

House Bill 1570

By: Representative Hudson of the 156<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for the composition of the Board of Education of Ben Hill  
2 County, approved March 22, 1990 (Ga. L. 1990, p. 4435), as amended, particularly by an Act  
3 approved March 24, 1994 (Ga. L. 1994, p. 3728), so as to change the description of the  
4 electoral districts of board members; to clarify that elections and terms under the changed  
5 districts shall remain the same as under these districts as formerly described; to provide for  
6 the completion of terms of office; to repeal obsolete provisions; to provide for certain  
7 submissions; to provide for an effective date; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act providing for the composition of the Board of Education of Ben Hill County,  
12 approved March 22, 1990 (Ga. L. 1990, p. 4435), as amended, particularly by an Act  
13 approved March 24, 1994 (Ga. L. 1994, p. 3728), is amended by striking Section 2 and  
14 inserting in its place a new Section 2 to read as follows:

15 "SECTION 2.

16 (a) For the purpose of electing the members of the Board of Education of the Ben Hill  
17 County Public School System, Ben Hill County shall be divided into seven education  
18 districts described by the following boundaries:

19 EDUCATION DISTRICT 1

20 Commencing at the intersection of Grant Street and Central Avenue in the City of  
21 Fitzgerald, Ben Hill County, Georgia, and running thence in an easterly direction along  
22 East Central Avenue to its intersection with Monitor Drive; thence continuing in a  
23 generally easterly direction along the Jacksonville Highway to its intersection with  
24 Eastside Church Road; thence running in a northerly, then westerly, then northerly  
25 direction along Eastside Church Road to its intersection with Snowden Road; thence

1 easterly and then northerly along Snowden Road to its intersection with Delta Road;  
 2 thence continuing in a northerly direction along Elijah Road, also known as County  
 3 Road 173, to its intersection with Platte Road, also known as County Road 174; thence  
 4 in a generally westerly direction along said Platte Road, also known as County Road  
 5 174, to its intersection with Rhine Road; thence generally northerly along Rhine Road  
 6 to its intersection with Joshlyn Road; thence in a generally westerly direction along  
 7 Joshlyn Road to the Bowens Mill Highway, also known as U.S. Highway 129; thence  
 8 generally southerly along the southbound lane or lanes of said Bowens Mill Highway,  
 9 also known as U.S. Highway 129, to its intersection with Sultana Drive; thence  
 10 continuing in a generally southerly direction along U.S. Highway 129, the same also  
 11 being North Grant Street, to the point and place of beginning.

## 12 EDUCATION DISTRICT 2

13 Commencing at the intersection of East Palm Street and South Grant Street in the City  
 14 of Fitzgerald, Ben Hill County, Georgia, and from said point thence northerly along  
 15 South Grant Street and continuing along North Grant Street to the intersection of North  
 16 Grant Street and Sultana Drive; thence westerly along West Sultana Drive to its  
 17 intersection with Merrimac Drive; thence southerly along North Merrimac Drive to its  
 18 intersection with Washington Avenue; thence in a westerly direction along Washington  
 19 Avenue and continuing past its intersection with Traylor Avenue to a point where the  
 20 south side of the right of way of Washington Avenue is intersected by the corporate  
 21 limits of the City of Fitzgerald; thence southerly, westerly, and northerly along the  
 22 corporate limits of the City of Fitzgerald until the said corporate limits again intersect  
 23 the south right of way of Washington Avenue; thence westerly along Washington  
 24 Avenue and the corporate limits of the City of Fitzgerald to the intersection of  
 25 Washington Avenue and Redbud Road; thence continuing in a westerly direction along  
 26 Redbud Road to the point where the same is intersected by Evelyn Way; thence in a  
 27 generally southerly direction along Evelyn Way and continuing on the extended center  
 28 line of Evelyn Way to the south boundary line of Washington Heights Subdivision No.  
 29 2 in said City; thence westerly along the south boundary line of Washington Heights  
 30 Subdivision No. 2 to the point where the same is intersected by the west boundary line  
 31 of Washington Heights Subdivision No. 2; thence continuing in a westerly direction and  
 32 then a southerly direction along the corporate limits of the City of Fitzgerald to the  
 33 point where said corporate limits are intersected by the Ten Mile Road, formerly known  
 34 as State Route 107; thence easterly along the Ten Mile Road, also formerly known as  
 35 State Route 107, to its intersection with Snowden Lane; thence southerly along  
 36 Snowden Lane to its intersection with the Irwinville Highway; thence easterly along the  
 37 Irwinville Highway to its intersection with Merrimac Drive; thence southerly along

1 South Merrimac Drive to its intersection with West Orange Street; thence easterly along  
 2 West Orange Street to its intersection with South Bragg Street; thence northerly along  
 3 South Bragg Street to its intersection with West Palm Street; thence easterly along West  
 4 Palm Street to South Main Street and then continuing along East Palm Street to its  
 5 intersection with South Grant Street, the point and place of beginning.

#### 6 EDUCATION DISTRICT 3

7 Commencing at the point where Ed Ward Road in Ben Hill County, Georgia, is  
 8 intersected by the right of way of CSX Transportation Railroad; thence northerly along  
 9 the right of way of said CSX Transportation Railroad to the point where the same is  
 10 intersected by the Ocilla Highway, also known as U.S. Highway 129; thence northerly  
 11 along the southbound lanes of U.S. Highway 129 to the point where the same is  
 12 intersected by Roanoke Drive in said City; thence continuing northerly along U.S.  
 13 Highway 129, also known as South Grant Street, to its intersection with East Palm  
 14 Street; thence westerly along East Palm Street to South Main Street; thence continuing  
 15 westerly along West Palm Street to its intersection with South Bragg Street; thence  
 16 southerly along South Bragg Street to its intersection with West Orange Street; thence  
 17 westerly along West Orange Street to its intersection with South Merrimac Drive;  
 18 thence northerly along South Merrimac Drive to its intersection with the Irwinville  
 19 Highway, also known as State Route 125; thence generally westerly and southwesterly  
 20 along the said Irwinville Highway, also known as State Route 125, to the point where  
 21 the same is intersected by the Ben Hill County line; thence easterly along the Ben Hill  
 22 County line to the point where Airport Road and the Ben Hill County line coincide;  
 23 thence easterly along Airport Road to its intersection with Perry House Road; thence  
 24 continuing easterly along the Ed Ward Road to its intersection with the right of way of  
 25 CSX Transportation Railroad, the point and place of beginning.

#### 26 EDUCATION DISTRICT 4

27 Commencing at the point where the Ocilla Highway, also known as U.S. Highway 129,  
 28 is intersected by the Ben Hill County-Irwin County line, and thence in a generally  
 29 northerly direction along said Ocilla Highway, also known as U.S. Highway 129 to the  
 30 point where the same is intersected by Swan Road; thence east northeasterly along  
 31 Swan Road to its intersection with Frank Road; thence southeasterly along Frank Road  
 32 to its intersection with Pine Level Church Road; thence easterly and northeasterly along  
 33 Pine Level Church Road to its intersection with the right of way of the CSX  
 34 Transportation Railroad; thence in a northwesterly direction along the right of way of  
 35 the CSX Transportation Railroad to the point where the same is intersected by the  
 36 Anderson Memorial Church Road; thence northerly along the Anderson Memorial  
 37 Church Road to its intersection by the Jacksonville Highway also known as U.S.

1 Highway 319; thence westerly along the said Jacksonville Highway, also known as U.S.  
2 Highway 319, to its intersection with Rhine Road and Benjamin H. Hill Drive; thence  
3 continuing in a westerly direction along the said Jacksonville Highway and former  
4 Highway U.S. 319 to the point where the same becomes East Central Avenue in the  
5 City of Fitzgerald, Ben Hill County, Georgia; thence westerly along East Central  
6 Avenue to its intersection with Grant Street, the same also being U.S. Highway 129;  
7 thence southerly along South Grant Street and U.S. Highway 129 to the point where  
8 South Grant Street becomes the Ocilla Highway; thence continuing along the said  
9 Ocilla Highway and the southbound lanes of U.S. Highway 129 to the point where the  
10 same is intersected by the right of way of the CSX Transportation Railroad; thence  
11 southerly along the right of way of the said CSX Transportation Railroad to the point  
12 where the same is intersected by the Ed Ward Road; thence westerly along the Ed Ward  
13 Road to its intersection with Perry House Road; thence continuing westerly along  
14 Airport Road to the point where said roadway is bounded on the south by the Ben Hill  
15 County-Irwin County line; thence southerly and then easterly along the Ben Hill  
16 County-Irwin County line to the point and place of beginning.

#### 17 EDUCATION DISTRICT 5

18 Commencing at the point where the Ocilla Highway, also known as U.S. Highway 129,  
19 is intersected by the Ben Hill County-Irwin County line and running thence along the  
20 Ben Hill County line in a counter clockwise direction from said point of beginning to  
21 the point where the Ben Hill County line intersects the Ocmulgee River; thence  
22 continuing in a generally northwesterly direction along the Ben Hill County line and  
23 the said Ocmulgee River to the point where Otter Creek runs into the Ocmulgee River;  
24 thence in a generally southwesterly direction along the run of Otter Creek to the point  
25 where Otter Creek is crossed by State Route 182, also known as the River Road; thence  
26 in a generally southeasterly direction along River Road to the point where the said  
27 River Road is intersected by the Camp Brooklyn Road; thence generally southerly  
28 along the Camp Brooklyn Road to the point where the same is intersected by the  
29 Lulaville Road; thence in a generally westerly direction along the Lulaville Road to the  
30 point where the same is intersected by State Route 11, also known as U.S. Highway  
31 129, and also known as the Bowens Mill Highway; thence generally southerly along the  
32 said State Route 11, the same also being known as the Bowens Mill Highway and U.S.  
33 Highway 129, to the point where the same is intersected by Joshlyn Road; thence in a  
34 generally easterly direction along Joshlyn Road to the point where the same is  
35 intersected by Rhine Road; thence in a generally southerly direction along Rhine Road  
36 to the point where the same is intersected by Platte Road, also known as County Road  
37 174; thence in a generally easterly direction along the said Platte Road, also known as

1 County Road 174, to the point where the same is intersected by Elijay Road; thence  
 2 generally southerly along Elijay Road to its intersection with Delta Road; thence  
 3 continuing in a generally southerly direction along Snowden Road and then westerly  
 4 along Snowden Road to the point where the same is intersected by the Eastside Church  
 5 Road; thence generally southerly, easterly, and southerly along the Eastside Church  
 6 Road to the point where the same is intersected by U.S. Highway 319, also known as  
 7 the Jacksonville Highway; thence continuing southerly from said point along the  
 8 Anderson Memorial Church Road to the point where the same is intersected by the right  
 9 of way line of the CSX Transportation Railroad; thence in a generally southeasterly  
 10 direction along the right of way of the CSX Transportation Railroad to the point where  
 11 the same is intersected by the Pine Level Church Road; thence in a generally  
 12 southwesterly direction along the Pine Level Church Road to the point where the same  
 13 is intersected by the Frank Road; thence in a generally northwesterly direction along  
 14 the Frank Road to the point where the same is intersected by the Swan Road; thence in  
 15 a west southwesterly direction along Swan Road to the point where the same is  
 16 intersected by the Ocilla Highway, also know as U.S. Highway 129 and State Route 11;  
 17 thence in a generally southerly direction along said Ocilla Highway, also know as U.S.  
 18 Highway 129 and State Route 11, to the Ben Hill County-Irwin County line, the point  
 19 and place of beginning.

#### 20 EDUCATION DISTRICT 6

21 Commencing at the point where Sultana Drive is intersected by North Grant Street and  
 22 the Bowens Mill Highway, also known as U.S. Highway 129 and State Route 11;  
 23 thence in a generally northerly direction along the southbound lanes of said Bowens  
 24 Mill Highway also known as U.S. Highway 129 and State Route 11 and thence  
 25 continuing along the said Bowens Mill Highway, also known as U.S. Highway 129 and  
 26 State Route 11, in a generally northerly direction to the point where the same is  
 27 intersected by Industrial Drive; thence in a generally westerly direction along Industrial  
 28 Drive which becomes the Lower Rebecca Road to the point where the said Lower  
 29 Rebecca Road is intersected by the run of Willachoochee Creek; thence in a generally  
 30 southerly direction along the run of Willachoochee Creek to the point where the same  
 31 is intersected by the right of way line of the CSX Transportation Railroad; thence in a  
 32 generally southeasterly direction along the right of way line of the said CSX  
 33 Transportation Railroad to the point where the same is intersected by Lilac Road;  
 34 thence in generally southerly direction and a generally easterly direction along Lilac  
 35 Road to its intersection with Washington Avenue; thence in a generally southeasterly  
 36 direction along Washington Avenue to the point where the same is intersected by the  
 37 north extended line of Evelyn Way; thence southerly along the north extended line of

1 Evelyn Way to its intersection with Redbud Road; thence easterly along Redbud Road  
 2 to its intersection with Washington Avenue; thence continuing in an easterly direction  
 3 along Washington Avenue and the corporate limits of the City of Fitzgerald to the point  
 4 where the corporate limits of the City of Fitzgerald turn in a southerly direction from  
 5 the right of way of Washington Avenue; thence southerly, then easterly, then northerly  
 6 along the corporate limits of the City of Fitzgerald to the point where the said corporate  
 7 limits again intersect Washington Avenue; thence in a generally easterly direction along  
 8 Washington Avenue to its intersection with North Merrimac Drive; thence northerly  
 9 along North Merrimac Drive to its intersection with West Sultana Drive; thence easterly  
 10 along West Sultana Drive to its intersection with North Grant Street and the southbound  
 11 lanes of the Bowens Mill Highway also known as U.S. Highway 129 and State Route  
 12 11, the same being the point and place of beginning.

### 13 EDUCATION DISTRICT 7

14 Beginning at the point where Industrial Drive and Joshlyn Road intersect U.S. Highway  
 15 129, also known as the Bowens Mill Highway and State Route 11, and thence in a  
 16 generally northerly direction along said Bowens Mill Highway, also known as State  
 17 Route 11 and U.S. Highway 129, to the point where the same is intersected by the  
 18 Lulaville Road; thence in a generally easterly direction along the Lulaville Road to the  
 19 point where the same is intersected by the Camp Brooklyn Road; thence in a generally  
 20 northerly direction along the Camp Brooklyn Road to the point where the same is  
 21 intersected by the River Road, also known as State Route 182; thence in generally  
 22 northwesterly direction along the said River Road, also known as State Route 182, to  
 23 the run of Otter Creek; thence in a generally northeasterly direction along the run of  
 24 Otter Creek to the Ocmulgee River, which is also the Ben Hill County line; thence  
 25 continuing in a counter clockwise direction also the Ben Hill County line to the point  
 26 where the same is intersected by State Route 125, also known as the Irwinville  
 27 Highway; thence in a generally northeasterly direction along State Route 125, also  
 28 known as the Irwinville Highway, to the point where the same is intersected by  
 29 Snowden Lane; thence in a generally northerly direction along Snowden Lane to the  
 30 point where the same is intersected by the Ten Mile Road; thence in a generally  
 31 westerly direction to the point where the Ten Mile Road is intersected by the corporate  
 32 limits of the City of Fitzgerald; thence in a generally northerly direction along the  
 33 corporate limits of the City of Fitzgerald until the same is intersected by the western  
 34 extension of the south line of Washington Heights Subdivision No. 2; thence in a  
 35 generally easterly direction along the extended south line of Washington Heights  
 36 Subdivision No. 2 and continuing along the south line of Washington Heights  
 37 Subdivision No. 2 to the point where the same is intersected by the extended center line

1 of Evelyn Way; thence northerly along the extended center line of Evelyn Way to  
 2 Evelyn Way; thence northerly along Evelyn Way to its intersection with Redbud Road;  
 3 thence continuing in a northerly direction along the extended center line of Evelyn Way  
 4 to the point where the same is intersected by Washington Avenue; thence in a generally  
 5 northwesterly direction along Washington Avenue to the point where the same is  
 6 intersected by Lilac Road; thence in a westerly and northerly direction along Lilac Road  
 7 to the point where the same is intersected by the right of way line of the CSX  
 8 Transportation Railroad; thence in a generally northwesterly direction along the right  
 9 of way line of the said CSX Transportation Railroad to the point where the same is  
 10 intersected by the run of Willacoochee Creek; thence in a generally northerly and  
 11 northwesterly direction along the run of Willacoochee Creek to the point where the  
 12 same is intersected by the Lower Rebecca Road; thence in a generally easterly direction  
 13 along the Lower Rebecca Road and continuing in a generally easterly direction along  
 14 Industrial Drive, the said Lower Rebecca Road becoming Industrial Drive, to the point  
 15 where Industrial Drive is intersected by the Bowens Mill Highway, also known as State  
 16 Route 11 and U.S. Highway 129, said point being the point and place of beginning.

17 (b) Whenever the description of any district refers to a named city, it means the  
 18 geographical boundaries of that city as shown on the census map for the United States  
 19 decennial census of 2000 for the State of Georgia.

20 (c) Any portion of the Ben Hill County School District which is not included in an  
 21 education district described in this section shall be included within that district contiguous  
 22 to such portion which contains the least population according to the United States decennial  
 23 census of 2000 for the State of Georgia.

24 (d) Any portion of the Ben Hill County School District which is described in this section  
 25 as being included in a particular education district shall nevertheless not be included within  
 26 such education district if such part is not contiguous to such education district. Such  
 27 noncontiguous part shall instead be included within that education district contiguous to  
 28 such part which contains the least population according to the United States decennial  
 29 census of 2000 for the State of Georgia.

30 (e) Notwithstanding those changes in descriptions of education districts which become  
 31 effective under subsection (a) of this section at the same time this subsection becomes  
 32 effective, the terms and elections of the members of the Board of Education of Ben Hill  
 33 County shall not be changed but shall remain as follows:

34 (1) Those members representing Education Districts 1, 2, 3, and 7 as described under the  
 35 immediately prior provisions of subsection (a) of this section shall continue to serve and  
 36 represent those districts, respectively, but on the effective date of this Act, those members  
 37 shall represent their districts as newly described in subsection (a) of this section. They

1 shall serve out the terms to which elected, which shall expire December 31, 2002, and  
 2 until the election and qualification of their respective successors. The successors to those  
 3 members representing Education Districts 1, 2, 3, and 7, but as newly described in  
 4 subsection (a) of this section, shall be elected at the 2002 general election and shall take  
 5 office January 1, 2003, for terms of four years and until the election and qualification of  
 6 their respective successors;

7 (2) Those members representing Education Districts 4, 5, and 6 under the immediately  
 8 prior provisions of subsection (a) of this section shall continue to represent those  
 9 respective districts, but on the effective date of this Act, those members shall represent  
 10 their districts as newly described in subsection (a) of this section. They shall serve out  
 11 the terms to which elected, which shall expire December 31, 2004, and until the election  
 12 and qualification of their respective successors. The successors to those members  
 13 representing newly described Education Districts 4, 5, and 6 under subsection (a) of this  
 14 section shall be elected at the 2004 general election and shall take office January 1, 2005,  
 15 for terms of four years and until the election and qualification of their respective  
 16 successors; and

17 (3) Successors to those persons elected pursuant to paragraphs (1) and (2) of this  
 18 subsection shall be elected at the general election immediately preceding the expiration  
 19 of the respective terms of office and shall take office on the first day of January  
 20 immediately following their election for terms of four years and until the election and  
 21 qualification of their respective successors."

## 22 **SECTION 2.**

23 Said Act is further amended by striking Section 3 and inserting in lieu thereof the following:

### 24 "SECTION 3.

25 All members of the board shall be nominated and elected in accordance with Chapter 2 of  
 26 Title 21 of the O.C.G.A., the 'Georgia Election Code,' in nonpartisan primaries and  
 27 elections as provided in Code Section 21-2-139 of the O.C.G.A."

## 28 **SECTION 3.**

29 Pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended, it shall be the  
 30 duty of the attorney of the Board of Education of Ben Hill County to submit this Act to the  
 31 United States Attorney General for approval.

1 **SECTION 4.**

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

4 **SECTION 5.**

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