the policy determining body of the Department and shall have such duties, powers, authority and jurisdiction relating to the Department as shall be provided by law. The members of the Board in office on the effective date of this Constitution shall serve out the remainder of their respective terms and until their successors are duly elected and qualified as hereunder provided. The successors to such members, except in case of an appointment to fill a vacancy, shall be for six years dating from April 1 of the beginning year of such term. The Governor shall appoint all successors. In the event a vacancy occurs on the Board, the Governor shall appoint a person to serve the unexpired term. In making appointments to the Board, the Governor shall insure that there is representation from local governments and area planning and development commissions as provided by law. The Board shall appoint a Commissioner who shall be the Executive Officer and Administrative Head of the Department.

Paragraph II. Powers. In addition to such powers and duties as may from time to time be conferred upon the Board of Community Development and the Department of Community Development, the Board of Community Development shall be authorized to participate with any county, municipality, non-profit organization, or any combination thereof, in the operation of any of the facilities operated by such agencies for the purpose of encouraging and promoting tourism in this State, notwithstanding any other provisions of this Constitution to the contrary.

SECTION VIII.

STATE TRANSPORTATION BOARD

Paragraph I. State Transportation Board Created. There shall be a State Transportation Board, composed of as many members as there are Congressional Districts in the State. The member of the Board from each Congressional District shall be elected by a majority vote of the members of the House of Representatives and Senate whose respective districts are embraced or partly embraced within such Congressional District, meeting in caucus. All members shall be elected for terms of five years each and until their successors are duly elected and qualified. The members of the Board in office on the effective date of this Constitution shall serve out the remainder of their respective terms. The successors to such members, as their respective terms expire, shall be elected by the General Assembly as provided herein and pursuant to the provisions of law enacted or as may hereafter be enacted to implement this Paragraph. The State Transportation Board shall elect a Commissioner of Transportation, who shall be the Chief Executive Officer of the Department of Transportation. The General Assembly shall define by law the powers, duties, qualifications and compensation of the Board and of the Commissioner, and shall by law prescribe the manner, time and

procedure for the election of members of the Board, and the manner of filling vacancies therein.

Paragraph II. Compliance with Federal Law. In order to fully comply with that certain Act of the Congress of the United States, known as Public Law 89-285, 89th Congress, S. 2084, approved October 22, 1965, and which said Public Law amended section 131 of Title 23, United States Code, and revised the same so as to provide for the "Control of Outdoor Advertising" on the Interstate or Primary Systems of Federal-Aid Highways; provided for bonus payments to the State complying with such public law, and also provided penalties for non-compliance; and which said described Public Law further amended Chapter 1 of Title 23 of said United States Code by adding thereto a new section to provide for the "Control of Junk Yard", on such Interstate and Primary Systems of Federal-Aid Highways, and provided that Federal funds available to the States for highway purposes should be reduced by 20 percent for failure to comply with such provisions; and which said Public Law further amended and revised section 319 of Title 23 of said United States Code so as to provide for a "Landscaping and Scenic Enhancement", and which amendment and revision of said section provided for a bonus of 3 percent of Federal funds, otherwise available to the State, as an incentive for compliance with said provision of said Public Law; and, in order to promote the reasonable, orderly, and effective display of Outdoor Advertising, in accordance with the provisions of said described Act of Congress of the United States, and consistent with the purposes of this provision of the Constitution, the State of Georgia, acting by and through the Department of Transportation, is hereby authorized to acquire, either by negotiation or through the exercise of the Power of Eminent Domain, upon the payment of just and adequate compensation, easements or other interests in private property, for the purpose of acquiring the title to and the right to remove, or require removal, of any billboards or other outdoor advertising which may exist upon such property on November 7, 1972, and within a distance of 660 feet of the nearest edge of the right-of-way line of any State-Aid highway, which is a part of the Interstate or Primary System of Federal-Aid Highways, provided, however, that, as to any such advertising sign, display, or device, lawfully in existence upon any of such described highways on September 1, 1965, the owner of such advertising sign, display, or device shall not be required to remove the same until July 1, 1970; and, as to such described sign, the provision of this Paragraph shall not become effective until said date of July 1, 1970, except that the State may acquire the right to remove the same by voluntary negotiation with the owner thereof.

The State, acting by and through the Department of Transportation, shall be further authorized to acquire, either by negotiation or through the exercise of the Power of Eminent Domain, upon payment of just and adequate compensation, easements or other interest in land within a distance of 1,000 feet of the nearest edge of the right-of-way line of any State-Aid road, which is a part of the Federal Interstate or Primary Systems of Highways, for the purpose of requiring the owners of junk yards existing upon such property to remove the same, or to screen them from public view, in accordance with regulations which the State Transportation Board is hereby authorized to make and publish in such respect, which regulations shall conform to and comply with such described Public Law; provided, however, that any junk yard, which was in existence on the date of the approval of said described Public Law, on October 22, 1965, and which the Commissioner of the Department of Transportation finds as a practical matter cannot be screened, and which finding is approved by the Secretary of Commerce, acting by and through the United States Bureau of Public Roads, in accordance with subparagraph (h) of Title II of said Public Laws, the owner of such described junk yard shall not be required to remove the same until July 1, 1970; and the provisions of this Paragraph, under such described circumstances, shall not be applicable except that the Department of Transportation shall be authorized to acquire the right to remove said junk yard, or to screen the same in accordance with the requirements of said Public Law by voluntary negotiation; and with the further exception that where the Secretary of Commerce, acting by and through the United States Bureau of Public Roads, refuses to approve the continued maintenance of such junk yard until July 1, 1970, the provisions of this Paragraph shall become immediately applicable upon a proper certificate being made and entered by the Commissioner of the Department of Transportation, showing the fact of such refusal.

The necessity for such acquisition, as set forth in the preceding paragraphs of this section, as a part of that

portion of the State-Aid System of Public Roads, which are also a part of the Federal Interstate or Primary System, is hereby declared, in order to avoid the loss of large sums of money which would be otherwise granted to the State in the construction and maintenance of such Road System by the United States Government.

The General Assembly shall have full authority to zone property within a distance of 1,000 feet of the nearest edge of the right-of-way line of any State-Aid Road, which is also a part of the Federal Interstate System or Primary System, for commercial or industrial purposes; and in respect thereto, to also zone such property in respect to the location of advertising signs, displays, or devices; or in respect to the establishment, removal, or control of junk yards; and to provide for rules and regulations governing both advertising and junk yards; all in conformance to and in compliance with the provisions of said Public Law of the United States Congress.

The General Assembly shall have full authority to enact such legislation as will enable this State, acting by and through the Department of Transportation, to fully comply with Title III of said described Public Law, and in respect to "Landscaping and Scenic Enhancement"; and in such manner as to enable this State to take advantage of the bonus payment to the State from the Federal Government, as provided for in said Title.

Paragraph III. Construction of Statutes. Wherever the words "State Highway Board" were used heretofore in any statute, they shall be held and taken to mean the State Transportation Board. Wherever the word "Director" was used heretofore in connection with the Department of Transportation or State Highway Department in any statute, it shall be held and taken to mean Commissioner of Transportation. Wherever the words "State Highway Department" or "State Highway Department of Georgia" were used heretofore in any statute, they shall be held and taken to mean the Department of Transportation.

ARTICLE V.

EXECUTIVE BRANCH

SECTION I.

ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR

Paragraph I. Governor; Term of Office; Compensation and Allowances. The executive power shall be vested in a Governor, who shall hold his office during the term of four years, and until his successor shall be chosen and qualified. The Governor serving on the effective date of this Constitution and future Governors shall not be eligible to succeed themselves and shall not be eligible to hold the office until after the expiration of four years from the conclusion of the term of office. The compensation and allowances of the Governor shall be as provided by law. During his term of office he shall not receive any other emolument from the United States, or either of them, or from any foreign power.

Paragraph II. Election for Governor. The first election for Governor, under this Constitution, shall be held on Tuesday after the first Monday in November of 1978, and the Governor-elect shall be installed in office at the next session of the General Assembly. An election shall take place quadrennially thereafter, on said date, until another date be fixed by the General Assembly. Said election shall be held at the places of holding general elections in the several counties of this State, in the manner prescribed for the election of members of the General Assembly, and the electors shall be the same.

Paragraph III. Transmission, Canvassing and Publishing Election Returns. The returns of each election

district in a gubernatorial election shall be sealed up by the superintendent thereof separately from other returns and shall be transmitted to the Secretary of State. On the Tuesday next following the general election, unless the date therefor shall be changed by law, the Secretary of State shall transmit said returns to a Constitutional Officers Election Board which shall be composed of the Speaker and Clerk of the House of Representatives, the President Pro Tempore and the Secretary of the Senate, and the chairman of each standing committee of the General Assembly. Such Board shall open and publish the returns, and the person having the majority of the whole number of votes shall be declared duly elected Governor of this State. Each candidate for Governor shall be entitled to designate one person to be present at the opening of the returns.

Paragraph IV. Run-off Election. In the event no gubernatorial candidate receives a majority of the whole number of votes cast in the general election, the Constitutional Officers Election Board shall continue the gubernatorial election by immediately calling a run-off election and designate as candidates therein the two persons who received the highest number of votes, who continue in life and have not declined to continue as a gubernatorial candidate. This run-off election shall be held on the third Tuesday immediately following the general election unless the date thereof shall be changed by the General Assembly. The run-off election shall be a continuation of the general election and only the electors who were entitled to vote in the general election shall be entitled to vote therein; and only those votes cast for the two persons designated shall be counted in the tabulation and canvass of the votes cast. The provisions relating to the transmission of the returns in the general election, the opening of the returns, their tabulation, canvassing and publication shall apply to the run-off election. On the Tuesday next following the run-off election, the Constitutional Officers Election Board shall convene, open, canvass, tabulate and publish the returns of the run-off election. The person having the highest number of votes entitled to be counted in the run-off election shall be declared the duly elected Governor of this State.

Paragraph V. General Assembly may Provide Additional Procedures. The General Assembly may provide by law for any additional procedures or requirements connected with any subject matter embraced within Paragraphs III and IV and in connection with any contested election, provided such laws are not inconsistent with the provisions therein.

Paragraph VI. Lieutenant Governor. There shall be a Lieutenant Governor, who shall be elected at the same time, for the same term, and in the same manner as the Governor. He shall be President of the Senate. The Compensation and allowances of the Lieutenant Governor shall be as provided by law.

Paragraph VII. Qualifications of Governor and Lieutenant Governor. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been a citizen of the United States fifteen years, and a citizen of the State six years immediately preceding his election, and who shall not have attained the age of thirty years when he assumes office.

Paragraph VIII. Succession to Executive Power. In case of the death, resignation, or disability of the Governor or the Governor-Elect, the Lieutenant Governor or the Lieutenant Governor-Elect upon becoming the Lieutenant Governor shall exercise the executive power and receive the compensation of the Governor until the next general election, at which a successor to the Governor shall be elected for the unexpired term; but if such death, resignation, or disability shall occur within thirty days of the next general election, or if the term will expire within ninety days after the next general election, the Lieutenant Governor shall exercise the executive power and receive the compensation of the Governor for the unexpired term. If the Lieutenant Governor shall become a candidate for the unexpired term of the Governor, he shall thereby resign his office as Lieutenant Governor, effective upon the qualification of the Governor elected for the unexpired term, and his successor for the unexpired term shall be elected at such election. In case of the death, resignation, or disability of both the Governor and the Lieutenant Governor, the Speaker of the House of Representatives shall exercise the executive power until the removal of the disability or the election and qualification of a Governor at a special election, which shall be held within sixty days from the date on which the Speaker of

the House of Representatives shall assume the executive power.

Paragraph IX. Oath of Office. The Governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will faithfully execute the office of Governor of the State of Georgia, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof, and the Constitution of the United State of America."

SECTION II.

DUTIES AND POWERS OF GOVERNOR

Paragraph I. Commander-in-Chief. The Governor shall be commmander [sic.]-in-chief of the army and navy of this State, and of the militia thereof.

Paragraph II. Reprieves and Pardons. The Governor shall have power to suspend the execution of a sentence of death, after conviction, for offenses against the State, until the State Board of Pardons and Paroles, hereinbefore provided, shall have an opportunity of hearing the application of the convicted person for any relief within the power of such Board, or for any other purpose which may be deemed necessary by the Governor. Upon conviction for treason the Governor may only suspend the execution of the sentence and report the case to the General Assembly at the next meeting thereof, when the General Assembly shall either pardon, commute the sentence, direct its execution or grant a further reprieve. The Governor shall, at each session of the General Assembly, communicate to that body each case of suspension of sentence, stating the name of the convict, the offense for which he was convicted, the sentence and its date, the date of the reprieve or suspension, and the reasons for granting the same. He shall take care that the laws are faithfully executed, and shall be a conservator of the peace throughout the State.

Paragraph III. Writs of Election; Called Sessions of the General Assembly. The Governor shall issue writs of election to fill all vacancies that may happen in the Senate and the House of Representatives, and shall give the General Assembly, from time to time, information on the state of the State, and recommend for its consideration such measures as he may deem necessary or expedient. The Governor shall have power to convoke the General Assembly on extraordinary occasions, but no law shall be enacted at called sessions of the General Assembly, except such as shall relate to the object stated in his proclamation convening them; providing that such called sessions of the General Assembly shall not exceed 70 days in length, unless at the expiration of said period there shall be pending an impeachment trial of some officer of the State Government in which event the General Assembly will be authorized to remain in session until such trial shall have been completed.

Provided, however, that when three-fifths of the members elected to the House of Representatives and three-fifths of the members elected to the Senate shall have certified to the Governor of the State of Georgia that in their opinion and emergency exists in the affairs of the State of Georgia, it shall thereupon be the duty of said Governor and mandatory upon him, within five days from the receipt of such certificate or certificates, to convene said General Assembly in extraordinary session for all purposes; and in the event said Governor shall, within said time, Sundays excluded, fail or refuse to convene said General Assembly as aforesaid, then and in that event said General Assembly may convene itself in extraordinary session, as if convened in regular session, for all purposes, provided that such extraordinary, self convened session shall be limited to a period of 30 days, unless at the expiration of said period, there shall be pending an impeachment trial of some officer of the State Government, in which event the General Assembly shall be authorized to remain in session until such trial shall have been completed.

The members of the General Assembly shall receive the same compensation and allowances during such

extraordinary session as provided by law during a regular session.

Paragraph IV. Filling Vacancies. When any office shall become vacant, by death, resignation, or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is commissioned, agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

Paragraph V. Appointments Rejected. A person once rejected by the Senate, shall not be reappointed by the Governor to the same office during the same session, or the recess thereafter.

Paragraph VI. Governor's veto. The Governor shall have the revision of all bills passed by the General Assembly before the same shall become laws, but two-thirds of each House may pass a law notwithstanding his veto; and if any bill should not be returned by the Governor within five days (Sundays excepted) after it has been presented to him, the same shall be a law; unless the General Assembly, by their adjournment, shall prevent its return, in which event the Governor shall have thirty days (Sundays excepted) from the date of adjournment in which to approve the same, and if not approved within that time, the same shall become a law. He may approve any appropriation, and veto any other appropriation, in the same bill, and the latter shall not be effectual unless passed by two-thirds of each House.

Whenever such bill has been vetoed by the Governor, it shall be the duty of the Governor to transmit such bill to the presiding officer of the Branch of the General Assembly in which it originated, together with a list of reasons, if any, for such veto. Such transmission shall be made within thirty-five days (Sundays excepted) from the date of the adjournment of the Session of the General Assembly at which such bill was passed. Such bill may be considered by the Branch of the General Assembly in which it originated at any time within the first ten days of the next regular Session of the General Assembly for the purpose of overriding the action of the Governor. In the event the action of the Governor is overridden by two-thirds of the votes of such Branch of the General Assembly the same shall be immediately transmitted by the Secretary of or the Clerk of such Branch of the General Assembly to the other Branch of the General Assembly. It shall be the duty of the presiding officer of such other Branch of the General Assembly upon receiving such Bill to dispense with all business that is then being considered and to then and there consider and act upon such Bill for the purpose of overriding the action of the Governor. In the event the action of the Governor is overridden by two-thirds of the votes of such Branch of the General Assembly such Bill shall become law. In the event either Branch of the General Assembly should fail to override the Governor's action on a Bill, such Bill shall not again be presented to the General Assembly of Georgia for the purpose of overriding the action of the Governor. In the event any bill is enacted into law pursuant to the terms of this paragraph, the effective date of such bill shall be on the date that such bill was acted upon by the Branch of the General Assembly last acting upon such bill.

Provided, however, that any bills that are vetoed by the Governor after the adjournment of the regular session of the General Assembly immediately preceding the general election in which the Governor is elected, shall not be subject to be overridden by the next regular session of the General Assembly.

Paragraph VII. Governor to Approve Resolutions, Etc. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of election or adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of each house, provided, however, that nothing contained in this Article shall be construed to confer on the Governor the right to veto or enter his disapproval of any proposal made by the General Assembly to amend this Constitution or to provide for a new Constitution.

Paragraph VIII. Information from Officers and Employees; Suspension of Officers. The Governor may require information in writing from Constitutional officers, department heads, and all State employees, on any

subject relating to the duties of their respective offices or employment. The General Assembly shall have authority to provide by law for the suspension of any Constitutional officer or department head from the discharge of the duties of his office, and also for the appointment of a suitable person to discharge the duties of the same.

SECTION III.

OTHER ELECTED EXECUTIVE OFFICERS

Paragraph I. Executive Officers, How Elected. The Secretary of State, Attorney General, State School Superintendent, Comptroller General, Commissioner of Agriculture, and the Commissioner of Labor shall be elected by the persons qualified to vote for members of the General Assembly at the same time, and in the same manner as the Governor. The provisions of the Constitution as to the transmission, tabulation and canvassing of the returns of the election, runoff elections, contested elections, and declaration of the results of the election, applicable to the election of Governor, shall apply to the election of the above-named executive officers; and they shall be commissioned by the Governor and hold their offices for the same time as the Governor. In case of the death or withdrawal of a person having received a majority of the whole number of votes cast in an election for any of the above-named offices, the Governor elected at such election, upon becoming Governor, shall have the power to fill such office by appointing, subject to the confirmation of the Senate, an individual to serve until the next general election at which time a successor shall be elected to serve out the unexpired term of office.

Paragraph II. Duties, Authority, and Compensation and Allowances of Other Executive Officers. The General Assembly shall have power to prescribe the duties, authority, and compensation and allowances of the executive officers, and to provide help and expenses necessary for the operation of the department of each.

Paragraph III. Profit From Use of Public Money. No State official shall be allowed, directly or indirectly, to receive any fee, interest, or reward from any person, bank, or corporation for the deposit, or use, in any manner, of the public funds, and the General Assembly shall enforce this provision by suitable penalties.

Paragraph IV. Qualifications. No person shall be eligible to the office of the Secretary of State, Attorney General, State School Superintendent, Comptroller General, Commissioner of Agriculture, or Commissioner of Labor, unless he shall have been a citizen of the United States for ten years, shall have resided in this State for six years next preceding his election, and shall be at least twenty-five years of age when elected. All of said officers shall give bond and security, under regulation to be prescribed by law, for the faithful discharge of their duties.

Paragraph V. Fees and Perquisites Denied. No State official named in Paragraph I of this section shall be allowed any fee, perquisite or compensation other than his compensation and allowances as prescribed by law, except his necessary expenses when absent from the seat of government on business for the State.

Paragraph VI. Great Seal; What Constitutes; Custody; When Affixed to Instruments. The great seal of the State shall be deposited in the office of the Secretary of State and shall not be affixed to any instrument of writing except by order of the Governor or General Assembly, and that now in use shall be the great seal of the State until otherwise provided by law.

ARTICLE VI.

JUDICIARY

SECTION I.

COURTS ENUMERATED

Paragraph I. Courts Enumerated. The judicial powers of this State shall be vested in a Supreme Court, a Court of Appeals, Superior Courts, Probate Courts, Justices of the Peace, Notaries Public who are ex-officio Justices of the Peace, and such other Courts as have been or may be established by law.

Paragraph II. Unified Judicial System. For the purposes of administration, all of the courts of the State shall be a part of one unified judicial system. The administration of the unified judicial system shall be as provided by law. As used herein, administration does not include abolition or creation of courts, selection of judges, or jurisdictional provisions other than as otherwise authorized in this Constitution. The administration provided herein shall only be performed by the unified judicial system itself and shall not be administered to or controlled by any other department of Government.

SECTION II.

SUPREME COURT AND COURT OF APPEALS

Paragraph I. Supreme Court Justices; Quorum. The Supreme Court shall consist of seven associate justices, who shall from time to time as they may deem proper, elect one of their members as Chief Justice and one as Presiding Justice. The Chief Justice so elected by the other Justices shall be the chief presiding and administrative officer of the court, and the Presiding Justice, elected in like manner, shall perform all the duties devolving upon the Chief Justice, when he is absent or disqualified. A majority of the court shall constitute a quorum.

Paragraph II. Court to Designate Judges to Preside, When. When one or more of the Justices of the Supreme Court are disqualified from deciding any case by interest or otherwise, the qualified Justices shall designate a judge or judges of the Superior Court to preside in said case, provided, that if all the justices are disqualified, they or a majority of them shall, despite their disqualification, select seven judges of the Superior Courts to preside in the case, but they shall make such selections by lot and in open court from not less than twelve names of such Superior Court judges.

Paragraph III. Terms of Office. The Justices aforesaid shall hold their offices for six years, and until their successors are qualified. They shall be elected by the people at the same time and in the same manner as members of the General Assembly. In case of any vacancy which causes an unexpired term, the same shall be filled by executive appointment, and the person appointed by the Governor shall hold his office until the next regular election, and until his successor for the balance of the unexpired term shall have been elected and qualified. The returns of such elections shall be made to the Secretary of State, who shall certify the result to the Governor, and commission shall issue accordingly.

Paragraph IV. Jurisdiction of Supreme Court. The Supreme Court shall have no original jurisdiction but shall be a court alone for the trial and correction of errors of law from the superior courts and the city courts of Atlanta and Savannah, as existed on August 16, 1916, and such other like courts as have been or may hereafter be established in other cities, in all cases that involve the construction of the Constitution of the State of Georgia or of the United States, or of treaties between the United States and foreign governments;

in all cases in which the constitutionality of any law of the State of Georgia or of the United States is drawn in question; and, until otherwise provided by law, in all cases respecting title to land; in all equity cases; in all cases which involve the validity of, or the construction of wills; in all cases of conviction of a capital felony; in all habeas corpus cases; in all cases involving extraordinary remedies; in all divorce and alimony cases, and in all cases certified to it by the Court of Appeals for its determination. It shall also be competent for the Supreme Court to require by certiorari or otherwise any case to be certified to the Supreme Court from the Court of Appeals for review and determination with the same power and authority as if the case had been carried by writ of error to the Supreme Court. Any case carried to the Supreme Court or to the Court of Appeals, which belongs to the class of which the other court has jurisdiction, shall, until otherwise provided by law, be transferred to the other court under such rules as the Supreme Court may prescribe, and the cases so transferred shall be heard and determined by the court which has jurisdiction thereof. The General Assembly may provide for carrying cases or certain classes of cases to the Supreme Court and the Court of Appeals from the trial courts otherwise than by writ of error, and may prescribe conditions as to the right of a party litigant to have his case reviewed by the Supreme Court or Court of Appeals. The Supreme Court shall also have jurisdiction of and shall decide cases transferred to it by the Court of Appeals because of an equal division between the judges of that Court when sitting as a body for the determination of cases.

Paragraph V. Cases. How Disposed Of. The Supreme Court and the Court of Appeals shall dispose of every case at the term for which it is entered on the court's docket for hearing, as provided by Paragraph VIII of this Article and Section, or at the next term. If the plaintiff in error shall not be prepared to prosecute the case at the term for which it is so entered for hearing, unless prevented by providential cause, it shall be stricken from the docket and the judgment below shall stand affirmed. No writ of error shall be dismissed because of delay in transmission of the bill of exceptions and the copy of the record, or either of them, resulting from the default of the clerk or other cause, unless it shall appear that the plaintiff in error or his counsel caused such delay. Nothing herein shall be construed to excuse the clerk for any omission of duty or to relieve him of any liability resulting therefrom.

Paragraph VI. Judgments May Be Withheld. In any case the Supreme Court or the Court of Appeals may in its discretion withhold its judgment until the next term after the same is argued.

Paragraph VII. The Supreme Court; How Cases to Be Heard and Determined. The Supreme Court shall have power to hear and determine cases when sitting in a body, under such regulations as may be prescribed by it.

Paragraph VIII. Court of Appeals. The Court of Appeals shall consist of not less than three Judges, and of such additional Judges as the General Assembly shall from time to time prescribe. The terms of the Judges of the Court of Appeals shall be for six years and until their successors are qualified. The times and manner of electing Judges, and the mode of filling a vacancy which causes an unexpired term, shall be the same as are or may be provided for by the laws relating to the election and appointment of Justices of the Supreme Court. The Court of Appeals shall have jurisdiction for the trial and correction of errors of law from the superior courts and from the City Courts of Atlanta and Savannah, as they existed on August 19, 1916, and such other like courts as have been or may hereafter be established in other cities, in all cases in which such jurisdiction has not been conferred by this Constitution upon the Supreme Court, and in such other cases as may now or hereafter be prescribed by law; except that where a case is pending in the Court of Appeals and the Court of Appeals desires instruction from the Supreme Court, it may certify the same to the Supreme Court, and thereupon a transcript of the record shall be transmitted to the Supreme Court, which, after having afforded to the parties an opportunity to be heard thereon, shall instruct the Court of Appeals on the question so certified, and the Court of Appeals shall be bound by the instruction so given. But if by reason of equal division of opinion among the Justices of the Supreme Court no such instruction is given, the Court of Appeals may decide the question. The manner of certifying questions to the Supreme Court by the Court of Appeals, and the subsequent proceedings in regard to the same in the Supreme Court, shall be as the

Supreme Court shall by its rules prescribe, until otherwise provided by law. No affirmance of the judgment of the court below in cases pending in the Court of Appeals shall result from delay in disposing of questions or cases certified from the Court of Appeals to the Supreme Court, or as to which such certificate has been required by the Supreme Court as hereinbefore provided. All writs of error in the Supreme Court or the Court of Appeals, when received by its clerk during a term of the Court and before the docket of the term is by order of the Court closed, shall be entered thereon, and when received at any other time, shall be entered on the docket of the next term; and they shall stand for hearing at the term for which they are so entered, under such rules as the Court has or may hereafter prescribe, until otherwise provided by law. The Court of Appeals shall appoint a clerk and a sheriff of the court. The reporter of the Supreme Court shall be reporter of the Court of Appeals until otherwise provided by law. The laws relating to the Supreme Court as to qualifications and salaries of Judges, the designation of other Judges to preside when members of the Court are disqualified, the powers, duties, salaries, fees and terms of officers, the mode of carrying cases to the Court, the powers, practice, procedure, times of sitting, and costs of the Court, the publication of reports of cases decided therein, and in all other respects, except as otherwise provided in this Constitution or by the laws as to the Court of Appeals on the effective date of this Constitution, and until otherwise provided by law, shall apply to the Court of Appeals so far as they can be made to apply. The decisions of the Supreme Court shall bind the Court of Appeals as precedents. The Court of Appeals shall have power to hear and determine cases when sitting in a body, except as may be otherwise provided by the General Assembly.

In the event of an equal division of judges on any case when the Court is sitting as a body, the case shall be immediately transferred to the Supreme Court.

Paragraph IX. Appeals from the Juvenile Court. The Supreme Court and Court of Appeals shall have jurisdiction to review by direct writ of error, and without the necessity of a motion for new trial having been made, all final judgments, orders, decrees and adjudications rendered by any juvenile court, and, it shall further be the duty of the District Attorney of the judicial circuit within which the juvenile court or courts are located to represent the juvenile court on such appeals. The time for filing such bill of exceptions, and the procedure governing same, shall be as now provided by law for appeals, or as may hereafter be provided by law, but in any case, the Juvenile Judge may by order grant extensions of time for the filing of such bill of exceptions so as to afford opportunity for preparation of a brief or transcript of evidence, in cases where such is required.

SECTION III.

SUPERIOR COURTS

Paragraph I. Terms, Etc., of Superior Court Judges. There shall be not less than one judge of the Superior Courts for each judicial circuit, whose term of office shall be for four years, and until his successor is qualified. He may act in other circuits when authorized by law. The legislature shall have authority to add one or more additional judges of the superior court for any judicial circuit in this State, and shall have authority to regulate the manner in which the judges of such circuits shall dispose of the business thereof, and shall fix the time at which the term or terms of office of such additional judge or judges shall begin, and the manner of his appointment or election, and shall have authority from time to time to add to the number of such judges in any judicial circuit; or to reduce the number of judges in any judicial circuit.

Notwithstanding the provisions of this Section providing for a term of four years for judges of the superior courts and notwithstanding any other provision of this Constitution, the term of office of each of the Judges of the Superior Court of the Atlanta Judicial Circuit shall be for eight years and until his successor is qualified.

Paragraph II. Elections, When to Be Held. The successors to the present and subsequent incumbents shall

be elected by the electors of the circuit wherein the superior court judge is to serve, who are entitled to vote for members of the General Assembly, at the general election held for such members, next preceding the expiration of their respective terms.

Paragraph III. Terms Begin, When. The terms of the judges to be elected under the Constitution, except to fill vacancies, shall begin on the first day of January after their elections. Every vacancy occasioned by death, resignation, or other causes shall be filled by appointments of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

SECTION IV.

JURISDICTION

Paragraph I. Exclusive Jurisdiction Except in Juvenile Cases. The Superior Courts shall have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life or confinement in the penitentiary, except in the case of juvenile offenders as provided by law; in cases respecting titles to land; and equity cases.

Paragraph II. Equity May Be Merged in Common Law Courts. The General Assembly may confer upon the courts of common law all the powers heretofore exercised by courts of equity in this State.

Paragraph III. General Jurisdiction. Said Courts shall have jurisdiction in all civil cases, except as hereinafter provided.

Paragraph IV. Appellate Jurisdiction. They shall have appellate jurisdiction in all cases as may be provided by law.

Paragraph V. Certiorari, Mandamus, Etc. They shall have power to correct errors in inferior judicatories by writ of certiorari, which shall only issue on the sanction of the Judge, and said Courts, and the judges thereof shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as are, or may be conferred on them by law.

Paragraph VI. New Trials. The Superior, State and City Courts may grant new trials on legal grounds.

Paragraph VII. Judgment of the Court. The Court shall render judgment without the verdict of a jury in all civil cases, except actions ex delicto, where no issuable defense is filed except as otherwise provided in this Constitution, and subject to the right of trial by a jury on written demand of either party.

Paragraph VIII. Sessions. The Superior courts shall sit in each county not less than twice in each year, at such times as have been, or may be appointed by law. The judges of said courts may, on reasonable notice to the parties, at any time, in vacation, at chambers, hear and determine, by interlocutory or final judgment, any matter or issue, where a jury verdict is not required, or may be waived.

Paragraph IX. Presiding Judge Disqualified. The General Assembly may provide by law for the appointment of some proper person to preside in cases where the presiding judge is from any cause disqualified.

Paragraph X. Judges of Superior, State and City Courts May Alternate, When. In any county within which there is, or hereafter may be, a City Court or a State Court the Judge of such a Court, and the Judge of the

Superior Court may preside in the Courts of each other in cases where the judge of either Court is disqualified to preside.

SECTION V.

STATE COURT OF CLAIMS

Paragraph I. State Court of Claims; Jurisdiction; Appeals. The General Assembly is hereby authorized to create and establish a State Court of Claims with jurisdiction to try and dispose of cases involving claims for injury or damage, except the taking of private property for public purposes, against the State of Georgia, its agencies or political subdivisions, as the General Assembly may provide by law. Notwithstanding any other provision of this Constitution, the General Assembly may provide for exclusive jurisdiction over such cases in the State Court of Claims, provide for trial of such cases without a jury, and prescribe the place and manner in which such cases may be brought and tried. The Supreme Court and the Court of Appeals shall have original jurisdiction to try and correct errors of law from such State Court of Claims according to the method of appeal to said courts now provided for or as may hereafter be provided by law. Nothing contained herein shall constitute a waiver of the immunity of the State from suit, but such sovereign immunity is expressly reserved except to the extent of any waiver of immunity provided in this Constitution and such waiver or qualification of immunity as is now or may hereafter be provided by act of the General Assembly.

SECTION VI.

PROBATE COURT

Paragraph I. Probate Court; Judge of Probate Court; Appeals. The powers of a court of probate shall be vested in the Probate Court and the Judge of the Probate Court for each county, from whose decisions there may be an appeal, or by consent of the parties, without a decision, to the Superior Court under regulations prescribed by law.

Paragraph II. Powers. (a) The Probate Courts shall have such powers in relation to roads, bridges, ferries, public buildings, paupers, county officers, county funds, county taxes and other county matters as may be conferred on them by law.

(b) The Probate Courts shall have jurisdiction to issue warrants, try cases, and impose sentences thereon in all misdemeanor cases arising under the traffic laws of the State, and in all cases arising under the Compulsory School Attendance Law in all counties of this State in which there is no State court, provided the defendant waives a jury trial. Like jurisdiction is also conferred upon the judges of the police courts of incorporated cities and municipal court judges for offenses arising under the traffic laws of the State within their respective jurisdictions.

Paragraph III. Term of Office. The Judge of the Probate Court shall hold his office for a term of four years and until his successor is elected and qualified.

Paragraph IV. Construction. Wherever the words "Ordinary", or "Ordinaries" or the words "Court of Ordinary" or "Courts of Ordinary" appear in any statutes of this State, and such words refer to the county officer heretofore known and designated as the Ordinary or the court heretofore known and designated as the Court of Ordinary, such words are hereby stricken and the words "Judge of the Probate Court" or "Judges of the Probate Courts" or the words "Probate Court" or "Probate Courts," respectively, are hereby inserted in lieu of such stricken words. The changing of the names of the Ordinary and the Court of Ordinary

to Judge of the Probate Court and Probate Court, respectively, shall not affect the status of any matter pending before any such officer or any such court on January 1, 1975, and any such matter may be continued or disposed of by the Judge of the Probate Court or by the Probate Court, as the case may be.

SECTION VII.

JUSTICES OF THE PEACE

Paragraph I. Number and Term of office. Unless it has been otherwise provided by the General Assembly, there shall be in each militia district one justice of the peace, whose official term, except when elected to fill an unexpired term, shall be for four years: Provided, however, that the General Assembly may, in its discretion, abolish justice courts and the office of justice of the peace and of notary public ex-officio justice of the peace in any city of this State having a population of over twenty thousand, and establish in lieu thereof such court or courts or system of courts as the General Assembly may, in its discretion, deem necessary, conferring upon such new court or courts or system of courts, when so established, the jurisdiction as to subject matter now exercised by justice courts and by justices of the peace and notaries public ex-officio justices of the peace together with such additional jurisdiction, either as to amount or subject matter, as may be provided by law, whereof some other court has not exclusive jurisdiction under this Constitution; together with such provision as to rules and procedure in such courts, and as to new trials and the correction of errors in and by said courts, and with such further provision for the correction of errors by the Superior Court, or Court of Appeals, or the Supreme Court, as the General Assembly may, from time to time, in its discretion, provide or authorize. Any court so established shall not be subject to the rules of uniformity laid down in Paragraph I of Section IX of Article VI of the Constitution of Georgia: Provided, however, that the General Assembly may, in its discretion, abolish justice courts and the office of justice of the peace and notary public ex-officio justice of the peace in any county in this State having within its borders a city having a population of over twenty thousand, and as well in the County of Glynn, and establish in lieu thereof such court or courts or system of courts as the General Assembly may, in its discretion, deem necessary; or conferring upon existing courts, by extension of their jurisdiction as to subject matter now exercised by justice courts and by justices of the peace and notaries public ex-officio justices of the peace; together with such additional jurisdiction, either as to amount or to subject matter, as may be provided by law, whereof some other court has not exclusive jurisdiction under this Constitution; together also with such provisions as to rules and procedure in such courts and as to new trials and the correction of errors in and by said courts, and with such further provision for the correction of errors by the Superior Court or the Court of Appeals or the Supreme Court as the General Assembly may, from time to time, in its discretion, provide or authorize. The civil court of Fulton County shall have jurisdiction in Fulton County and outside the city limits of Atlanta either concurrently with, or supplemental to, or in lieu of justice courts, as may be now or hereafter provided by law. Any court so established shall not be subject to the rules of uniformity laid down in Paragraph I of Section IX of Article VI of the Constitution of Georgia.

Paragraph II. Jurisdiction. Justices of the peace shall have jurisdiction in all civil cases arising ex contractu and in cases of injury or damage to and conversion of personal property, when the principal sum does not exceed two hundred dollars, and shall sit monthly at fixed times and places but in all cases there may be an appeal to a jury in said court, or an appeal to the Superior Court under such regulations as may be prescribed by law.

Paragraph III. Elections and Commissions. Justices of the peace shall be elected by the legal voters in their respective districts, and shall be commissioned by the Governor. They shall be removable on conviction for malpractice in office.

SECTION VIII.

NOTARIES PUBLIC

Paragraph I. Appointment; Number; Term; Removal. Commissioned notaries public, not to exceed one for each militia district, may be appointed by the judges of the superior courts in their respective circuits, upon recommendation of the grand juries of the several counties. They shall be commissioned by the Governor for the term of four years and shall be ex-officio justices of the peace, and shall be removable on conviction for malpractice in office.

SECTION IX.

UNIFORMITY OF COURTS

Paragraph I. Uniformity Provided For. Except as otherwise provided in this Constitution, the jurisdiction, powers, proceedings and practice of all courts or officers invested with judicial powers (except State Courts and City Courts) of the same grade or class, so far as regulated by law, and the force and effect of the process, judgment and decree, by such courts, severally, shall be uniform. This uniformity must be established by the General Assembly, and in case of State Courts and City Courts, may be established by the General Assembly.

SECTION X.

ATTORNEY GENERAL

Paragraph I. Election; term of office. There shall be an Attorney General of this State, who shall be elected by the people at the same time, for the same term and in the same manner as the Governor.

Paragraph II. Duties. It shall be the duty of the Attorney General to act as the legal advisor of the Executive Department, to represent the State in the Supreme Court in all capital felonies; and in all civil and criminal cases in any court when required by the Governor and to perform such other services as shall be required of him by law.

SECTION XI.

DISTRICT ATTORNEYS

Paragraph I. Number; term of office; vacancies. There shall be a district attorney for each judicial circuit, whose official term (except to fill a vacancy) shall be four years. The successors of present and subsequent incumbents shall be elected by the electors of the circuit wherein the district attorney is to serve, who are qualified to vote for members of the General Assembly, at the general election held next preceding the expiration of their respective terms. Every vacancy occasioned by death, resignation, or other cause shall be filled by appointment of the Governor, until the first day of January after the general election held next after the expiration of 30 days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

Paragraph II. Duties. It shall be the duty of the district attorney to represent the State in all cases in the superior court of his circuit and in all cases taken up from the superior courts of his circuit to the Supreme Court, and Court of Appeals and to perform such other services as shall be required of him by law.

Paragraph III. Construction. Wherever the words “solicitor general” were used heretofore in any statute, when such words were used to refer to the office of the district attorney provided for in this Section, they shall be held and taken to mean the district attorney.

SECTION XII.

SALARIES OR JUSTICES, JUDGES, AND DISTRICT ATTORNEYS

Paragraph I. Compensation and Allowances of Justices, Judges and District Attorneys. The Justices of the Supreme Court, the Judges of the Court of Appeals, the Judges of the Superior Courts, and the District Attorneys shall receive such compensation and allowances as provided by law. The General Assembly may authorize any county to supplement the compensation and allowances of a judge of the Superior Court and District Attorney of the Judicial Circuit in which such county lies out of county funds: Provided, however, where such compensation and allowances are, on the effective date of this Constitution, being supplemented out of county funds under existing laws, such laws shall remain in force until altered by the General Assembly; Provided, further, that the Board of County Commissioners of Richmond County, or the Judge of the Probate Court, or such other board or person as may from time to time have charge of the fiscal affairs of said county, shall without further legislative action continue to supplement from said County’s treasury the compensation and allowances of the Judge of Superior Court of the circuit of which the said County of Richmond is a part, by the sum of Two Thousand (\$2,000) Dollars per annum, which shall be in addition to the amount received by said judge out of the State treasury; and such payments are declared to be a part of the court expenses of said County, and such payment shall be made to the judge now in office during his present or subsequent terms, as well as to his successors, with the authority in the General Assembly to increase such compensation and allowances from the County treasury as above provided.

Paragraph II. Power to Abolish or Reinstate Fees of District Attorney. The General Assembly shall have power, at any time, by law, to abolish the fees accruing to the office of district attorney in any particular judicial circuit, and in lieu thereof to prescribe compensation and allowances for such office, without regard to the uniformity of such compensation or allowances in the various circuits; and shall have the further power to determine what disposition shall be made of the fines, forfeitures and fees accruing to the office of district attorney in any such judicial circuit where the fees are abolished; and likewise shall have the further power, if it so desires, to abolish such compensation and allowances and reestablish such fees; but in either event, when so changed, the change shall not become effective until the end of the term to which the district attorney was elected.

SECTION XIII.

QUALIFICATIONS OF JUSTICES, JUDGES, ETC.

Paragraph I. Age; Citizenship; Practice of Law. No person shall be a Justice of the Supreme Court, a Judge of the Court of Appeals, or a Judge of Superior Courts, unless, at the time of his election, he shall have attained the age of thirty years, and shall have been a citizen of the State three years, and have practiced law for seven years. No person shall be Attorney General unless at the time of his election he shall have attained the age of twenty-five years, and shall have been a citizen of the State for six years next preceding his election, and have practiced law for seven years. No person shall be a district attorney, unless at the time of his election he shall have attained twenty-five years of age, shall have been a citizen of the State for three years, and shall have practiced law for three years next preceding his election.

Paragraph II. Emeritus Justices and Judges; Preside. Chief Justices Emeritus and Justices Emeritus of the

Supreme Court; Judges Emeritus of the Court of Appeals; and Judges Emeritus of the Superior Courts shall be eligible to preside in or over the Supreme Court of Georgia, the Court of Appeals of Georgia and the Superior Courts of this State. The General Assembly shall prescribe the method or manner in which they may be called upon for temporary service.

Paragraph III. Discipline, Removal, and Involuntary Retirement. (a) Judicial Qualifications Commission. There shall be a Judicial Qualifications Commission. It shall consist of seven members, as follows: (i) two judges of any court of record, each selected by the Supreme Court; (ii) three members of the State Bar, who shall have practiced law in this State for at least ten years and who shall be elected by the Board of Governors of the State Bar; and (iii) two citizens, neither of whom shall be a member of the State Bar, who shall be appointed by the Governor. The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms and until their successors are elected or appointed and have qualified. Thereafter, all members shall serve for terms of four years each and until their successors are elected or appointed and have qualified. Whenever any member ceases to hold the office or to possess the qualifications which entitled him to be appointed a member, his membership shall terminate, and the appointing authority shall select his successor for the unexpired term. No member of the Commission shall receive any compensation for his services but shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties. No member of the Commission except the Judges shall hold any other public office or be eligible for appointment to a State judicial office so long as he is a member of the Commission. No member shall hold office in any political party or organization. No act of the Commission shall be valid unless concurred in by a majority of its members. The Commission shall select one of its members to serve as chairman.

(b) Procedure and Grounds. A justice or judge of any court of this State, in accordance with the procedure prescribed in this Paragraph, may be removed or otherwise disciplined for willful misconduct in office or willful and persistent failure to perform his duties, or habitual intemperance; or for conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or he may be retired for disability seriously interfering with the performance of his duties, which is, or is likely to become, of a permanent character. The Commission may, after such investigation as it deems necessary, order a hearing to be held before it concerning the removal or retirement of a justice or a judge, or the Commission may in its discretion request the Supreme Court to appoint a special master to hear and take evidence in the matter and to report thereon to the Commission. If, after hearing, or after considering the record and report of the master, the Commission finds good cause therefor, it shall recommend to the Supreme Court the removal, other discipline, or retirement, as the case may be, of the justice or judge.

The Supreme Court shall review the record of the proceedings on the law and facts, and in its discretion may permit the introduction of additional evidence and shall order removal, other discipline, or retirement, as it finds just and proper, or wholly reject the recommendation. Upon an order for retirement, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to statute. Upon an order for removal, the justice or judge shall thereby be removed from office, and his compensation and allowances shall cease from the date of the order.

The Supreme Court shall prescribe rules governing privilege, confidentiality, and practice and procedure in all proceedings brought hereunder. A justice or judge who is a member of the Commission or Supreme Court shall not participate in any proceedings involving his own removal, other discipline or retirement.

SECTION XIV.

VENUE

Paragraph I. Divorce Case. Divorce cases shall be brought in the county where the defendant resides, if a resident of this State; if the defendant be not a resident of this State, then in the county in which the plaintiff resides, provided, that any person who has been a resident of any United States Army Post or military reservation within the State of Georgia for one year next preceding the filing of the petition may bring an action for divorce in any county adjacent to said United States Army Post or military reservation.

Paragraph II. Land Titles. Cases respecting titles to land shall be tried in the county where the land lies, except where a single tract is divided by a county line, in which case the Superior Court of either county shall have jurisdiction.

Paragraph III. Equity Cases. Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.

Paragraph IV. Suits Against Joint Obligors, Co-partners, Etc. Suits against joint obligors, joint promissors, co-partners, or joint trespassers, residing in different counties, may be tried in either county.

Paragraph V. Suits Against Maker, Endorser, Etc. Suits against the maker and endorser of promissory notes, or drawer, acceptor and endorser of foreign or inland bills of exchange, or like instruments, residing in different counties, shall be brought in the county where the maker or acceptor resides.

Paragraph VI. All Other Cases. All other civil cases shall be tried in the county where the defendant resides, and all criminal cases shall be tried in the county where the crime was committed, except cases in the Superior Courts where the Judge is satisfied that an impartial jury cannot be obtained in such county.

Paragraph VII. Power to Change Venue. The power to change the venue in civil and criminal cases shall be vested in the Superior Courts to be exercised in such manner as has been, or shall be, provided by law.

SECTION XV.

JURY TRIAL

Paragraph I. Right of Trial By Jury. The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain inviolate, but the General Assembly may prescribe any number, not less than five, to constitute a trial, or traverse jury, except in the superior court.

Paragraph II. Selection of Jurors. The General Assembly shall provide by law for the selection of the most experienced, intelligent and upright men to serve as grand jurors, and intelligent and upright men to serve as traverse jurors. Nevertheless, the grand jurors shall be competent to serve as traverse jurors. The General Assembly shall have the power to require jury service of women also, under such regulations as the General Assembly may prescribe.

Paragraph III. Compensation of Jurors. It shall be the duty of the General Assembly by general laws to prescribe the manner of fixing compensation of jurors in all counties in this State.

SECTION XVI.

WHAT COURTS MAY BE ABOLISHED

Paragraph I. Power to Abolish Courts. All courts not specially mentioned by name in the first Section of this

Article may be abolished in any county at the discretion of the General Assembly.

Paragraph II. Supreme Court Cost; Pauper Oath. The cost in the Supreme Court and Court of Appeals shall be as provided by law. Plaintiffs in error shall not be required to pay costs in said courts when the usual pauper oath is filed in the court below.

ARTICLE VII.

TAXATION

SECTION I.

POWER OF TAXATION

Paragraph I. Taxation, a Sovereign Right. The right of taxation is a sovereign right- inalienable, indestructible- is the life of the State, and rightfully belongs to the people in all republican governments, and neither the General Assembly, nor any, nor all other departments of the Government established by this Constitution, shall ever have the authority to irrevocably give, grant, limit, or restrain this right; and all laws, grants, contracts, and all other acts, whatsoever, by said government, or any department thereof, to affect any of these purposes, shall be, and are hereby, declared to be null and void, for every purpose whatsoever; and said right of taxation shall always be under the complete control of, and revocable by, the State, notwithstanding any gift, grant or contract, whatsoever, by the General Assembly.

The power to tax corporations and corporate property, shall not be surrendered or suspended by any contract, or grant to which the State shall be a party.

Paragraph II. Taxing Power Limited. The levy of taxes on property for any one year by the General Assembly for all purposes, except to provide for repelling invasions, suppressing insurrections, or defending the State in time of war, shall not exceed one-fourth (1/4) mill on each dollar of the value of the property taxable in the State, provided, however, that until some other method permitted by the laws of the United States for the taxation of national banking associations or corporations is enacted by the General Assembly for the taxation of the shares of stock or banking corporations and other monied capital coming into competition with such banking corporations, such property may be taxed at a rate not exceeding five (5) mills on each dollar of the value thereof.

Paragraph III. Uniformity; Classification of Property. All taxes shall be levied and collected under general laws and for public purposes only. All taxation shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax. Classes of subjects for taxation of property shall consist of tangible property and one or more classes of intangible personal property including money. The General Assembly shall have the power to classify property including money for taxation, and to adopt different rates and different methods for different classes of such property.

Notwithstanding anything to the contrary contained in this Paragraph, the General Assembly shall be authorized to enact legislation treating any and all motor vehicles, including trailers, as a separate class from other classes of tangible property for ad valorem property tax purposes, and to adopt different rates, methods of assessment dates for the taxation of such property, and to enact legislation consistent herewith to prevent any person, firm or corporation from escaping payment of their fair share of ad valorem taxes on said motor vehicles.

The General Assembly may provide for a different method and time of returns, assessments, payment and collection of ad valorem taxes, of public utilities, but not a greater basis of value or at a higher rate of taxation than other properties.

Paragraph IV. Exemptions From Taxation. The General Assembly may, by law, exempt from taxation all public property; places of religious worship or burial and all property owned by religious groups used only for residential purposes and from which no income is derived; all institutions of purely public charity; all intangible personal property owned by or irrevocably held in trust for the exclusive benefit of religious, educational and charitable institutions, no part of the net profit from the operation of which can inure to the benefit of any private person; all buildings erected for and used as a college, incorporated academy or other seminary of learning, and also all funds or property held or used as endowment by such colleges, incorporated academies or seminaries of learning, provided the same is not invested in real estate; and provided, further, that said exemptions shall only apply to such colleges, incorporated academies or other seminaries of learning as are open to the general public; the real and personal estate of any public library, and that of any other literary association, used by or connected with such library; all books and philosophical apparatus and all paintings and statuary of any company or association, kept in a public hall and not held as merchandise or for purposes of sale or gain; provided the property so exempted be not used for the purpose of private or corporate profit and income, distributable to shareholders in corporations owning such property or to other owners of such property, and any income from such property is used exclusively for religious, educational and charitable purposes, or for either one or more of such purposes and for the purpose of maintaining and operating such institution; this exemption shall not apply to real estate or buildings other than those used for the operation of such institution and which is rented, leased or otherwise used for the primary purpose of securing an income thereon; and also provided that such donations of property shall not be predicated upon an agreement, contract or otherwise that the donor or donors shall receive or retain any part of the net or gross income of the property. The General Assembly shall further have powers to exempt from taxation farm products, including baled cotton, grown in this State and remaining in the hands of the producer, but not longer than for the year next after their production.

The General Assembly is hereby authorized to provide by law that all personal clothing and effects, household furniture, furnishings, equipment, appliances and other personal property used within the home, if not held for sale, rental or other commercial use, shall be exempt from all ad valorem taxation. The General Assembly is further authorized to provide by law that all tools and implements of trade of manual laborers and domestic animals shall be exempt from State, county, municipal and school district ad valorem taxes, in an amount not to exceed \$300.00 in actual value.

The homestead of each resident of Georgia actually occupied by the owner as a residence and homestead, and only so long as actually occupied by the owner primarily as such, but not to exceed \$2,000.00 of its value, is hereby exempted from all ad valorem taxation for State, County and school purposes, except taxes levied by municipalities for school purposes and except to pay interest on and retire bonded indebtedness, provided, however, should the owner of a dwelling house on a farm, who is already entitled to homestead exemption, participate in the program of rural housing and obtain a new house under contract with the local housing authority, he shall be entitled to receive the same homestead exemption as allowed before making such contract. The General Assembly may from time to time lower said exemption to not less than \$1,250.00. The value of all property in excess of the foregoing exemptions shall remain subject to taxation. Said exemptions shall be returned and claimed in such manner as prescribed by the General Assembly. The exemption herein provided for shall not apply to taxes levied by municipalities.

There shall be exempt from all ad valorem intangible taxes in this State, the common voting stock of a subsidiary corporation not doing business in this State, if at least ninety per cent of such common voting stock is owned by a Georgia corporation with its principal place of business located in this State and was acquired or is held for the purpose of enabling the parent company to carry on some part of its established line of

business through such subsidiary.

The legislature may exempt from taxation intangible personal property owned by a trust forming a part of a pension, profit sharing or stock bonus plan if such trust is exempt from Federal income tax under Section 401(a) of the Federal Internal Revenue Code. Existing laws exempting such property from taxation are hereby ratified.

Each disabled veteran, as hereinafter defined, who is a citizen and resident of Georgia, is hereby granted an exemption of \$12,500.00 on his homestead, which he owns and which he actually occupies as a residence and homestead, such exemption being from all ad valorem taxation for State, county, municipal and school purposes. The value of all property in excess of the above exempted amount shall remain subject to taxation. The term "disabled veteran," as used herein, means a disabled American veteran of any war or armed conflict in which any branch of the armed forces of the United States engaged, whether under United States command or otherwise, and who is disabled, as a result of such service in the armed forces, due to loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheel chair, or blindness in both eyes, having only light perception, plus loss or loss of use of one lower extremity, or due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair.

Each person who is sixty-five (65) years of age or over is hereby granted an exemption from all State and county ad valorem taxes in the amount of \$4,000.00 on a homestead owned and occupied by him as a residence if his net income, together with the net income of his spouse who also occupies and resides at such homestead, as net income is defined by Georgia law, from all sources, except as hereinafter provided, does not exceed \$4,000.00 for the immediately preceding taxable year for income tax purposes. For the purposes of this paragraph, net income shall not include income received as retirement, survivor or disability benefits under the Federal Social Security Act or under any other public or private retirement, disability or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and his spouse under the Federal Social Security Act, and income from such sources in excess of such maximum amount shall be included as net income for the purposes of this paragraph. The value of the residence in excess of the above exempted amount shall remain subject to taxation. Any such owner shall not receive the benefits of such homestead exemption unless he, or through his agent, files an affidavit with the tax commissioner or tax receiver of the county in which he resides, giving his age and the amount of income which he and his spouse received during the last taxable year for income tax purposes, and such additional information relative to receiving the benefits of such exemption as will enable the tax commissioner or tax receiver to make a determination as to whether such owner is entitled to such exemption. The tax commissioner or tax receiver shall provide affidavit forms for this purpose. Such applications shall be processed in the same manner as other applications for homestead exemption, and the provisions of law applicable to the processing of homestead exemptions, as the same now exists or may hereafter be amended, shall apply thereto. Provided, that after any such owner has filed the proper affidavit, as provided above, and has been allowed the exemption provided herein, it shall not be necessary that he make application and file the said affidavit thereafter for any year and the said exemption shall continue to be allowed to such owner. It shall be the duty of any such owner, however, to notify the tax commissioner or tax receiver in the event he becomes ineligible for any reason for the exemption provided in this paragraph. The General Assembly may provide by law for the proper administration of this exemption including penalties necessary therefor. The increased exemption provided for herein shall apply to all taxable years beginning after December 31, 1974.

The General Assembly shall have the authority to provide for the exemption from any and all taxation any facilities which shall be installed or constructed for the primary purpose of eliminating or reducing air or water pollution. The General Assembly is further authorized to provide for the manner in which such exemptions

shall be granted and to prescribe the prerequisites which shall be required to be met before any such exemption shall be granted, including the designation of any appropriate State agency, or organization to which the General Assembly shall be authorized to delegate any and all powers necessary and appropriate to carry out the purposes and responsibilities of this paragraph.

The exemptions granted to the homestead within this Paragraph shall extend to and shall apply to those properties, the legal title to which is vested in one or more title holders, if actually occupied by one or more such owners as a residence. In such instances, such exemptions shall be granted to such properties, if claimed in the manner herein provided by one or more of the owners actually residing on such property. Such exemptions shall also extend to those homesteads, the title to which is vested in an administrator, executor or trustee, if one or more of the heirs or cestui que residing on such property shall claim the exemptions granted by this Paragraph in the manner herein provided.

The General Assembly shall be authorized to exempt from ad valorem taxation property of nonprofit hospitals used in connection with their operation, provided that such hospitals have no stockholders and no income or profit which is distributed to or for the benefit of any private person, and are subject to the laws of Georgia regulating nonprofit or charitable corporations.

Each disabled veteran, as hereinafter defined, who is a citizen and resident of Georgia, is hereby granted an exemption from all ad valorem taxes on the vehicle which he owns and on which he actually places the free HV vehicle license plates he receives from the State of Georgia, such exemption being from all ad valorem taxation for State, county, municipal and school purposes. The term "disabled veteran", as used herein, means any veteran who was discharged under other than dishonorable conditions, and who served on active duty of the Armed Forces of the United States or on active duty in a reserve component of the United States including the National Guard, and who is receiving or who is entitled to receive a statutory award from the Veterans Administration for:

- (1) Loss or permanent loss of use of one or both feet:
- (2) Loss or permanent loss of use of one or both hands;
- (3) Loss of sight in one or both eyes;
- (4) Permanent impairment of vision of both eyes of the following status: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than twenty degrees in the better eye.

The homestead of each resident of each independent school district who is 62 years of age or over and who does not have an income from all sources, including the income from all sources of all members of the family residing within said homestead, exceeding \$6,000.00 per annum, may be exempt by law from all ad valorem taxation for educational purposes levied for and in behalf of such school system. No such exemption shall be granted unless an affidavit of the owner of the homestead is filed with the governing authority of his city, or with a person designated by the governing authority of such city, giving his age, the amount of income which he received for the immediately preceding calendar year, the income which the members of his family residing within the homestead received for such period, and such other additional information relative to receiving the benefits of the exemption granted by this paragraph as will enable the governing authority of such city, or the person designated by the governing authority of such city, to make a determination as to whether such owner is entitled to said exemption. The governing authority of the city, or the person designated by the said governing authority, shall provide affidavit forms for this purpose. The exemption granted to the homestead within this paragraph shall extend to and shall apply to those properties, the legal

title to which is vested in one or more title holders, if actually occupied by one or more such owners as a residence, and one or more such title holders possesses the qualifications provided for in this paragraph. In such instances, such exemptions shall be granted to such properties, if claimed in the manner herein provided by one or more of the owners actually residing on such property. Such exemptions shall also extend to those homesteads, the title to which is vested in an administrator, executor or trustee, if one or more of the heirs or cestui que uses residing on such property shall possess the qualifications provided for herein and shall claim the exemptions granted by this paragraph in the manner herein provided. The exemption provided for herein shall apply to all taxable years beginning after December 31, 1972.

The homestead of each resident of each county school district who is 62 years of age or over and who does not have an income from all sources, including the income of all members of the family residing within said homestead, exceeding \$6,000.00 per annum, may be exempt by law from all ad valorem taxation for educational purposes levied for and in behalf of such school system, including taxes to retire school bond indebtedness. No such exemption shall be granted unless an affidavit of the owner of the homestead is filed with the Tax Receiver or Tax Commissioner of his county giving his age, the amount of income which he received for the immediately preceding calendar year, the income which the members of his family residing within the homestead received for such period, and such other additional information relative to receiving the benefits of the exemption granted by this paragraph as will enable the Tax Receiver or Tax Commissioner to make a determination as to whether such owner is entitled to said exemption. The Tax Receiver or Tax Commissioner shall provide affidavit forms for this purpose. The exemption granted to the homestead within this paragraph shall extend to and shall apply to those properties, the legal title to which is vested in one or more title holders, if actually occupied by one or more such owners as a residence, and one or more such title holders possesses the qualifications provided for in this paragraph. In such instances, such exemptions shall be granted to such properties, if claimed in the manner herein provided by one or more of the owners actually residing in such property. Such exemptions shall also extend to those homesteads, the title to which is vested in an administrator, executor or trustee, if one or more of the heirs or cestui que uses residing on such property shall possess the qualifications provided for herein and shall claim the exemptions granted by this paragraph in the manner herein provided. The exemption provided for herein shall apply to all taxable years beginning after December 31, 1972.

In order to encourage and enhance overall economic development, increase employment, promote agribusiness, and to provide incentives for the location of new and expanding manufacturing and processing facilities, harvested agricultural products which have a planting-to-harvest cycle of 12 months or less, which are customarily cured and aged for a period in excess of one year after harvesting, and before manufacturing, and which are held in this State for manufacturing or processing purposes, shall be exempt from all ad valorem taxation.

All laws exempting property from taxation, other than the property herein enumerated, shall be void.

Paragraph V. Revocation of Tax Exemptions. All exemptions from taxation heretofore granted in corporate charters are declared to be henceforth null and void.

SECTION II

PURPOSES AND METHOD OF TAXATION

Paragraph I. Taxation, How and For What Purposes Exercised. The powers of taxation over the whole State shall be exercised by the General Assembly for the following purposes only:

1. For the support of the State Government and the public institutions.

2. For educational purposes.
3. To pay the principal [sic] and the interest on the public debt, and to provide a sinking fund therefor.
4. To suppress insurrection, to repeal invasion, and defend the State in time of war.
5. To make provision for the payment of pensions to ex-Confederate soldiers and to the widows of Confederate soldiers who are unmarried.
6. To construct and maintain State buildings and a system of State highways, airports, and docks.
7. To make provision for the payment of old-age assistance to aged persons in need, and for the payment of assistance to the needy blind, and to dependent children and other welfare benefits; provided that no person shall be entitled to the assistance herein authorized, who does not qualify for such provisions in every respect, in accordance with enactments of the General Assembly, which may be in force and effect, prescribing the qualifications for beneficiaries hereunder: Provided no indebtedness against the State shall ever be created for the purpose herein stated, in excess of the taxes lawfully levied each fiscal year under Acts of the General Assembly authorized hereunder for such purposes.
8. In order to extend to the employees of the State, any department of the State, any State institution or political subdivisions of the State, and to the dependents and survivors of such employees, the basic protection accorded others by the old age and survivors insurance program embodied under the Social Security Act. (Act of Congress approved August 14, 1935, 49 Stat. 620, officially cited as the "Social Security Act," as such Act has been and may from time to time be amended), and the Federal Insurance Contributions Act (as set forth in subchapter A of Chapter 9 of the Federal Internal Revenue Code, as such Code has been and may from time to time be amended), the General Assembly is authorized to enact such legislation as may be necessary to insure the coverage to employees of the State, any department of the State, any State institution or political subdivisions of the State, and the dependents and survivors of such employees under said Social Security Act as the same has been or may be amended and the Federal Insurance Contributions Act as the same has been or may be amended; and any provisions of this Constitution notwithstanding the State for and on behalf of itself, its departments, institutions or political subdivisions is hereby authorized to enter into agreements with the Federal Security Administrator or other appropriate official of the United States Government under the provisions of said Social Security Act as the same has been or may hereafter be amended in the manner as provided therein and as provided by the General Assembly. The Teacher Retirement System of Georgia and the Employees Retirement System of Georgia shall have the powers and duties as provided by law on November 4, 1952, together with such further powers and duties as may be now or hereafter provided by law.
9. To advertise and promote the agricultural, industrial, historic, recreational and natural resources of the State of Georgia.
10. For public health purposes.
11. Public transportation of passengers for hire is an essential governmental function and a public purpose for which the power of taxation by the State may be exercised and its public funds expended, provided, however, that the State of Georgia shall not provide more than 10 per cent of the total cost, either directly or indirectly. The General Assembly is authorized to provide for the implementation of this provision including the granting of public funds to any public corporation or Authority established by the General Assembly for the performance of the aforesaid function and purpose, or contracting, through appropriate departments or instrumentalities of State government, with any such public corporation or Authority established by the General Assembly for performance of the aforesaid function and purpose.

12. For school lunch purposes.

13. To pay the salaries of personnel and to pay for the utilization of school facilities, including school buses, for extracurricular and interscholastic activities, including literary events, music, and athletic programs within individual schools and between schools in the same or in different school systems when such activities are sponsored by local boards of education as an integral part of the total school program.

Paragraph II. Promotion of agricultural and other products; financing; disposition of funds. Any other provision of this Constitution to the contrary notwithstanding, the General Assembly may provide for the promotion of the production, marketing, sale, use and utilization, processing and improvement of any one or all of the agricultural products including, but not limited to, registered livestock and livestock products, poultry and poultry products, timber and timber products, fish and sea food, and the products of the farms and forests of this State. The General Assembly may provide for the promotion of such products individually, collectively, or in any combination thereof. The General Assembly may provide that such a program including provisions for equality and/or product control may be instituted, continued or terminated by a specified vote of the producers of the product or products affected participating in a referendum submitting such proposal for their approval. The General Assembly may create instrumentalities, public corporations, authorities and commissions, to administer such programs and may provide a means of financing any such promotion by authorizing such bodies to impose, raise, lower or repeal assessments, fees or other charges upon the sale or processing of the affected products, and to collect the same, after approval by a specified vote of the producers of the affected product in a referendum, and may authorize the acceptance of gifts and donations, and may provide for the disposition of any funds arising under any such program without the necessity of such funds being placed in the State Treasury or being appropriated by the General Assembly. The General Assembly may provide for the supervision of any such program by the Department of Agriculture. The uniformity requirement of this Constitution shall be satisfied by the application of the program upon the affected products.

Paragraph III. Revenue to Be Paid Into General Fund. All money collected from taxes, fees and assessments for State purposes, as authorized by revenue measures enacted by the General Assembly, shall be paid into the General Fund of the State Treasury and shall be appropriated therefrom, as required by this Constitution, for the purposes set out in this section and for these purposes only.

Paragraph IV. Grants to Municipalities. Notwithstanding any other provisions of this Constitution, the General Assembly is hereby authorized to provide by law for the granting of State funds to the municipalities of Georgia, in such manner and form and under such procedure as the General Assembly may prescribe. The General Assembly is also authorized but not directed, to provide the purpose or purposes for which such funds may be expended by the municipalities. The General Assembly is hereby authorized to exercise the power of taxation over the entire State in order to carry out the provisions of this Paragraph.

Paragraph V. Industrial Development Commission. The General Assembly shall have the power to create an Industrial Development Commission to make loans, to be secured by second mortgages, to such industrial development agencies as the Industrial Development Commission may select: Provided, that said agencies shall have raised sufficient [sic] capital and secured commitments for additional financing, which, in addition to the loan to be extended by said Commission, will adequately insure the completion of said project. The powers of taxation may be exercised through the General Assembly in order to implement and carry out the purposes for which said Commission is to be created.

SECTION III.

STATE DEBT

Paragraph I. Purposes for Which Debt may be Incurred; Limitations. Any other provisions of this Constitution to the contrary notwithstanding, the State may incur public debt, as follows:

(a) The State may incur public debt without limit to repel invasion, suppress insurrection and defend the State in time of war.

(b) The State may incur public debt to supply such temporary deficit as may exist in the State Treasury in any fiscal year because of necessary delay in collecting the taxes of that year but the debt so incurred shall not exceed, in the aggregate, five percent of the total revenue receipts, less refunds, of the State Treasury in the fiscal year immediately preceding the year in which such debt is incurred, and any debt so incurred shall be repaid out of the taxes levied for the fiscal year in which the loan is made. Such debt shall be payable on or before the last day of the fiscal year in which it is incurred and no such debt may be incurred in any fiscal year under the provisions of this subparagraph (b) if there is then outstanding unpaid debt from any previous fiscal year which was incurred under the provisions of this subparagraph (b).

(c) The State may incur public debt of two types for public purposes pursuant to this Paragraph: (1) general obligation debt and (2) guaranteed revenue debt. General obligation debt may be incurred by issuing obligations to acquire, construct, develop, extend, enlarge or improve land, waters, property, highways, buildings, structures, equipment or facilities of the State, its agencies, departments, institutions, and those State Authorities which were created and activated prior to the Amendment adopted November 8, 1960, to Article VII, Section VI, Paragraph I(a) of the Constitution of 1945. Guaranteed revenue debt may be incurred by guaranteeing the payment of revenue obligations issued by an instrumentality of the State if such revenue obligations are issued to finance toll bridges, toll roads, any other land public transportation facilities or systems or water or sewage treatment facilities or systems or to make or purchase, or land or deposit against the security of, loans to citizens of the State for educational purposes. No debt may be incurred under this subparagraph (c) at any time when the highest aggregate annual debt service requirements for the then current year or any subsequent year for outstanding general obligation debt and guaranteed revenue debt, including the proposed debt, and the highest aggregate annual payments for the then current year or any subsequent fiscal year of the State under all contracts then in force to which the provisions of Article IX, Section VI, Paragraph I(a) of this Constitution are applicable, exceed fifteen percent of the total revenue receipts, less refunds of the State Treasury in the fiscal year immediately preceding the year in which any such debt is to be incurred; provided, however, no guaranteed revenue debt may be incurred to finance water or sewage treatment facilities or systems when the highest aggregate annual debt service requirements for the then current year or any subsequent fiscal year of the State for outstanding or proposed guaranteed revenue debt for water or sewage treatment facilities or systems, exceed one percent of the total revenue receipts less refunds, of the State Treasury in the fiscal year immediately preceding the year in which any such debt is to be incurred; and provided, further, that the aggregate amount of guaranteed revenue debt incurred to make loans to citizens of the State for educational purposes that may be outstanding at any time shall not exceed \$18 million dollars, and the aggregate amount of guaranteed revenue debt incurred to purchase, or to lend or deposit against the security of, loans to citizens of the State for educational purposes that may be outstanding at any time shall not exceed \$72 million dollars. For the purpose of this Paragraph, annual debt service requirements shall mean the total principal and interest coming due in any fiscal year of the State; provided, however, with regard to any issue of debt incurred wholly or in part on a term basis, annual debt service requirements shall mean an amount equal to the total principal and interest payments required to retire such issue in full divided by the number of years from its issue date to its maturity date.

General obligation debt may not be incurred until the General Assembly has enacted legislation stating the purposes, in general or specific terms, for which such issue of debt is to be incurred, specifying the maximum principal amount of such issue and appropriating an amount at least sufficient to pay the highest annual debt service requirements for such issue. All such appropriations for debt service purposes shall not lapse for any reason and shall continue in effect until the debt for which such appropriation was authorized shall have been

incurred, but the General Assembly may repeal any such appropriation at any time prior to the incurring of such debt. The General Assembly shall raise by taxation each fiscal year, in addition to the sum necessary to make all payments required to be made under contracts entitled to the protection of the second paragraph of Paragraph I(a), Section VI, Article IX of this Constitution, and to pay public expenses, such amounts as are necessary to pay debt service requirements in such fiscal year on all general obligation debt incurred hereunder. The General Assembly shall appropriate to a special trust fund to be designated "State of Georgia General Obligation Debt Sinking Fund" such amounts as are necessary to pay annual debt service requirements on all general obligation debt incurred hereunder. The sinking fund shall be used solely for the retirement of general obligation debt payable therefrom. If the General Assembly shall fail to make any such appropriation or if for any reason the monies in the sinking fund are insufficient to make all payments required with respect to such general obligation debt as and when the same become due, the Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, shall set apart from the first revenues thereafter received, applicable to the general fund of the State, such amounts as are necessary to cure any such deficiency and shall immediately deposit the same into the sinking fund; provided, however, the obligation to make such sinking fund deposits shall be subordinate to the obligation imposed upon the fiscal officers of the State pursuant to the provisions of the second paragraph of Paragraph I (a) of Section VI of Article IX of the Constitution. The Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by by [sic] law, may be required to set aside and apply such revenues as aforesaid at the suit of any holder of any general obligation debt incurred hereunder. The monies in the sinking fund shall be as fully invested as is practical, consistent with the requirements to make current principal and interest payments. Any such investments shall be restricted to obligations constituting direct and general obligations of the United States Government or obligations unconditionally guaranteed as to the payment of principal and interest by the United States Government, maturing no longer than twelve months from date of purchase.

Guaranteed revenue debt may not be incurred until the General Assembly has enacted legislation authorizing the guarantee of the specific issue of revenue obligations then proposed, reciting that the General Assembly has determined such obligations will be self-liquidating over the life of the issue (which determination shall be conclusive), specifying the maximum principal amount of such issue and appropriating an amount at least equal to the highest annual debt service requirements for such issue, which appropriation shall be paid upon the issuance of said obligations into a special trust fund to be designated "State of Georgia Guaranteed Revenue Debt Common Reserve Fund" to be held together with all other sums similarly appropriated as a common reserve for any payments which may be required by virtue of any guarantee entered into in connection with any issue of guaranteed revenue obligations. All such appropriations for the benefit of guaranteed revenue debt shall not lapse for any reason and shall continue in effect until the debt for which such appropriation was authorized shall have been incurred, but the General Assembly may repeal any such appropriation at any time prior to the payment of the same into said common reserve fund which shall be held and administered by the Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law. If any payments are required to be made from said fund to meet debt service requirements on guaranteed revenue obligations by virtue of an insufficiency of revenues, the Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, shall pay from said common reserve fund the amount necessary to cure such deficiency. The Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, shall then reimburse from said fund from the general funds of the State within ten days following the commencement of any fiscal year of the State for any amounts so paid; provided, however, the obligation to make any such reimbursements shall be subordinate to the obligation imposed upon the fiscal officers of the State pursuant to the second paragraph of Paragraph I(a) of Section VI, Article IX of this Constitution and shall also be subordinate to the obligation hereinabove imposed upon the Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, to make sinking funds deposits for the benefit of general obligation debt. The Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, may be required to apply such

funds as aforesaid at the suit of any holder of any such guaranteed revenue obligations. The amount to the credit of said common reserve fund shall at all times be at least equal to the aggregate highest annual debt service requirements on all outstanding guaranteed revenue obligations entitled to the benefit of said fund. If at the end of any fiscal year of the State said fund is in excess of the required amount, the Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, shall transfer such excess to the general funds of the State free of said trust. The funds in the said common reserve shall be as fully invested as is practical, consistent with the requirements of guaranteeing the principal and interest payments on the revenue obligations guaranteed by the State. Any such investments shall be restricted to obligations constituting direct and general obligations of the United States Government or obligations unconditionally guaranteed as to the payment of principal and interest by the United States Government, maturing no longer than twelve months from date of purchase.

The State, and all State institutions, departments and agencies of the State are prohibited from entering into any contract (except contracts pertaining to guaranteed revenue debt) with any public agency, public corporation, authority or similar entity if such contract is intended to constitute security for bonds or other obligations issued by any such public agency, public corporation or authority and, from and after September 1, 1974, in the event any contract between the State, or any State institution, department or agency of the State and any public agency, public corporation, authority or similar entity, or any revenues from any such contract, is pledged or assigned as security for the repayment of bonds or other obligations, then and in either such event, the appropriation or expenditure of any funds of the State for the payment of obligations under any such contract shall likewise be prohibited; provided, however, all contracts entered into prior to September 1, 1974, shall continue to have the benefit of the protection afforded by the provisions of the second paragraph of Paragraph I (a) of Section VI, Article IX of this Constitution as fully and completely as though Paragraphs I-V of this Section were not in effect and for as long as any such contract shall remain in force and effect. Furthermore, nothing in Paragraphs I-V of this Section is intended directly or by implication to have any effect upon any provision of any such contract establishing lien rights, priorities regarding revenues or otherwise providing protection to the holders of obligations secured by such contracts.

(d) The State may incur general obligation debt or guaranteed revenue debt to fund or refund any such debt or to fund or refund any obligations issued upon the security of contracts to which the provisions of the second paragraph of Paragraph I(a), Section VI, Article IX of this Constitution are applicable. The issuance of any such debt for the purposes of said funding or refunding shall be subject to the fifteen percent limitation in subparagraph (c) above to the same extent as debt incurred under said subparagraph; provided, however, in making such computation the annual debt service requirements and annual contract payments remaining on the debt or obligations being funded or refunded shall not be taken into account. In the event it is determined by the Georgia State Financing and Investment Commission that it is to the best interest of the State to fund or refund any such public debt or obligation, the same may be accomplished by resolution of the Georgia State Financing and Investment Commission without any action on the part of the General Assembly and any appropriation made or required to be made with respect to the debt being funded or refunded shall immediately attach and inure to the benefit of the obligations to be issued in connection with such funding or refunding to the same extent and with the same effect as though the obligation to be issued had originally been authorized by action of the General Assembly as hereinabove set forth; provided, the debt incurred in connection with any such funding or refunding shall be the same as that originally authorized by the General Assembly (except that general obligation debt may be incurred to fund or refund obligations issued upon the security of contracts to which the provisions of the second paragraph of Paragraph I(a), Section VI, Article IX of this Constitution are applicable and the continuing appropriation required to be made under the said provisions of this Constitution shall immediately attach and inure to the benefit of the obligation to be issued in connection with such funding or refunding with the same force and effect as though said obligations so funded or refunded had originally been issued as a general obligation debt authorized hereunder) and provided further, the term of the funding or refunding issue shall not extend beyond the term of the original debt or obligation and the total interest on the funding or refunding issue shall not exceed the total interest to

be paid on such original debt or obligation. The principal amount of any debt issued in connection with such funding or refunding may exceed the principal amount being funded or refunded to the extent necessary to provide for the payment of any premium thereby incurred.

Paragraph II. Faith and Credit of State Pledged Debt may be Validated. The full faith, credit and taxing power of the State are hereby pledged to the payment of all public debt incurred under this Article and all such debt and the interest thereon shall be exempt from taxation. Such debt may be validated by judicial proceedings in the manner provided by the General Assembly and such validation shall be incontestable and conclusive.

Paragraph III. Georgia State Financing and Investment Commission; Duties. There shall be a Georgia State Financing and Investment Commission. The Commission shall consist of the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Auditor, the Attorney General, the Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, and the Commissioner of Agriculture. The Commission shall be responsible for the issuance of all public debt incurred hereunder and for the proper application of the proceeds of such debt to the purposes for which it is incurred; provided, however, the proceeds from guaranteed revenue obligations shall be paid to the issuer thereof and such proceeds and the application thereof shall be the responsibility of such issuer [sic]. Debt to be incurred at the same time for more than one purpose may be combined in one issue without stating the purpose separately but the proceeds thereof must be allocated, disbursed and used solely in accordance with the original purpose and without exceeding the principal amount authorized for each purpose set forth in the authorization of the General Assembly and to the extent not so used shall be used to purchase and retire public debt. The Commission shall be responsible for the investment of all proceeds to be administered by it. The General Assembly may provide that income earned on any such investments may be used to pay operating expenses of the Commission or placed in a common debt retirement fund and used to purchase and retire any public debt, or any bonds or obligations issued by any public agency, public corporation or authority which are secured by a contract to which the provisions of the second paragraph of Paragraph I (a) of Section VI, Article IX of this Constitution are applicable. The Commission shall be responsible for its own record keeping, reporting and related administrative and clerical functions. The Commission shall have such additional responsibilities, powers and duties as shall be provided by law.

Paragraph IV. State Aid Forbidden. Except as herein provided, the credit of the State shall not be pledged or loaned to any individual, company, corporation or association and the State shall not become a joint owner or stockholder in or with any individual, company, association or corporation.

Paragraph V. Construction. Paragraphs I, II, III and IV are for the purpose of providing a new and more effective method of financing [sic] the State's needs and their provisions and any law now or hereafter enacted by the General Assembly in furtherance thereof shall be liberally construed to effect such purpose. Insofar as any such provisions or any such law may be inconsistent with any other provisions of this Constitution or of any other law, the provisions of such Paragraphs and laws enacted in furtherance thereof shall be controlling; provided, however, the provisions of such Paragraphs shall not be so broadly construed as to cause the same to be unconstitutional and in connection with any such construction such Paragraphs shall be deemed to contain such implied limitations as shall be required to accomplish the foregoing.

Paragraph VI. Assumption of Debts Forbidden. The State shall not assume the debt, nor any part thereof, of any county, municipal corporation or political subdivision of the State, unless such debt be contracted to enable the State to repel invasion, suppress insurrection or defend itself in time of war: Provided, however, that the amendment to the Constitution of 1877 proposed by the General Assembly and set forth in the published Acts of the General Assembly of the year 1931 at page 97, which amendment was ratified on November 8, 1932, and which amendment provided for the assumption by the State, of indebtedness of the several counties of the State, as well as that of the Coastal Highway District, and the assessments made

against the counties of said district for the construction and paving of the public roads or highways, including bridges, of the State, under certain conditions and for the issuance of certificates of indebtedness for such indebtedness so assumed, is continued of full force and effect until such indebtedness assumed by the State is paid and such certificates of indebtedness retired.

Paragraph VII. Profit on Public Money. The receiving, directly or indirectly, by any officer of State or county, or member or officer of the General Assembly of any interest, profits or perquisites, arising from the use or loan of public funds in his hands or moneys to be raised through his agency for the State or county purposes, shall be deemed a felony, and punishable as may be prescribed by law, a part of which punishment shall be a disqualification from holding office.

Paragraph VIII. Certain Bonds Not to Be Paid. The General Assembly shall have no authority to appropriate money either directly or indirectly, to pay the whole, or any part, of the principal or interest of the bonds, or other obligations which have been pronounced illegal, null and void by the General Assembly and the Constitutional amendments ratified by a vote of the people on the first day of May, 1877; nor shall the General Assembly have authority to pay any of the obligations created by the State under laws passed during the War Between the States, nor any of the bonds, notes or obligations made and entered into during the existence of said war, the time for the payment of which was fixed after the ratification of a treaty of peace between the United States and the Confederate States; nor shall the General Assembly pass any law, or the Governor or any other State official, enter into any contract or agreement whereby the State shall be made a party to any suit in any court of this State, or of the United States instituted to test the validity of any such bonds, or obligations.

Paragraph IX. Sale of State's Property to Pay Bonded Debt. The proceeds of the sale of the Western and Atlantic Railroad, and any other property owned by the State, whenever the General Assembly may authorize the sale of the whole or any part thereof, shall be applied to the payment of the bonded debt of the State, and shall not be used for any other purpose whatsoever, so long as the State has any existing bonded debt; provided that the proceeds of the sale of the Western and Atlantic Railroad shall be applied to the payment of the bonds for which said railroad has been mortgaged, in preference to all other bonds.

Paragraph X. State Sinking Fund. The General Assembly shall raise by taxation each year, in addition to the sum required to pay the public expenses, such amounts as are necessary to pay the interest on the public debt and the principal of the public debt maturing in such year and to provide a sinking fund to pay off and retire the bonds of the State which have not been matured. The amount of such annual levy shall be determined after consideration of the amount then held in the sinking fund. The taxes levied for such purposes and the said sinking fund, shall be applied to no other purpose whatever. The funds in the said sinking fund may be invested in the bonds of the State, and also in bonds and securities issued by the Federal Government, and subsidiaries of the Federal Government, fully guaranteed by that government. If the said bonds are not available for purchase, the funds in the sinking fund may be loaned, with the approval of the Governor, when amply secured by bonds of the State or Federal Government, upon such conditions as may be provided by law.

ARTICLE VIII.

EDUCATION

SECTION I.

PUBLIC EDUCATION

Paragraph I. System of Common Schools; Free Tuition. The provision of an adequate education for the citizens shall be a primary obligation of the State of Georgia, the expense of which shall be provided for by taxation.

SECTION II.

STATE BOARD OF EDUCATION

Paragraph I. State Board of Education; Method of Appointment. There shall be a State Board of Education, composed of one member from each Congressional District in the State, who shall be appointed by the Governor, by and with the advice and consent of the Senate. The Governor shall not be a member of the State Board of Education. The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms. Thereafter, all succeeding appointments shall be for seven year terms from the expiration of the various term. Vacancies upon said Board caused by expiration of term of office shall be similarly filled by appointment and confirmation. In case of a vacancy on said Board by death, resignation, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the end of the next session of the General Assembly, or if the General Assembly be then in session to the end of that session. During such session of the General Assembly the Governor shall appoint the successor member of the Board for the unexpired term and shall submit his name to the Senate for confirmation. All members of the Board shall hold office until their successors are appointed and qualified. The members of the State Board of Education shall be citizens of this State who shall have resided in Georgia continuously for at least five years preceding their appointment. No person employed in a professional capacity by a private or public education institution, or by the State Department of Education, shall be eligible for appointment or to serve on said Board. No person who is or has been connected with or employed by a school book publishing concern shall be eligible to membership on the Board, and if any person shall be so connected or employed after becoming a member of the Board, his place shall immediately become vacant. The said State Board of Education shall have such powers and duties as provided by law and existing at the time of the adoption of the Constitution of 1945, together with such further powers and duties as may now or hereafter be provided by law.

SECTION III.

STATE SCHOOL SUPERINTENDENT

Paragraph I. State School Superintendent; Election, Term, Etc. There shall be a State School Superintendent, who shall be the executive officer of the State Board of Education, elected at the same time and in the same manner and for the same term as that of the Governor. The State School Superintendent shall have such qualifications and shall be paid such compensation as may be fixed by law. No member of the State Board of Education shall be eligible for election as State School Superintendent during the time for which he shall have been appointed.

SECTION IV.

BOARD OF REGENTS

Paragraph I. University System of Georgia; Board of Regents. There shall be a Board of Regents of the University System of Georgia, and the government, control, and management of the University System of Georgia and all of its institutions in said system shall be vested in said Board of Regents of the University

System of Georgia. Said Board of Regents of the University System of Georgia shall consist of one member from each Congressional District in the State, and five additional members from the State-at-large, appointed by the Governor and confirmed by the Senate. The Governor shall not be a member of the said Board. The members in office on the effective date of this Constitution shall serve out the remainder of their respective terms. Thereafter all succeeding appointments shall be for seven year terms from the expiration of the previous term. Vacancies upon said Board caused by expiration of term of office shall be similarly filled by appointment and confirmation. In case of a vacancy on said Board by death, resignation of a member, or from any other cause other than the expiration of such member's term of office, the Board shall by secret ballot elect his successor, who shall hold office until the end of the next session of the General Assembly, or if the General Assembly be then in session to the end of that session. During such session of the General Assembly the Governor shall appoint the successor member of the Board for the unexpired term and shall submit his name to the Senate for confirmation. All members of the Board of Regents shall hold office until their successors are appointed. The said Board of Regents of the University System of Georgia shall have the powers and duties as provided by law existing at the time of the adoption of the Constitution of 1945, together with such further powers and duties as may now or hereafter be provided by law.

SECTION V.

LOCAL SCHOOL SYSTEMS

Paragraph I. School Districts. Authority is granted to county and area boards of education to establish and maintain public schools within their limits. The General Assembly may, by special or local law, provide for consolidation and merger of any two or more county school districts, independent school systems, or any portion or combination thereof, into a single area school district under the control and management of an area board of education. No such consolidation or merger shall become effective until approved by a majority of the voters voting in each of the school districts or school systems affected in a referendum held thereon in each school district or school system being consolidated or merged, provided 51% of the registered voters in each district or system concerned shall vote in such election and provided a majority of said voters voting shall vote in the affirmative. Any area school district so established shall constitute a separate political subdivision of this State, and the school districts or school systems or portions thereof incorporated therein shall stand abolished, and title to all school properties and assets therein shall vest in the area board of education [sic].

Paragraph II. Boards of Education. Except as provided in Paragraph I of this section, each county, exclusive of any independent school system now in existence in a county, shall compose one school district and shall be confined to the control and management of a County Board of Education.

(a) Except as may now or hereafter be provided by any local or special law adopted pursuant to the provisions of subparagraph (b) of this Paragraph or as provided in any local constitutional amendment applicable to any county school district, the Grand Jury of each county shall select five citizens of their respective counties, who shall constitute the County Board of Education. The members of any such County Board of Education in office on the effective date of this Constitution shall serve out the remainder of their respective terms. Thereafter, all succeeding appointments shall be for five-year terms from the expiration of the previous term. In case of a vacancy on any such County Board of Education by death, resignation of a member, or from any other cause other than the expiration of such member's term of office, the remaining members of such County Board of Education shall by secret ballot elect his successor, who shall hold office until the next Grand Jury convenes at which time said Grand Jury shall appoint the successor member of such County Board of Education for the unexpired term. The members of any such County Board of Education of any such county shall be selected from that portion of the county not embraced within the territory of an independent school district.

(b) Notwithstanding provisions contained in subparagraph (a) of this Paragraph or in any local constitutional amendment applicable to any county school district, the number of members of a county board of education, their term of office, residence requirements, compensation, manner of election or appointment, and the method for filling vacancies occurring on said boards, may be changed by local or special law conditioned upon approval by a majority of the qualified voters of the county school district voting in a referendum thereon. Members of county boards of education shall have such powers and duties and such further qualifications as may be provided by law.

(c) The number of members of an area board of education, their manner of election or appointment, their terms, residence requirements, qualifications, powers, duties and the method for filling vacancies on said boards shall be as provided by law enacted pursuant to Paragraph I of this section. Subsequent to the creation of an area school district, the number and manner of election or appointment of members of the area board of education and method for filling vacancies occurring on said boards, and their terms of office and residence requirements may be changed by local or special law, conditioned upon approval by a majority of the qualified voters in each of the original political subdivisions of the area school district voting in a referendum thereon. Members of area boards of education shall have such powers, duties, and further qualifications as provided by law.

(d) The General Assembly shall have authority to make provision for local trustees of each school in a county system and confer authority upon them to make recommendations as to budgets and employment of teachers and other authorized employees.

Paragraph III. Meetings of Boards of Education. All official meetings of County or Area Boards of Education shall be open to the public.

Paragraph IV. Power of Boards to Contract With Each Other. Any two or more county boards of education, independent school systems, or area boards of education, or any combination thereof, may contract with each other for the care, education, and transportation of pupils and for such other activities as they may be authorized by law to perform.

Paragraph V. School Superintendent. There shall be a school superintendent of each school district, who shall be the executive officer of the board of education.

(a) Except as may now or hereafter be provided by any local or special law adopted pursuant to the provisions of subparagraph (b) of this Paragraph or as provided in any local constitutional amendment applicable to any county school superintendent, the county school superintendent shall be elected by the people and his term of office shall be for four years and run concurrently with other county officers. The qualifications and the salary of the County School Superintendent shall be fixed by law.

(b) Notwithstanding provisions contained in subparagraph (a) of this Paragraph or in any local constitutional amendment applicable to any county school superintendent, the term of office of County school superintendents, their residence requirements and the method of their election or appointment may be changed by local or special laws conditioned upon approval by a majority of the qualified voters of the county school district voting in a referendum thereon. County school superintendents shall have such qualifications, powers, duties and compensation as may be provided by law.

(c) The manner of election or appointment, the qualifications, term of office, residence requirements, powers, duties and compensation of any area school district superintendent shall be as provided by law enacted pursuant to Paragraph I of this section. Subsequent to the

creation of an area school district, the manner of election or appointment of the area school superintendent,

and his tenure, and residence requirements, may be changed by local or special law, conditioned upon approval by a majority of the qualified voters in each of the original political subdivisions of the area school district voting in a referendum thereon. Area school superintendents shall have such powers, duties, and further qualifications as provided by law.

Paragraph VI. Independent Systems Continued; New Systems Prohibited. Authority is hereby granted to municipal corporations to maintain existing independent school systems, and support the same as authorized by special or general law, and such existing systems may add thereto colleges. No independent school system shall hereafter be established.

Paragraph VII. Certain Systems Protected. Public school system established prior to the adoption of the Constitution of 1877 shall not be affected by this Constitution.

SECTION VI.

GRANTS, BEQUESTS AND DONATIONS

Paragraph I. Grants, Bequests and Donations Permitted. The State Board of Education and the Regents of the University System of Georgia may accept bequests, donations and grants of land, or other property for the use of their respective systems of education.

Paragraph II. Grants, Bequests and Donations to County and Area Boards of Education and Independent School Systems. County and Area Boards of Education and independent school systems may accept bequests, donations and grants of land, or other property, for the use of their respective systems of education.

SECTION VII.

LOCAL TAXATION FOR EDUCATION

Paragraph I. Local Taxation for Education. The fiscal authority of each county shall annually levy a school tax for the support and maintenance of education, not greater than twenty mills per dollar as certified to it by the county board of education, upon the assessed value of all taxable property within the county located outside any independent school system or area school district therein. The independent school system of Chatham County and the City of Savannah being co-extensive with said county, the levy of said tax shall be on all property in said county as recommended by the governing body of said system. The certification to be made by an Area Board of Education to the fiscal authorities of the territories comprising an area school district shall be in such amount and within such limits as may be prescribed by local law applicable thereto, and upon such certification being made it shall be the duty of such fiscal authorities to levy such tax in accordance with such certification, but such levy shall not be greater than twenty mills per dollar upon the assessed value of the taxable property therein. School tax funds shall be expended only for the support and maintenance of public schools, public education, and activities necessary or incidental thereto, including school lunch purposes. The twenty mill limitation provided for herein shall not apply to those counties now authorized to levy a school tax in excess thereof.

Paragraph II. Increasing or Removing Tax Rate. The twenty mill limitation provided in Paragraph I above may be removed or increased in a county and in territories comprising an area school district under the procedure set out hereinafter. The county or area board of education, in order to instigate the procedure, must pass a resolution recommending that the limitation be removed and upon presentation of such resolution to the judge of the probate court or to the proper authorities of territories comprising an area school district,

as the case may be, it shall be their duty, within ten days of receipt of the resolution to issue the call of an election to determine whether such limitation shall be removed. The election shall be set to be held on a date not less than twenty nor more than thirty days from the date of the issuance of the call and shall have the date and purpose of the election published in the official organ of the county or counties once a week for two weeks preceding the date of the election. If a majority of the electors qualified to vote for members of the General Assembly voting in such election vote in favor of such proposal, there shall be no limitation in such county or in such territories comprising the area school district and the county or area board of education may recommend any number of mills for the purposes set out in Paragraph I above. In lieu of recommending that the limitation be removed entirely, the county or area board of education may recommend that it be increased and shall specify the amount in the resolution. The election provisions for increase shall be the same as for removal and if the proposal is favorably voted upon the county or area board of education may recommend any number of mills up to the specified amount. It shall be the duty of the judge of the probate court or the proper authorities, as the case may be, to hold the election, to canvass the returns and declare the results. It shall also be their duty to certify the results to the Secretary of State. The expense of the election shall be borne by the county or by the territories comprising an area school district, as the case may be.

SECTION VIII.

FREEDOM OF ASSOCIATION

Paragraph I. Freedom of Association. Freedom from compulsory association at all levels of public education shall be preserved inviolate. The General Assembly shall by taxation provide funds for an adequate education for the citizens of Georgia.

SECTION IX.

SPECIAL SCHOOLS

Paragraph I. Special School; Creation; Taxes and Bonds. The board of education of any county, area school district or independent school system, or any combination thereof, may establish, pursuant to local law enacted by the General Assembly, one or more area schools, including special schools such as vocational trade schools, schools for exceptional children, and schools for adult education, in one or more such political subdivisions; provide [sic], however, that the establishment and operation of such schools pursuant to such local law, and any subsequent amendments thereof, shall be first approved by a majority of the voters thereon in each of the school districts or systems affected thereby in separate referendums held in the manner provided by law. The government, powers and duties of boards of education participating in the establishment or operation of such schools and respecting such schools shall be defined in the local law authorizing the same, and such participating political subdivision shall be authorized to incur bonded indebtedness and to require the levy of school tax funds required for the establishment and operation of such schools in such amount and manner as shall be provided in such local law. Schools established pursuant to provisions of this section shall be operated in conformity with regulations promulgated by the State Board of Education pursuant to provisions of law. The State is hereby authorized to expend funds for the support and maintenance of such schools in such amount and manner as may be provided by law. Special schools, including vocational trade schools, established prior to November 8, 1966, pursuant to the amendment to Article VII, Section VI, Paragraph I of the Constitution of 1945 proposed by a resolution approved March 17, 1960 (Ga. L. 1960, p. 1259) and ratified on November 8, 1960, shall not be affected by this Paragraph; any political subdivision which established such a school is hereby authorized to levy taxes for the support of

such school regardless of whether it is located within the territorial limits of such subdivision and any such political subdivision is hereby authorized to incur bonded indebtedness for the support of, or acquisition and construction of facilities for such school. Any such bonded indebtedness shall be incurred pursuant to provisions of Article IX, section VII of this Constitution and the laws of this State relative to incurring other bonded indebtedness. The State is hereby authorized to expend funds for the support of such established schools in such amount and manner as may be provided by law.

ARTICLE IX.

COUNTIES AND MUNICIPAL CORPORATIONS

SECTION I.

COUNTIES

Paragraph I. Counties a Corporate Body; Boundaries. Each county shall be a body corporate with such powers and limitations as are provided in this Constitution and as prescribed by law. All suits by or against a county shall be in the name thereof; and the metes and bounds of the several counties shall remain as now prescribed by law, unless changed as hereinafter provided.

Paragraph II. Number Limited. There shall not be more than one hundred and fifty-nine counties in this State.

Paragraph III. New Counties Permitted, When. No new county shall be created except by the consolidation or merger of existing counties.

Paragraph IV. County Lines. County lines shall not be changed, unless under the operation of a general law for that purpose.

Paragraph V. County Sites Changed; Method. No county site shall be changed or removed, except by a two-thirds vote of the qualified voters of the county, voting at an election held for that purpose and by a majority vote of the General Assembly.

Paragraph VI. County Government Uniform; Exceptions. Whatever tribunal, or officers, may be created by the General Assembly for the transaction of county matters, shall be uniform throughout the State, and of the same name, jurisdiction, and remedies, except that the General Assembly may provide for County Commissioners in any county, may abolish the office of County Treasurer in any county, may fix the compensation of County Treasurers, and may consolidate the offices of Tax Receiver and Tax Collector into the office of Tax Commissioner, and may fix his compensation, without respect to uniformity.

Paragraph VII. Power to Create County Commissioners. The General Assembly shall have power to provide for the creation of county commissioners in such counties as may require them, and to define their duties.

Paragraph VIII. County Officers; Election; Term; Removal; Eligibility. The county officers shall be elected by the qualified voters of their respective counties or districts, and shall hold their office for four years. They shall be removed upon conviction for malpractice in office; and no person shall be eligible for any of the offices referred to in this Paragraph unless he shall have been a resident of the county for two years and is a qualified voter.

Paragraph IX. Compensation of County Officers. County officers may be on a fee basis, salary basis, or fee basis supplemented by salary, in such manner as may be directed by law.

Paragraph X. Method of County Consolidation, Merger, or Division. The General Assembly shall have power, with the concurrence of a majority of the qualified voters voting thereon in each of the counties affected, to provide for the consolidation of two or more counties into one, or the merger of one or more counties into another, or the division of a county, and the merger of portions thereof into other counties; provided, however, upon the filing with the Judge of the Probate Court of any county of a petition signed by not less than twenty per centum (20%) of the duly qualified voters of such county, seeking such merger, consolidation or division, it shall be the duty of such Judge of the Probate Court to transmit a certified copy of such petition to each Judge of the Probate Court of all other counties affected thereby, and shall be the duty of the latter to provide for the publication of such petition, omitting therefrom the names affixed to such petition, in the newspaper in which the sheriff's advertisements are published, once a week for a period of six consecutive weeks. If within a period of two years thereafter, a petition is presented to the Judge of the Probate Court or Judges of the Probate Courts of the other county or counties affected, expressing favor or approval of the original petition, signed by not less than twenty per centum (20%) of the duly qualified voters voting therein, it shall thereupon be the duty of the Judges of the Probate Courts of all such counties affected by such petitions, to certify the fact of such petitions to the Governor, whose duty it shall then be to call immediately an election on the same day in each such county, to be held not later than sixty (60) days, and not sooner than thirty (30) days, after the filing of the last petition, publishing notice thereof once a week for two weeks in the newspaper in each county in which sheriff's advertisements are published. Provided, however, that only one such election shall be called by the Governor within any twelve-month period. The Judges of the Probate Courts of each county shall conduct the election, canvass the returns, and certify the results thereof to the Governor, who shall issue his proclamation thereon, and such results shall become effective at such time as may be prescribed by law, but not later than two (2) years following the date of such election, as hereinafter referred to. Provided, however, any election held pursuant to the call of the Governor hereunder shall be null and void unless 51% of the registered voters of the portion or portions of the counties affected shall have voted in said election. The members of the General Assembly whose districts lie wholly or partially within such counties shall serve out the remainder of their terms for which elected, and at the Session of the General Assembly next following such election, the county site shall be changed by law, without regard to the provisions of Paragraph V hereof, and the General Assembly shall likewise provide by law for the effective date of such merger, consolidation or division, as the case may be, subject to the above limitation of two years, and shall provide for the election of county officials, where required. The General Assembly shall have power to further implement this Paragraph by law.

SECTION II.

COUNTY HOME RULE

Paragraph I. Home Rule for Counties. (a) The governing authority of each county shall have legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general law and which is not inconsistent with this Constitution, or any local law applicable thereto. Any such local law shall remain in force and effect until amended or repealed as provided in Subparagraph (b). This, however, shall not restrict the authority of the General Assembly by general law to further define this power or to broaden, limit or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a county governing authority under this Section except as authorized under Subparagraph (c) hereof.

(b) Except as provided in Subparagraph (c), a county may, as an incident of its home rule power, amend or

repeal the local acts applicable to its governing authority by following either of the procedures hereinafter set forth:

1. Such local acts may be amended or repealed by a resolution or ordinance duly adopted at two regular consecutive meetings of the county governing authority not less than seven nor more than sixty days apart. A notice containing a synopsis of the proposed amendment or repeal shall be published in the official county organ once a week for three weeks within a period of sixty days immediately preceding its final adoption. Such notice shall state that a copy of the proposed amendment or repeal is on file in the office of the clerk of the superior court of the county for the purpose of examination and inspection by the public. The Clerk of the Superior Court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. No amendment or repeal hereunder shall be valid to change or repeal an amendment adopted pursuant to a referendum as provided in 2. of this Subparagraph or to change or repeal a local act of the General Assembly ratified in a referendum by the electors of such county unless at least twelve months have elapsed after such referendum. No amendment hereunder shall be valid if inconsistent with any provision of this Constitution or if provision has been made therefor by general law.

2. Amendments to or repeals of such local acts or ordinances, resolutions or regulations adopted pursuant to Subparagraph (a) hereof may be initiated by a petition filed with the Judge of the Probate Court of the county containing, in cases of counties with a population of five thousand or less, the signatures of at least twenty-five per centum of the electors registered to vote in the last general election; in cases of counties with a population of more than five thousand but not more than fifty thousand, at least twenty per centum of the electors registered to vote in the last general election; and in cases of a county with a population of more than fifty thousand, at least ten per centum of the electors registered to vote in the last general election, which petition shall specifically set forth the exact language of the proposed amendment or repeal. The Judge of the Probate Court shall determine the validity of such petition within 60 days of its being filed with the Judge of the Probate Court. In the event the Judge of the Probate Court determines that such petition is valid, it shall be his duty to issue the call for an election for the purpose of submitting such amendment or repeal to the registered electors of the county for their approval or rejection. Such call shall be issued not less than ten nor more than sixty days after the date of the filing of the petition. He shall set the date of such election for a day not less than sixty nor more than ninety days after the date of such filing. The Judge of the Probate Court shall cause a notice of the date of said election to be published in the official organ of the county once a week for three weeks immediately preceding such date. Said notice shall also contain a synopsis of the proposed amendment or repeal and shall state that a copy thereof is on file in the office of the Judge of the Probate Court of the county for the purpose of examination and inspection by the public. The Judge of the Probate Court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. If more than one-half of the votes cast on such question are for approval of the amendment or repeal, it shall become of full force and effect, otherwise it shall be void and of no force and effect. The expense of such election shall be borne by the county and it shall be the duty of the Judge of the Probate Court to hold and conduct such election. Such election shall be held under the same laws and rules and regulations as govern special elections, except as otherwise provided herein. It shall be the duty of the Judge of the Probate Court to canvass the returns and declare and certify the result of the election. It shall be his further duty to certify the result thereof to the Secretary of State in accordance with the provisions of Paragraph III of this Section. A referendum on any such amendment or repeal shall not be held more often than once each year. No amendment hereunder shall be valid if inconsistent with any provision of this Constitution or if provision has been made therefor by general law.

In the event that the Judge of the Probate Court determines that such petition was not valid, he shall cause to be published in explicit detail the reasons why such petition is not valid: Provided, however, that in any proceeding in which the validity of the petition is at issue, the tribunal considering such issue shall not be limited by the reasons assigned. Such publication shall be in the official organ of the county in the week immediately following the date on which such petition is declared to be not valid.

(c) The power granted to counties in Subparagraphs (a) and (b) above shall not be construed to extend to the following matters or any other matters which the General Assembly by general law has preempted or may hereafter preempt, but such matters shall be the subject of general law, or the subject of local acts of the General Assembly to the extent that the enactment of such local acts is otherwise permitted under this Constitution:

1. Action affecting any elective county office, the salaries thereof, or the personnel thereof, except the personnel subject to the jurisdiction of the county governing authority.
2. Action affecting the composition, form, procedure for election or appointment, compensation and expenses and allowances in the nature of compensation, of the county governing authority.
3. Action defining any criminal offense or providing for criminal punishment.
4. Action adopting any form of taxation beyond that authorized by law or by this Constitution.
5. Action extending the power of regulation over any business activity regulated by the Public Service Commission beyond that authorized by local or general law or by this Constitution.
6. Action affecting the exercise of the power of eminent domain.
7. Action affecting any court or the personnel thereof.
8. Action affecting any public school system.

(d) The power granted in Subparagraphs (a) and (b) of this Paragraph shall not include the power to take any action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

(e) Nothing in this Paragraph shall affect the provisions of Paragraph II of this Section.

Paragraph II. Salary of County Employees; How Fixed. The governing authority of each county is authorized to fix the salary, compensation and expenses of those employed by such governing authority and to establish and maintain retirement or pension systems, insurance, workmen's compensation, and hospitalization benefits for said employees.

Paragraph III. Filing and Publication of Laws. No amendment or revision of any local act made pursuant to Paragraph I of this Section shall become effective until a copy of such amendment or revision, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which such notice was published to the effect that said notice has been published as provided in said Paragraphs, has been filed with the Secretary of State. The Secretary of State shall provide for the publication and distribution of all such amendments and revisions at least annually.

SECTION III.

MUNICIPAL CORPORATIONS

Paragraph I. General Assembly Authorized to Delegate its Powers. The General Assembly is authorized to provide by law for the self-government of municipalities and to that end is hereby expressly given the authority to delegate its powers so that matters pertaining to municipalities may be dealt with without the

necessity of action by the General Assembly. Any powers granted as provided herein shall be exercised subject only to statutes of general application pertaining to municipalities.

SECTION IV.

GENERAL PROVISIONS APPLICABLE TO LOCAL GOVERNMENTS

Paragraph I. Consolidation of Governments; Submission to Voters. The General Assembly may provide by general law optional systems of consolidated county and municipal government, providing for the organization and the powers and duties of its officers. Such optional systems shall become effective when submitted to the qualified voters of such county and approved by a majority of those voting.

Paragraph II. Supplementary Powers. In addition to and supplementary of any powers now conferred upon and possessed by any county, municipality, or any combination thereof, any county, any municipality and any combination of any such political subdivisions may exercise the following powers and provide the following services;

- (1) Police and fire protection.
- (2) Garbage and solid waste collection and disposal.
- (3) Public health facilities and services; including hospitals, ambulance, emergency rescue services, and animal control.
- (4) Street and road construction and maintenance; including curbs, sidewalks, street lights and devices to control the flow of traffic on streets and roads constructed by counties and municipalities or any combination thereof.
- (5) Parks, recreational areas, programs and facilities.
- (6) Storm water and sewage collection and disposal systems.
- (7) Development, storage, treatment and purification and distribution of water.
- (8) Public housing.
- (9) Urban redevelopment programs.
- (10) Public transportation system.
- (11) Libraries.
- (12) Terminal and dock facilities and parking facilities.
- (13) Building, housing, plumbing, and electrical codes.
- (14) Air Pollution Control.
- (15) Planning and zoning, which is the power to provide within their respective jurisdictions for the zoning or districting of such political subdivisions for various uses and other or different uses prohibited in such zones or

districts; to regulate the use for which said zones or districts may be set apart; and to regulate the plans for development and improvements on real estate therein.

Except as otherwise provided in this paragraph as to planning and zoning, nothing contained within this Paragraph shall operate to prohibit the General Assembly from enacting general laws relative to the above subject matters or to prohibit the General Assembly by general law from regulating, restricting or limiting the exercise of the above powers, but, the General Assembly shall not have the authority to withdraw any such powers. The General Assembly shall act upon the above subject matters only by general law. If population is used as a basis for classification for the applicability of any Act to any political subdivision or subdivisions of this State on the above subject matters, the Act shall apply only to political subdivisions of less than a specified population or shall apply to political subdivisions of more than a specified population. The General Assembly shall not, in any manner, regulate, restrict or limit the power and authority of any county, municipality, or any combination thereof, to plan and zone as herein defined.

Provided, however, that no City or County may exercise any such powers or provide any such service herein listed inside the boundaries of any other local governments except by contract with the City or County affected unless otherwise provided by any local or special law and no existing local or special laws or provision of this Constitution is intended to be hereby repealed.

Each county and municipality, and any combination thereof, shall have the authority to enact ordinances and to contract with each other in pursuance of this Paragraph and for the purpose of carrying out and effectuating the powers herein conferred upon such political subdivisions and in order to provide such services. Any county, municipality, and any combination thereof, or the General Assembly, may provide for the creation of special districts within which the above services, or any portion thereof, shall be provided, and to determine and fix reasonable charges and fees for such services. In addition, the powers of taxation and assessment may be exercised by any county, municipality or any combination thereof, or within any such district, for the above powers and in order to provide such services.

Paragraph III. Taxing Power and Contributions of Counties, Cities and Political Division Restricted. The General Assembly shall not authorize any county, municipal corporation or political division of this State, through taxation, contribution or otherwise, to become a stock holder in any company, corporation or association, or to appropriate money for, or to loan its credit to any corporation, company, association, institution or individual [sic] except for purely charitable purposes. This restriction shall not operate to prevent the support of schools by municipal corporations within their respective limits.

Paragraph IV. Slum Clearance and Redevelopment. The General Assembly may provide by law that any city or town, or any housing authority now or hereafter established, or any county may undertake and carry out slum clearance and redevelopment work, including the acquisition and clearance of areas which are predominantly slum or blighted areas, the preparation of such areas for reuse, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses. Any such work shall constitute a governmental function undertaken for public purposes, and the powers of taxation and eminent domain may be exercised and public funds expended in furtherance thereof.

SECTION V.

COUNTY GOVERNMENT; TAXATION POWER

Paragraph I. Power of County Government. The General Assembly may authorize any county to exercise the power of taxation for any public purpose as authorized by general law or by this Constitution, and unless otherwise provided by this Constitution or by law, no levy need state the particular purposes for which the

same was made nor shall any taxes collected be allocated for any particular purpose, unless expressly so provided by the General Assembly or this Constitution.

Paragraph II. Purposes of Taxation. In addition such other powers and authority as may be conferred upon any county by this Constitution or by the General Assembly, counties are hereby authorized to exercise the power of taxation for the following purposes which are hereby declared to be public purposes, and expend funds raised by the exercise of said powers for said purposes and such other public purposes as may be authorized by the General Assembly:

1. Pay the expenses of administration of the county government.
2. Acquire, construct, maintain, improve, or aid in the acquisition, construction, maintenance, or improvement of public buildings, bridges, parks, recreation areas and facilities, libraries, streets, sidewalks, roads, airports, docks, facilities for mass transit system for the transportation of passengers for hire, and other properties for public use; and to acquire any real property or any interest therein in connection with the foregoing.
3. Provide for the operation of the courts, the maintenance and support of prisoners, and the handling of litigation affecting the county.
4. Establish and conduct public health and sanitation programs and provide for the collection and preservation of records and vital statistics.
5. Establish and maintain a county police department.
6. Provide medical or other care and hospitalization for the indigent sick and to support paupers.
7. Pay county agricultural and home demonstration agents and conduct programs utilizing the services of such agents.
8. Establish and conduct programs of welfare benefits and public assistance as may be provided by law.
9. Provide fire protection for forest lands and conserve natural resources.
10. Provide insurance, retirement and pension benefits, coverage under Federal Old Age and Survivors' Insurance programs, hospitalization benefits, and workmen's compensation benefits for its officers and employees, their dependents and survivors, and for public school teachers and personnel, their dependents and survivors: Provided that all such payments for public school teachers and personnel, their dependents and survivors, shall be paid from education funds.
11. Establish and maintain a recreation system.
12. To provide for paying the principal and interest of any debt of the county and to provide a sinking fund therefor.
13. To provide for reasonable reserves for public improvements as may be fixed by law.
14. To provide for the support and maintenance of public schools, public education, and activities necessary and incidental thereto, including school lunches, as provided in Article VIII of this Constitution, upon the assessed value of all taxable property within the county, exclusive of any independent school system therein.

The grant of powers to counties contained in this Paragraph and in Paragraph IV of this Section shall not operate to prohibit the General Assembly from enacting general laws relative to the above subject matters or to prohibit the General Assembly by general law from regulating, restricting or limiting the exercise of such powers, except that the authority of the General Assembly provided herein shall not be construed to authorize the General Assembly to affect or modify the authority and duty of the governing authorities of counties to levy the tax provided for by subparagraph 14 above. The General Assembly shall act upon the above subject matters only by general law. The General Assembly shall not have the authority to withdraw any such powers. If population is used as a basis for classification for the applicability of any Act to any political subdivision or subdivisions of this State on the above subject matters, the Act shall apply only to political subdivisions of less than a specified population or shall apply to political subdivisions of more than a specified population.

Paragraph III. Establishment of Taxing Districts. Except as provided in Paragraph II of Section IV herein or under the authority of a general or local law, a county governing authority may not district a county to provide water, sewerage, garbage, electricity, gas, or fire protection services. Such services shall be authorized only by an act of the General Assembly establishing, or authorizing the establishment of, a special district or districts therefor, and authorizing such county to levy a tax only upon the taxable property in such districts for the purpose of constructing and maintaining facilities therefor, conditioned upon the assent of a majority of the qualified voters of any such proposed district voting in an election for that purpose held as provided by law.

Paragraph IV. Eminent Domain. Any county is hereby authorized to exercise the power of eminent domain for any public purpose.

SECTION VI.

CONTRACTS

Paragraph I. Contracts For Use of Public Facilities. (a) The State, State institutions, any city, town, municipality or county of this State may contract for any period not exceeding fifty years, with each other or with any public agency, public corporation or authority now or hereafter created for the use by such subdivisions or the residents thereof of any facilities or services of the State, State institutions, any city, town, municipality, county, public agency, public corporation or authority, provided such contracts shall deal with such activities and transactions as such subdivisions are by law authorized to undertake.

Notwithstanding any other provision of any other section of any other Article of this Constitution, the General Assembly shall include in each General Appropriations Act in the appropriation payable to each department, agency, or institution of the State, in addition to such other items as may be included in such appropriation, and whether or not any other items are included, sums sufficient to satisfy the payments required to be made in each year under lease contracts now entered into pursuant to this Paragraph I(a) by and between such department, agency, or institution of the State and any state authority which was created and activated on or before November 8, 1960, which said lease contracts constitute security for bonds or any other obligations heretofore issued by any such authority. In the event for any reason any such appropriation is not made, then the fiscal officers of the State are hereby authorized and directed to set up on their appropriation accounts in each fiscal year as an appropriation the respective amounts required by each such department, agency, or institution of the State to pay the obligations called for under any such lease contract. The amount of the appropriation in each fiscal year to meet such lease contract obligations as authorized hereunder shall be due and payable to each such department, agency, or institution of the State in each fiscal year to be expended for the purpose of paying the lease contract obligation required under the terms and conditions of such lease contracts and said appropriation shall have the same legal status as if the General Assembly had included the

amount of the appropriation in a General Appropriations Act.

(b) Any city, town, municipality or county of this State is empowered, in connection with any contracts authorized, by the preceding paragraph, to convey to any public agency, public corporation or authority now or hereafter created, existing facilities operated by such city, town, municipality or county for the benefit of residents of such subdivisions, provided the land, buildings and equipment so conveyed shall not be mortgaged or pledged to secure obligations of any such public agency, public corporation or authority and provided such facilities are to be maintained and operated by such public agency, public corporation or authority for the same purposes for which such facilities were operated by such city, town, municipality or county. Nothing in this Section shall restrict the pledging of revenues of such facilities by any public agency, public corporation or authority.

(c) Any city, town, municipality or county of this State, or any combination of the same, may contract with any public agency, public corporation or authority for the care, maintenance and hospitalization of its indigent sick, and may as a part of such contract obligate itself to pay for the cost of acquisition, construction, modernization or repairs of necessary buildings and facilities by such public agency, public corporation or authority, and provide for the payment of such services and the cost to such public agency, public corporations or authority of acquisition, construction, modernization or repair of buildings and facilities from revenues realized by such city, town, municipality or county from any taxes authorized by the Constitution of this State or revenues derived from any other sources.

Paragraph II. Liability Insurance. The governing authority of each county is hereby authorized in its discretion to purchase liability insurance to cover damages on account of bodily injury or death to any person or damage to property of any person arising by reason of ownership, maintenance, operation or use of any motor vehicle by such county, whether as a result of a governmental undertaking or not, and to pay premiums therefor. The governing authority is hereby authorized to levy a tax for such purpose. In the event of purchasing such insurance, the governmental immunity of the county shall be waived to the extent of the amount of insurance so purchased. Neither the county nor the insurer shall be entitled to plead governmental immunity as a defense and may make only such defense as could be made if the insured were a private person. The county shall be liable only for damages suffered while said insurance is in force. No attempt shall be made in the trial of any action brought against the county to suggest the existence of any insurance which covers in whole or in part, any judgment or award which may be rendered in favor of the plaintiff. If the verdict rendered by the jury exceeds the limitation of the insurance, the court shall reduce the amount to a sum equal to the applicable limitations stated in the policy.

SECTION VII.

LIMITATION ON COUNTY AND MUNICIPAL DEBTS

Paragraph I. Debts of Counties and Cities. The debt hereafter incurred by any county, municipal corporation or political subdivision of this State except as in this Constitution provided for, shall never exceed ten per centum of the assessed value of all the taxable property therein, and no such county, municipality or division shall incur any new debt except for a temporary loan or loans, to supply casual deficiencies of revenue, not to exceed one-fifth of one per centum of the assessed value of the taxable property therein, without the assent of a majority of the qualified voters of the county, municipality or other political subdivision voting in an election for that purpose to be held as prescribed by law; and provided further that all laws, charter provisions and ordinances heretofore passed or enacted providing special registration of the voters of counties, municipal corporations and other political subdivisions of this State to pass upon the issuance, of bonds by such counties, municipal corporations and other political subdivisions of this State are hereby declared to be null and void; and the General Assembly shall hereafter have no power to pass or enact any

law providing for such special registration, but the validity of any and all bond issues by such counties, municipal corporations or other political subdivisions made prior to January 1, 1945, shall not be affected hereby; provided, that any county or municipality of this State may accept and use funds granted by the Federal Government, or any agency thereof, to aid in financing the cost of architectural, engineering, economic investigations, studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of public works, and where the funds so used for the purposes specified are to be repaid within a period of ten years.

Every county is hereby empowered to create debt, by way of borrowing from private individuals, firms, corporations, or partnerships as well as from the State, for the purpose of paying the whole or part of the cost of property valuation and equalization programs for ad valorem tax purposes; to contract for the repayment thereof and to issue notes or other like instruments as evidence of the obligation to repay the debt so contracted without being subject to any limit as to amount of such debt so created and without the necessity of approval thereof by the qualified voters of that county; provided nevertheless that the debt shall be payable in one or more equal installments, one of which shall fall due at least each year, but which may fall due each month, the last of which shall mature not more than seven years from the date of creation and shall not bear interest in excess of five (5%) per cent per annum on unpaid principal; and a tax shall be levied on the taxable property of the county as may be needed to repay such debt so created; provided, however, that no county shall be empowered to create debt under the provisions of this paragraph for the purposes of a property valuation and equalization program until such program and all contracts to be entered into pursuant thereto shall have been approved by the State Revenue Commissioner, and until such county shall have entered into an agreement with the State Revenue Commissioner that such program shall be carried out in accordance with such Rules and Regulations pertaining to such programs as may be promulgated by the Commissioner.

All existing local constitutional amendments adopted prior to November 5, 1974, relating to maximum bond debt limitation shall continue to be of full force and effect and shall not be affected by this Paragraph.

Paragraph II. Levy of Taxes to Pay Bonds. Any county, municipal corporation or political division of this State which shall incur any bonded indebtedness under the provisions of this Constitution, shall at or before the time of so doing, provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said debt, within thirty years from the date of the incurring of said indebtedness.

Paragraph III. Additional Debt Authorized, When. In addition to the debt authorized in Paragraph I of this section, to be created by any county, municipal corporation or political subdivision of this State, a debt may be incurred by any county, municipal corporation or political subdivision of this State, in excess of seven per centum of the assessed value of all the taxable property therein, upon the following conditions: Such additional debt, whether incurred at one or more times, shall not exceed in the aggregate, three per centum of the assessed value of all the taxable property in such county, municipality, or political subdivision; such additional debt shall be payable in equal installments within the five years next succeeding the issuance of the evidences of such debt; there shall be levied by the governing authorities of such county, municipality or political subdivision prior to the issuance of such additional debt, a tax upon all of the taxable property within such county, municipality or political subdivision collectible annually, sufficient to pay in full the principal and interest of such additional debt when as due; such tax shall be in addition to and separate from all other taxes levied by such taxing authorities, and the collections from such tax shall be kept separate and shall be held, used and applied solely for the payment of the principal and interest of such additional indebtedness; authority to create such additional indebtedness shall first have been authorized by the General Assembly; the creation of such additional indebtedness shall have been first authorized by a vote of the registered voters of such county, municipality or political subdivision at an election held for such purpose, pursuant to and in accordance with the provisions of this Constitution and of the then existing laws for the creation of a debt by counties, municipal corporations, and political subdivisions of this State, all of which provisions, including

those for calling, advertising, holding and determining the result of, such election and the votes necessary to authorize the creation of an indebtedness, are hereby made applicable to an election held for the purpose of authorizing such additional indebtedness.

Paragraph IV. Temporary Loans Authorized; Conditions. In addition to the the [sic] obligations hereinbefore allowed, each county, municipality, political subdivision of the State authorized to levy taxes, and county board of education, is given the authority to make temporary loans between January 1st and December 31st in each year to pay expenses for such year, upon the following conditions: The aggregate amount of all such loans of such county, municipality, political subdivision or county Board of Education outstanding at any one time shall not exceed 75% of the total gross income of such county, municipality, political subdivision or county Board of Education, from taxes collected by such county, municipality, political subdivision or county Board of Education in the last preceding year. Such loans shall be payable on or before December 31st of the calendar year in which such loan is made. No loan may be made in any year under the provisions of this Paragraph when there is a loan then unpaid which was made in a prior year under the provisions of this Paragraph. Each such loan shall be first authorized by resolution fixing the terms of such loan adopted by a majority vote of the governing body of such county, city, political subdivision or county Board of Education, at a meeting legally held, and such resolution shall appear upon the minutes of such meeting. No such county, municipality, subdivision or county Board of Education shall incur in any one calendar year, an aggregate of such temporary loans and other contracts or obligations for current expenses in excess of the total anticipated revenue of such county, municipality, subdivision, or county Board of Education for such calendar year, or issue in one calendar year notes, warrants or other evidences of such indebtedness in a total amount in excess of such anticipated revenue for such year.

SECTION VIII.

REVENUE OBLIGATIONS

Paragraph I. Revenue Anticipation Obligations. Revenue anticipation obligations may be issued by any county, municipal corporation or political subdivision of this State, to provide funds for the purchase or construction, in whole or in part, of any revenue-producing facility which such county, municipal corporation or political subdivision is authorized by the Act of the General Assembly approved March 31, 1937, known as "The Revenue Certificate Laws of 1937," as amended by the Act approved March 14, 1939, to construct and operate, or to provide funds to extend, repair or improve any such existing facility, and to buy, construct, extend, operate and maintain gas or electric generating and distribution systems, together with all necessary appurtenances thereof. Such revenue anticipation obligations shall be payable, as to principal and interest, only from revenue produced by revenue-producing facilities of the issuing political subdivisions, and shall not be deemed debts of, or to create debts against, the issuing political subdivisions within the meaning of this paragraph or any other of this Constitution. This authority shall apply only to revenue anticipation obligations issued to provide funds for the purchase, construction, extension, repair or improvement of such facilities and undertakings as are specifically authorized and enumerated by said Act of 1937, as amended by said Act of 1939; and to buy, construct, extend, operate and maintain gas or electric generating and distribution systems, together with all necessary appurtenances thereof; provided further any revenue certificates issued to buy, construct, extend, operate and maintain gas or electric generating and distribution systems shall, before being undertaken, be authorized by a majority of those voting at an election held for the purpose in the county, municipal corporation or political subdivision affected, and provided further that a majority of the registered voters of such county, municipal corporation or political subdivision affected shall vote in said election, the election for such to be held in the same manner as is used in issuing bonds of such county, municipal corporation or political subdivision and the said elections shall be called and provided for by officers in charge of the fiscal affairs of said county, municipal corporation or political subdivision affected; and no such issuing political subdivision of the State shall exercise the power of taxation for the purpose of

paying the principal or interest of any such revenue anticipation obligations or any part thereof.

Provided that after a favorable election has been held as set forth above, if municipalities, counties or other political subdivisions shall purchase, construct, or operate such electric or gas utility plants from the proceeds of said revenue certificates, and extend their services beyond the limits of the county in which the municipality or political subdivision is located, then its services rendered and property located outside said county shall be subject to taxation and regulation as are privately owned and operated utilities.

The General Assembly is authorized to create an instrumentality and department of the State of Georgia to be known as the Brunswick Ports Authority, and to provide for its powers and functions. Act number 314 of the Acts of the General Assembly of 1945 (Ga. L. 1945, p. 1023) as amended by House Bill number 1053 of the General Assembly of 1958 (Ga. L. 1958, p. 82) is hereby ratified and confirmed, so that the said Acts shall have the same force and effect as if they had been enacted subsequent to the amendment adopted November 8, 1960, to Article VII, Section VII, Paragraph V of the Constitution of 1945; provided, however, that nothing herein shall prevent the General Assembly from amending said Acts, so as to add and enlarge powers of the Authority.

Paragraph II. Revenue Obligations Authorized. The development of trade, commerce, industry and employment opportunities is hereby declared to be a public purpose vital to the welfare of the people of this State. The General Assembly may create Development Authorities to promote and further such purposes or may authorize the creation of such an Authority by any county or municipal corporation or combinations thereof under such uniform terms and conditions as it may deem necessary. The General Assembly may exempt from taxation Development Authority obligations, properties, activities or income and may authorize the issuance of Revenue Obligations by such Authorities which shall not constitute an indebtedness of the State within the meaning of Section VII of this Article. The General Assembly may provide for the validation of any Revenue Obligations authorized, and that such validation shall thereafter be incontestable and conclusive.

Paragraph III. Refunding Bonds. The General Assembly is hereby authorized to create a commission and to vest such commission with the power to secure all necessary information and to approve or disapprove the issuance of bonds for the purpose of refunding any bonded indebtedness of any county, municipality or political subdivision of this State issued prior to the adoption of the Constitution of 1945, including the authority to approve or disapprove the amount and terms of such refunding bonds, together with such other powers as to the General Assembly may seem proper, but not in conflict with the provisions of the Constitution. Such refunding bonds shall be authorized only where such county, municipality or political subdivision has not the funds available to meet the payment of outstanding bonded indebtedness [sic] through failure to levy and collect the required taxes, or through failure to maintain the required sinking fund for such bonds. The General Assembly may approve the issuance of the said refunding bonds under the conditions stated. Such refunding bonds shall not, together with all other outstanding bonded indebtedness, exceed the limits fixed by this Constitution for the maximum amount of bonded indebtedness which may be issued by such county, municipality, or political subdivision and shall be otherwise governed by all of the terms and provisions of this Constitution. No bonds shall be issued under this paragraph to refund any bonds issued after the adoption of the Constitution of 1945.

Paragraph IV. Refunding Bonds to Reduce Bonded Indebtedness. The General Assembly is further authorized to the said Commission the power and authority to approve or disapprove the issuance of bonds to refund any outstanding bonded indebtedness of any county, municipality or political subdivision now or hereafter issued, for the purpose of reducing the amount payable, principal or interest, on such bonded indebtedness, and upon the condition that, the issuance of such refunding bonds will reduce the amounts payable upon such outstanding [sic] bonds, principal or interest. Such refunding bonds shall replace such outstanding bonded indebtedness. The said Commission shall have the authority to approve or disapprove

the terms of any such proposed refunding bonds. The General Assembly may authorize the issuance of such refunding bonds issued for the said purpose, when approved by the said Commission and authorized by the governing authority of such county, municipality or subdivision, without an election by the qualified voters as otherwise required, but in all other respects such refunding bonds shall comply with the provisions of this Constitution.

Paragraph V. Sinking Funds For Bonds. All amounts collected from any source for the purpose of paying the principal and interest of any bonded indebtedness of any county, municipality or subdivision and to provide for the retirement of such bonded indebtedness, above the amount needed to pay the principal and interest on such bonded indebtedness due in the year of such collection, shall be placed in a sinking fund to be held and used to pay off the principal and interest of such bonded indebtedness thereafter maturing.

The funds in such sinking fund shall be kept separate and apart from all other moneys of such county, municipality or subdivision, and shall be used for no purpose other than that above stated. The moneys in such sinking fund may be invested and reinvested by the governing authorities of such county, municipality or subdivision or by such other authority as has been created to hold and manage such sinking fund, in the bonds of such county, municipality or subdivision, and in bonds or obligations of the State of Georgia, of the counties and cities thereof and of the government of the United States, of subsidiary corporations of the Federal Government fully guaranteed by such government, and no other. Any person or persons violating the above provisions shall be guilty of malpractice in office and shall also be guilty of a misdemeanor, and shall be punished, when convicted, as prescribed by law for the punishment of misdemeanors, until the General Assembly shall make other provisions for the violation of the terms of this Paragraph.

ARTICLE X.

RETIREMENT SYSTEMS AND EDUCATIONAL SCHOLARSHIPS

SECTION I.

RETIREMENT SYSTEMS

Paragraph I. Teacher Retirement System Taxation For. The powers of taxation may be exercised by the State through the General Assembly and by counties and municipalities, for the purpose of paying pensions and other benefits and costs under a teacher retirement system or systems; provided no indebtedness against the State shall ever be created for the purpose herein stated in excess of the taxes lawfully levied each fiscal year under Acts of the General Assembly authorized hereunder.

Paragraph II. Retirement System for Employees. The General Assembly is authorized to establish an actuarially sound retirement system for employees under a merit system.

Paragraph III. Public School Employees Retirement System. The General Assembly is hereby authorized to provide by law for the creation of an actuarially sound, participating retirement system for all employees of public schools who are not covered by the Teachers' Retirement System including, but not limited to, school bus drivers, school lunch-room personnel, school maintenance personnel and school custodial personnel. The General Assembly is further authorized to provide in said Act creating such retirement system, or in any amendatory Acts thereto, for the expenditure of State funds and the funds of county and independent boards of education in support of said retirement system, in such manner as the General Assembly shall determine.

Paragraph IV. Firemen's Pension System. The powers of taxation may be exercised by the State through the General Assembly, and the counties and municipalities, for the purpose of paying pensions and other benefits and costs under a firemen's pension system or systems. The taxes so levied may be collected by such firemen's pension system or systems and disbursed therefrom by authority of the General Assembly for the purposes herein authorized.

Paragraph V. Increased Retirement Benefits Authorized. (a) Any other provisions of this Constitution to the contrary notwithstanding, the General Assembly is hereby authorized to provide by law, from time to time, for the increase of retirement or other benefits of retired persons who have retired or who retire in the future pursuant to any retirement system, annuity and benefit fund system, pension system or any similar system, which such system was created by law and such law provided that such system be funded wholly or partly from fines and forfeitures. No formerly retired person shall receive any greater benefits than those benefits provided by law to be received upon retirement by members of the system who have not retired, nor shall any such formerly retired person receive any increased benefits unless all formerly retired persons entitled to receive such increased benefits participate pro rata therein.

(b) Any other provisions of this Constitution to the contrary notwithstanding, the General Assembly is hereby authorized to provide by law, from time to time, for the increase of retirement or pension benefits of retired public schoolteachers who retired pursuant to a retirement or pension system of a county, municipality or local board of education. The General Assembly shall be authorized to expend State funds for such purposes in such manner and pursuant to such terms and conditions as the General Assembly may provide by law.

(c) Any other provisions of this Constitution to the contrary notwithstanding, the General Assembly is hereby authorized to provide by law, from time to time, for the increase of retirement or pension benefits of retired persons who retired pursuant to any retirement system, annuity and benefit fund, pension system or any similar system heretofore or hereafter created by law to which the General Assembly appropriates funds. The General Assembly shall be authorized to appropriate funds for the purpose of increasing the retirement or pension benefits of such retired persons.

SECTION II.

EDUCATIONAL SCHOLARSHIPS, LOANS, AND GRANTS

Paragraph I. Authorization. Notwithstanding any other provisions of this Constitution, the General Assembly is hereby authorized to provide by law for a program or programs of loans, scholarships and grants, and the insuring of loans and payment of interest on loans to citizens of this State for educational purposes. The General Assembly is authorized to provide for all matters relative to such programs. Taxes may be levied and public funds expended for such purposes.

Paragraph II. Grants for Education. Notwithstanding any other provision of this Constitution, the General Assembly may by law provide for grants of State, county or municipal funds to citizens of the State for educational purposes, in discharge of all obligation of the State to provide adequate education for its citizens.

Paragraph III. State Medical Education Board. There is hereby created a board to be known as the State Medical Education Board to consist of five members, one of whom shall be the President of the Medical Association of Georgia, one of whom shall be the immediate past President of the Medical Association of Georgia, and three members to be appointed by the Governor, who shall be qualified electors of the State of Georgia. The members of the board in office on the effective date of this Constitution shall serve out the remainder of their respective terms. Thereafter the Governor shall appoint three members for a term of four years, and shall appoint the President and the immediate past President of the Medical Association of

Georgia pursuant to their position and office in those respective capacities. Vacancies shall be filled by appointment by the Governor for the unexpired term.

The members of the Board shall receive such compensation and allowances as provided by law for attending meetings of the board or in traveling elsewhere in the discharge of their duties requiring their absence from their respective places of abode, same to be paid upon the approval of the Chairman or Vice-Chairman of the Board, out of any funds made available to said Board.

The secretary of the Board shall be whosoever is serving as the secretary of the Board of Regents, who shall keep the records and minutes of the proceedings of the Board and who shall also keep the books, records and accounts of the Board, and whose compensation as secretary of this Board shall be fixed by the Board. The secretary shall prepare and countersign all checks, vouchers and warrants drawn upon the funds of the Board, and the same shall be signed by the Chairman of the Board. The secretary shall also be the treasurer of the Board and shall keep an account for all the funds of the Board, and shall execute and file with the Board a surety bond in the sum of \$10,000.00, payable to the State of Georgia, and conditioned upon the faithful performance of his duties and that he shall properly account for all funds coming into his hands as such secretary, the premium on such bond to be paid out of the funds of the Board.

The board may employ clerical assistance as is required and needed.

The board shall elect a chairman and also a vice-chairman to serve in the absence or inability of the chairman. The board shall maintain an office at the Medical College of Georgia, and shall meet at the said office or elsewhere at least once each quarter at such time as may be fixed by the board. Special meetings shall be held upon call of the chairman. Three members of the board shall constitute a quorum for the transaction of business, and the board shall keep full, complete and permanent minutes and records of all its proceedings and actions.

It shall be the duty of the board to receive and pass upon, allow or disallow all applications for loans or scholarships made by students who are bona fide citizens and residents of the State of Georgia and who desire to become doctors of medicine and who are acceptable for enrollment in a qualified four-year medical school. The purpose of such loans shall be to enable such applicants to obtain a standard four-year medical education which will qualify them to become licensed, practicing physicians within the State of Georgia. It shall be the duty of the board to make a careful and full investigation of the ability, character and qualifications of each applicant and determine his fitness to become the recipient of such loan or scholarship, and for that purpose the board may propound such examination to each applicant which it deems proper, and the said board may prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intention of this Paragraph. The investigation of the applicant shall include an investigation of the ability of the applicant, or of the parents of such applicant, to pay his own tuition at such a medical school and the board in granting such loans and scholarships shall give preference to qualified applicants who, or whose parents, are unable to pay the applicant's tuition at such a medical school.

The said board shall have authority to grant to each applicant deemed by the board to be qualified to receive the same, a loan or scholarship for the purpose of acquiring a medical education as herein provided for, upon such terms and conditions to be imposed by the board as provided for in this Paragraph.

Applicants who are granted loans or scholarships by the Board shall receive a loan or scholarship not to exceed \$10,000.00 to any one applicant to be paid at such time and in such manner as may be determined by the Board with which to defray the tuition and other expenses of any such applicant in any responsible, accepted and accredited four-year medical college or school in the United States. The loans and scholarship herein provided shall not exceed the sums herein stated, but they may be prorated in such manner as to pay to the medical college or school to which any applicant is admitted and such funds as are required by that

college or school, and the balance to be paid direct to the applicant; all of which shall be under such terms and conditions as may be provided under rules and regulations of the Board. The said loans or scholarships to be granted to each applicant shall be based upon the condition that the full amount thereof shall be repaid to the State of Georgia in cash in full with 4% interest from the date of each payment by the State on such loan or scholarship, same to be payable annually, the first annual payment to be due on or before one year from the date the applicant completes his internship, or same may be repaid to the State of Georgia in services to be rendered by the applicant by practicing his profession at some place within the State of Georgia to be approved by the board. One-fifth of the loan or scholarship, together with interest thereon, shall be credited to the applicant for each year of practicing his profession in a community of 10,000 population or less, according to the United States Decennial Census of 1960 or any future such decennial census, or at Milledgeville State Hospital, Gracewood State School and Hospital, or at any facility operated by or under the jurisdiction of the State Department of Human Resources or at any prison or detention camp or work camp operated under the jurisdiction of the State Board of Corrections, and no annual [sic] interest on the scholarship loan shall be paid during such practice or service. Credit for practice at Milledgeville State Hospital, Gracewood State School and Hospital, or at any facility operated by or under the jurisdiction of the State Department of Human Resources or at any of the above facilities of the State Board of Corrections, shall be retroactive and shall apply to any applicants engaging in such practice at any time. In the event an applicant has repaid any part of such loan or scholarship for which he would otherwise have received credit for service, he shall be repaid whatever sum is necessary to take into consideration the credit he would have received. After the third full year of practice or services within this State as herein provided, but not before, the said applicant shall be privileged, entirely at the discretion of the Board, to pay off the balance of the scholarship or loan, together with accrued interest thereon, and upon such payment shall be relieved from further obligations under his contract for loan or scholarship.

Each applicant before being granted a loan or scholarship shall enter into a contract with the State of Georgia, agreeing to the terms and conditions upon which the loan or scholarship shall be granted to him, which said contract shall include such terms and provisions as will carry out the full purpose and intent of this Paragraph, and the form thereof shall be prepared and approved by the Attorney-General of this State, and shall be signed by the chairman of the board, countersigned by the secretary and shall be signed by the applicant. For the purposes of this Paragraph the disabilities of minority of all applicants granted loans or scholarships hereunder shall be and the same are hereby removed and the said applicants are declared to be of full lawful age for the purpose of entering into the contract hereinabove provided for, and such contract so executed by an applicant is hereby declared to be a valid and binding contract the same as though the said applicant were of the full age of 18 years and upward. The board is hereby vested with full and complete authority and power to sue in its own name any applicant for any balance due the board on any such contract.

It shall be the duty of the board to contract and make inquiry of such of the four-year medical colleges and schools as herein provided as it deems proper, and make such arrangements and enter into such contracts, within the limitations as to cost as herein provided, for the admission of students granted loans or scholarships by the board, such contracts to be approved by the Attorney-General of this State, and the money obligations of such contract as made by the board with any such colleges shall be paid for out of funds to be provided by law for such purposes, and all students granted loans or scholarships shall attend a medical school with which the board has entered into a contract, or any accredited four-year medical school or college in which said applicant may obtain admission, and which is approved by the board.

The board shall have authority to cancel any contract made between it and any applicant for loans or scholarships upon cause deemed sufficient by the board. And the board shall have authority to cancel such contracts which it may lawfully cancel made with any of the colleges or schools as herein provided.

All payments of funds for loans or scholarships hereunder shall be made by requisition of the board signed by the chairman and the secretary directed to the auditor of public accounts, who shall thereupon issue a

warrant on the treasury of the State of Georgia for the amount fixed in the requisition and payable to the person designated thereon, which said warrant upon presentation shall be paid by the Director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, out of any funds appropriated by the legislature for the purposes provided for under this Paragraph.

All funds made available to the board by Act of the legislature for the purpose of defraying expenses of the board and the salaries of its secretary and employees shall be paid over and received by the treasurer of this board and by him deposited in some solvent bank within the State of Georgia, selected by the board, and such funds may be drawn and expended by check or warrant signed by the chairman and attested by the secretary.

The board shall make a biennial report to the legislature of its activities, loans or scholarships granted, names of persons to whom granted and the institutions attended by those receiving the same, the location of the applicants who have received their education and become licensed physicians and surgeons within this State as a result of the said loans and/or scholarships, and where they are practicing, and shall make a full report of all its expenditures for salaries and expenses incurred hereunder.

It is the purpose and intent of this Paragraph to bring about an adequate supply of doctors of medicine in the more sparsely populated areas of the State of Georgia by increasing the number of medical students from Georgia in the various medical schools, and inducing a sufficient number of the graduates from medical schools to return to Georgia and practice their profession, thus affording adequate medical care to the people of Georgia.

Paragraph IV. State Dental Education Board. There shall be a State Dental Education Board of Georgia, which is authorized to grant loans or scholarships to students who are citizens and residents of the State of Georgia, and who desire to become dentists. The appointment of members of said State Dental Education Board of Georgia, their qualifications, terms of office, powers, duties, functions and authority; and the provision of funds to carry out the purposes provided for herein shall be as enacted and appropriated by the General Assembly of the State of Georgia.

Paragraph V. State Scholarship Commission. The General Assembly is hereby authorized to provide by law a State Scholarship Commission to be authorized and empowered to activate, inaugurate and conduct a program to provide for the granting of scholarships to students desiring to study courses in the para-medical, professional or educational fields. The General Assembly is hereby authorized to provide for the duties, powers, authority, jurisdiction and composition of any such commission and is authorized to provide for all other matters relative to the purposes provided for herein.

Paragraph VI. Mental Health Scholarships. The Commissioner of Human Resources, with the approval of the Board of Human Resources, is hereby authorized to extend scholarships to physicians and other personnel to take post graduate courses in the various schools and clinics in the United States so as to enable them to be better qualified in the diagnosis, care and treatment of mental illness. As a prerequisite to the grant of such scholarship, the recipient thereof must agree to actively engage in the practice of his profession in a hospital operated by the State of Georgia, under the supervision of the State of Georgia, or at some place approved by the authority granting the scholarship, on the basis of one year of service for each year of training received. The remedies for the enforcing of service required shall be the same as provided for medical grants and scholarships and such other remedies as may be provided by law.

Paragraph VII. Board of Regents Scholarships. The Board of Regents of the University System of Georgia shall have the authority to grant to qualified students, who are citizens and bona fide residents of the State of Georgia and who would not otherwise have available the funds necessary to obtain an education, such scholarships as are necessary for them to complete programs of study offered by institutions of the University

System of Georgia, with the exception of the program leading to the degree of Doctor of Medicine. The terms and conditions thereof shall be prescribed and regulated by the Board of Regents but shall include the condition that recipients of such scholarships shall, upon the completion of their programs of study, reside in the State of Georgia and engage in activities for which they were prepared through the scholarships for a period of one year for each \$1,000 received. The General Assembly shall appropriate such funds to the Board of Regents of the University System of Georgia as it sees fit in order to carry out the purposes of this provision.

It shall be the duty of the Board of Regents to receive and pass upon, allow or disallow, all applications for scholarships; to contract, increase, decrease, terminate and otherwise regulate all grants for scholarships; and to manage, operate, and control all funds appropriated for this purpose.

Paragraph VIII. Scholarships for Prospective Teachers. The State Board of Education shall have the authority to grant to citizens who are interested in becoming teachers and who are bona fide residents of the State of Georgia such scholarships as are necessary for them to complete programs of study in preparation for teaching. The terms and conditions thereof shall be prescribed and regulated by the State Board of Education but shall include the condition that recipients of such scholarships shall, upon the completion of their programs of study, teach in the public schools of Georgia for a period of one year for each \$1,000 received, and include the further provision that any person using any such scholarship shall teach in the public schools of Georgia for at least three years in any event.

The General Assembly shall have the authority to appropriate such funds to the State Board of Education as it deems wise and proper to carry out the purposes of this provision.

It shall be the duty of the State Board of Education to receive and pass upon, allow or disallow all applications for scholarships for teachers, to contract, increase, decrease, terminate and otherwise regulate all grants for scholarships; and to manage, operate and control all funds appropriated for this purpose.

Paragraph IX. State Participation in Federal Education Programs. The General Assembly is hereby authorized to appropriate funds to any State department or other State agency for the purpose of being used to obtain funds from the Federal Government for educational scholarships, educational loans and other educational purposes and all such State departments and other State agencies shall be authorized to use the funds so appropriated and the funds received from the Federal Government for the purposes authorized and directed by the Federal Government in making such funds available.

Paragraph X. Scholarships Financed from State Agency Funds. State departments and agencies of the State government of Georgia shall have the authority to disburse State funds to match federal funds in order to provide qualified employees with educational scholarships and for use in other federal education programs but shall include the condition that personnel to whom the scholarships are extended must, as a prerequisite thereto agree to work for the department or agency granting the scholarships for at least one year for each year spent in study or refund the money received for such scholarships pro rata. The terms and conditions thereof shall be prescribed and regulated by the various departments and agencies granting the scholarships. Provided further that no additional appropriation shall be made by the General Assembly to finance such scholarships, but the same shall be financed from the regular appropriations to the various State departments and State agencies. It shall be the duty of the various State departments and State agencies to receive and pass upon, allow or disallow all applications for scholarships in accordance with rules and regulations prescribed by them; to contract, increase, decrease, terminate and otherwise regulate all grants for scholarships; and to manage, operate and to control all funds used for this purpose.

Paragraph XI. Scholarships to Children of Law Enforcement Officers, Firemen, Etc. The General Assembly is hereby authorized to provide by law for a program to grant scholarships or other assistance to the children

of law enforcement officers, firemen and prison guards, who are permanently disabled or killed in the line of duty, to enable such children to acquire an education beyond the 12th grade, or to enable such children to attend a vocational-technical school. The General Assembly shall be further authorized to provide by law for the terms and conditions for granting such scholarships or other assistance and shall provide that the program established in pursuance of this Paragraph shall be administered by the State Scholarship Commission or the Higher Education Assistance Corporation, as the General Assembly shall determine. The General Assembly is hereby further authorized to appropriate any funds it deems necessary for the purpose of carrying out the provisions of this Paragraph.

The General Assembly is hereby authorized and empowered to appropriate any amount of funds it deems necessary for the purposes of implementing any Act which becomes law as authorized by this Paragraph.

Paragraph XII. Vocational Rehabilitation Grants. Notwithstanding any other provisions of this Constitution, whenever the State Board of Vocational Education may be entitled to receive Federal funds made available under the Vocational Rehabilitation Act, 29 United States Code, Chapter 4, or any amendment thereto, said Board shall be authorized to receive and administer such funds in accordance with the terms of the grant, and where the grant so provides, may disburse said funds to non-profit corporations or associations which are engaged solely in the vocational rehabilitation of disabled persons provided, however, that nothing in this Paragraph shall be construed to authorize the expenditure of any State funds until the same shall have been appropriated by the General Assembly.

Paragraph XIII. Tuition Grants to Children of Certain Prisoners of War. The General Assembly is hereby authorized to provide by law for tuition grants to qualified students, who are children of certain United States servicemen as hereinafter provided, to enable them to complete programs of study offered in the educational institutions of this State. The tuition grants shall apply to children of servicemen who were bona fide residents of this State at the time of their entry into the Armed Forces and who are certified by the United States Department of Defense or the United States Veterans Administration as missing in action for more than 90 days or captured in line of duty by a hostile force or forcibly detained or interned in line of duty by a foreign power since 26 March 1964; provided, however, that this shall not include any serviceman who is not in fact missing in action, but is missing because of unlawful actions on his part. The provisions of this Paragraph shall not apply to children born to any serviceman after his missing in action status is clarified or after his release from prison. The provisions of this Paragraph shall not apply to children of any servicemen who were discharged under other than honorable conditions. The provisions of this Paragraph shall not apply to the children of any servicemen who are eligible for federal benefits under the provisions of Chapter 31, Title 38, U. S. Code Annotated (Veterans Vocational Rehabilitation); Chapter 34, Title 38, U. S. Code Annotated (Veterans Education Assistance); or Chapter 35, Title 38, U. S. Code Annotated (Veterans War Orphans Educational Assistance Act). The recipients of such tuition grants must attend institutions within the University System of Georgia or [sic] vocational training institutions administered by the State Board of Education. The educational assistance to children of servicemen under the provisions of this Paragraph shall cover a period not in excess of 36 months (or the equivalent thereof in part-time training). The educational assistance to children of servicemen under the provisions of this Paragraph shall begin on the eighteenth birthday of such children or the successful completion of secondary schooling, whichever occurs first, and end on their twenty-sixth birthday. The term "child" or "children" shall include individuals who are married. The Georgia State Scholarship Commission and the State Board of Education are hereby charged with the administration of this Paragraph and may promulgate necessary rules, regulations and procedures to carry out the purposes of this Paragraph. The General Assembly shall appropriate the necessary funds for said tuition grants.

Paragraph XIV. Direct Loans for Students. (a) The General Assembly is hereby authorized to provide by law for a program of guaranteed student loans and for the payment of interest on such loans, which loans shall be used for the purpose of acquiring an education beyond the twelfth (12th) grade. The General Assembly is authorized to create an authority, a corporation or other entity for the purpose of administering

any such law. Such law shall provide the agencies which may participate in any such loan program which may include commercial banks, savings banks, savings and loan associations, life insurance companies, credit unions, and retirement and pension systems. Such law shall provide a maximum rate of interest which may be charged for such loans and shall provide a portion of such interest which will be paid by the State. State funds may be expended for such purposes and the General Assembly is hereby authorized to appropriate money therefor. The General Assembly is also authorized to provide that contributions for the purposes provided herein shall be deductible for State income tax purposes. The General Assembly is also authorized to provide for such tax exemptions as shall be deemed advisable in connection with such program. The General Assembly is hereby authorized to provide for all other matters relative to the purposes provided for herein.

(b) The General Assembly is hereby authorized to provide by law for the issuance of revenue bonds for the purpose of making direct loans to students in order to allow such students to acquire an education beyond the 12th grade. The amount of such revenue bonds that may be outstanding at any one time, the interest rates, terms and conditions associated with the issuance of such bonds and all other matters relating to the issuance of such bonds shall be as the General Assembly shall provide by law. Such bonds shall be retired by the proceeds derived from the repayment of such student loans plus the interest, which may be such rate or rates as the General Assembly shall determine, on such loans in such manner and under such terms and conditions as the General Assembly shall determine. To the extent necessary to secure the issuance and sale of such bonds, such bonds may be retired from State funds in such manner as the General Assembly shall determine, any other provisions of this Constitution to the contrary notwithstanding.

Paragraph XV. Grants and Scholarships to College Students. The General Assembly is authorized to provide by law for grants or scholarships to citizens of Georgia who are students attending colleges or universities in this State which are not branches of the University System of Georgia. The General Assembly shall provide the procedures [sic] under which such grants or scholarships shall be made and is authorized to provide appropriations for such purposes.

ARTICLE XI.

THE LAWS OF GENERAL OPERATION

IN FORCE IN THIS STATE

SECTION I.

Paragraph I. Supreme Law. The laws of general operation in this State are, first: As the Supreme law: The Constitution of the United States, the laws of the United States in pursuance thereof and all treaties made under the authority of the United States.

Paragraph II. Second in Authority. Second: As next in authority thereto: This Constitution.

Paragraph III. Third in Authority. Third: In subordination to the foregoing: All laws now of force in this State, not inconsistent with this Constitution shall remain of force until the same are modified or repealed by the General Assembly.

Paragraph IV. Local and Private Acts. Local and private acts passed for the benefit of counties, cities,

towns, corporations and private persons, not inconsistent with the Supreme law, nor with this Constitution and which have not expired nor been repealed, shall have the force of Statute law, subject to judicial decision as to their validity when passed, and to any limitations imposed by their own terms.

Paragraph V. Proceedings of Courts Confirmed. All judgments, decrees, orders, and other proceedings, of the several courts of this State, heretofore made within the limits of their several jurisdictions, are hereby ratified and affirmed, subject only to reversal by motion for a new trial, appeal, bill of review or other proceedings, in conformity with the law of force when they were made.

ARTICLE XII.

AMENDMENTS TO THE CONSTITUTION

SECTION I.

Paragraph I. Proposals to amend the Constitution; new Constitution; submission to people. A new Constitution or amendments to this Constitution may be proposed by the General Assembly or by a constitutional convention. The proposal by the General Assembly to provide for a new Constitution or to amend this Constitution shall originate as a resolution in either the Senate or the House of Representatives and, if approved by two-thirds of the members elected to each branch of the General Assembly in a roll call vote, such proposal shall be entered on the Journals of each branch with the "Ayes" and "Nays" taken thereon. Any proposal to amend this Constitution or any proposal for a new Constitution may be amended or repealed by the same General Assembly which adopted such proposal by the affirmative vote of two-thirds of the members elected to each branch of the General Assembly in a roll call vote entered on their respective Journals, if such action is taken at least two months prior to the date of the election at which such proposal is to be submitted.

The Governor, the Attorney General, and the Secretary of State shall meet and determine whether a proposed amendment is general, and if not general, shall determine what political subdivision or subdivisions are directly affected by such proposed amendment. If a proposed amendment is general, it shall be published [sic], as provided by law in full, once each week for three consecutive weeks immediately preceding the date of the election at which such proposed amendment is to be submitted, in one newspaper of general circulation in each Congressional District of the State. If such proposed amendment is not general, it shall be published, as provided by law, in full, once each week for three consecutive weeks immediately preceding the date of the election at which such proposed amendment is to be submitted, in one newspaper of general circulation in each county in which the directly affected political subdivision or subdivisions are located. In the event no such newspaper is located in such county, a newspaper in an adjoining county shall be used. A proposal for a new Constitution shall be published in the same manner as proposed general amendments.

Any proposed amendment which is general or a proposal for a new Constitution shall be submitted to the people of the entire State at the next general election which is held in the even-numbered years, and if ratified by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment shall become a part of this Constitution or shall become the new Constitution, as the case may be. A proposed amendment which is not general shall be submitted at the next general election which is held in the even-numbered years, but shall only be submitted to the people of the political subdivision or subdivisions directly affected. The votes of the electors in each political subdivision affected shall be counted separately in determining whether such proposed amendment is ratified, and it must be ratified by a majority

of the electors qualified to vote for members of the General Assembly voting thereon in each such political subdivision before it shall become a part of this Constitution. The General Assembly, in the resolution, shall state the language to be used in submitting the proposed amendment or proposal for a new Constitution. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately. A proposal for one or more changes within a single Article may be submitted as a single amendment. A proposal for one or more changes within a single Article and a related change or related changes in one or more other Articles may be submitted as a single amendment. A proposal for a new Article may be submitted as a single amendment. A proposal for a new Article and a related change or related changes in one or more other Articles may be submitted as a single amendment.

Paragraph II. Convention. How Called. No convention of the people shall be called by the General Assembly to revise, amend or change this Constitution, unless by the concurrence of two-thirds of all members of each house of the General Assembly. The representation in said convention shall be based on population as near as practicable. This Constitution shall not be revised, amended, or changed by the Convention until the proposed revision, amendment, or change has been submitted and ratified by the people in the manner provided for submission and ratification of amendments proposed by the General Assembly.

Paragraph III. Veto Not Permitted. The Governor shall not have the right to veto any proposal by the General Assembly to provide a new Constitution or to amend this Constitution.

Paragraph IV. Effective date of amendments. Unless the amendment itself shall provide otherwise, an amendment to this Constitution shall become effective on the first day of January following its ratification.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS

SECTION I.

MISCELLANEOUS PROVISIONS

Paragraph I. Continuation of Officers. Except as otherwise provided in this Constitution, the officers of the State and all political subdivisions thereof now existing shall continue in the exercise of their functions and duties subject to the provisions of laws applicable thereto and subject to the provisions of this Constitution.

Paragraph II. Amendments Continued as Part of This Constitution. Amendments to the Constitution of 1877 which were continued in force and effect by Article VII, Section X, Paragraph I of the Constitution of 1945, and which are in force and effect on the effective date of this Constitution shall continue in force and effect as part of this Constitution. Amendments to the Constitution of 1945 which did not [sic] directly affect the whole State and which were required to be ratified in a particular subdivision or subdivisions as well as in the State as a whole, which are in force and effect on the effective date of this Constitution shall continue in force and effect as part of this Constitution. Amendments to the Constitution of 1945 which were ratified pursuant to the provisions of an amendment to Article XIII, Section I, Paragraph I ratified at the 1952 general election and found in Georgia Laws 1951, page 681, which are in force and effect on the effective date of this Constitution shall continue in force and effect as part of this Constitution. Amendments to the Constitution of 1945 which were ratified subsequent to 1956 but which were not ratified as general amendments, which are in force and effect on the effective date of this Constitution shall continue in force and effect as part of this Constitution. Amendments to the Constitution of 1945 which were ratified subsequent to 1956 and which were ratified as general amendments but which by their terms applied principally to a particular political

subdivision or subdivisions, which are in force and effect on the effective date of this Constitution shall continue in force and effect as part of this Constitution. Amendments of the same type provided for in the immediately preceding two sentences of this Paragraph which were ratified at the same time this Constitution was ratified shall continue in force and effect as part of this Constitution.

Paragraph III. Special Commission Created. Amendments to the Constitution of 1945 other than those covered in the last sentence of Paragraph II which were ratified at the same time this Constitution was ratified shall be incorporated and made a part of this Constitution as provided in this Paragraph. There is hereby created a commission to be composed of the presiding officer of the Senate, the presiding officer of the House of Representatives, the Attorney General, the Secretary of State and the Legislative Counsel, which is hereby authorized and directed to incorporate such amendments into this Constitution at the places deemed most appropriate to the commission. The commission shall make only such changes in the language of this Constitution and of such amendments as are necessary to properly incorporate such amendments into this Constitution and shall complete its duties prior to January 1, 1977. The commission shall deliver to the Secretary of State this Constitution with those amendments incorporated therein and such document shall be the Constitution of the State of Georgia of 1976. In order that the commission may perform its duties this Paragraph shall become effective as soon as it has been officially determined that this Constitution has been ratified. The commission shall stand abolished upon the completion of its duties.

Paragraph IV. Effective Date. Except as provided in Paragraph III of this section, this Constitution shall become effective on January 1, 1977.

Ga. Laws 1976, p. 1198.