

House Bill 1570 (COMMITTEE SUBSTITUTE)

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 style="text-align:center">**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 style="text-align:center">"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 and then  
 26 southerly direction along Redbud Road to the point where the same is intersected by the  
 27 Ten Mile Road, formerly known as State Route 107; thence easterly along the Ten Mile  
 28 Road, also formerly known as State Route 107, to its intersection with Snowden Lane;  
 29 thence southerly along Snowden Lane to its intersection with the Irwinville Highway;  
 30 thence easterly along the Irwinville Highway to its intersection with Merrimac Drive;  
 31 thence southerly along South Merrimac Drive to its intersection with West Orange  
 32 Street; thence easterly along West Orange Street to its intersection with South Bragg  
 33 Street; thence northerly along South Bragg Street to its intersection with West Palm  
 34 Street; thence easterly along West Palm Street to South Main Street and then continuing  
 35 along East Palm Street to its intersection with South Grant Street, the point and place  
 36 of beginning.

#### 37 EDUCATION DISTRICT 3

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

#### 20 EDUCATION DISTRICT 4

21 Commencing at the point where the Ocilla Highway, also known as U.S. Highway 129,  
 22 is intersected by the Ben Hill County-Irwin County line, and thence in a generally  
 23 northerly direction along said Ocilla Highway, also known as U.S. Highway 129 to the  
 24 point where the same is intersected by Swan Road; thence east northeasterly along  
 25 Swan Road to its intersection with Frank Road; thence southeasterly along Frank Road  
 26 to its intersection with Pine Level Church Road; thence easterly and northeasterly along  
 27 Pine Level Church Road to its intersection with the right of way of the CSX  
 28 Transportation Railroad; thence in a northwesterly direction along the right of way of  
 29 the CSX Transportation Railroad to the point where the same is intersected by the  
 30 Anderson Memorial Church Road; thence northerly along the Anderson Memorial  
 31 Church Road to its intersection by the Jacksonville Highway also known as U.S.  
 32 Highway 319; thence westerly along the said Jacksonville Highway, also known as U.S.  
 33 Highway 319, to its intersection with Rhine Road and Benjamin H. Hill Drive; thence  
 34 continuing in a westerly direction along the said Jacksonville Highway and former  
 35 Highway U.S. 319 to the point where the same becomes East Central Avenue in the  
 36 City of Fitzgerald, Ben Hill County, Georgia; thence westerly along East Central  
 37 Avenue to its intersection with Grant Street, the same also being U.S. Highway 129;

1       thence southerly along South Grant Street and U.S. Highway 129 to the point where  
 2       South Grant Street becomes the Ocilla Highway; thence continuing along the said  
 3       Ocilla Highway and the southbound lanes of U.S. Highway 129 to the point where the  
 4       same is intersected by the right of way of the CSX Transportation Railroad; thence  
 5       southerly along the right of way of the said CSX Transportation Railroad to the point  
 6       where the same is intersected by the Ed Ward Road; thence westerly along the Ed Ward  
 7       Road to its intersection with Perry House Road; thence continuing westerly along  
 8       Airport Road to the point where said roadway is bounded on the south by the Ben Hill  
 9       County-Irwin County line; thence southerly and then easterly along the Ben Hill  
 10       County-Irwin County line to the point and place of beginning.

#### 11   EDUCATION DISTRICT 5

12       Commencing at the point where the Ocilla Highway, also known as U.S. Highway 129,  
 13       is intersected by the Ben Hill County-Irwin County line and running thence along the  
 14       Ben Hill County line in a counter clockwise direction from said point of beginning to  
 15       the point where the Ben Hill County line intersects the Ocmulgee River; thence  
 16       continuing in a generally northwesterly direction along the Ben Hill County line and  
 17       the said Ocmulgee River to the point where Otter Creek runs into the Ocmulgee River;  
 18       thence in a generally southwesterly direction along the run of Otter Creek to the point  
 19       where Otter Creek is crossed by State Route 182, also known as the River Road; thence  
 20       in a generally southeasterly direction along River Road to the point where the said  
 21       River Road is intersected by the Camp Brooklyn Road; thence generally southerly  
 22       along the Camp Brooklyn Road to the point where the same is intersected by the  
 23       Lulaville Road; thence in a generally westerly direction along the Lulaville Road to the  
 24       point where the same is intersected by State Route 11, also known as U.S. Highway  
 25       129, and also known as the Bowens Mill Highway; thence generally southerly along the  
 26       said State Route 11, the same also being known as the Bowens Mill Highway and U.S.  
 27       Highway 129, to the point where the same is intersected by Joshlyn Road; thence in a  
 28       generally easterly direction along Joshlyn Road to the point where the same is  
 29       intersected by Rhine Road; thence in a generally southerly direction along Rhine Road  
 30       to the point where the same is intersected by Platte Road, also known as County Road  
 31       174; thence in a generally easterly direction along the said Platte Road, also known as  
 32       County Road 174, to the point where the same is intersected by Elijah Road; thence  
 33       generally southerly along Elijah Road to its intersection with Delta Road; thence  
 34       continuing in a generally southerly direction along Snowden Road and then westerly  
 35       along Snowden Road to the point where the same is intersected by the Eastside Church  
 36       Road; thence generally southerly, easterly, and southerly along the Eastside Church  
 37       Road to the point where the same is intersected by U.S. Highway 319, also known as

1 the Jacksonville Highway; thence continuing southerly from said point along the  
2 Anderson Memorial Church Road to the point where the same is intersected by the right  
3 of way line of the CSX Transportation Railroad; thence in a generally southeasterly  
4 direction along the right of way of the CSX Transportation Railroad to the point where  
5 the same is intersected by the Pine Level Church Road; thence in a generally  
6 southwesterly direction along the Pine Level Church Road to the point where the same  
7 is intersected by the Frank Road; thence in a generally northwesterly direction along  
8 the Frank Road to the point where the same is intersected by the Swan Road; thence in  
9 a west southwesterly direction along Swan Road to the point where the same is  
10 intersected by the Ocilla Highway, also know as U.S. Highway 129 and State Route 11;  
11 thence in a generally southerly direction along said Ocilla Highway, also know as U.S.  
12 Highway 129 and State Route 11, to the Ben Hill County-Irwin County line, the point  
13 and place of beginning.

#### 14 EDUCATION DISTRICT 6

15 Commencing at the point where Sultana Drive is intersected by North Grant Street and  
16 the Bowens Mill Highway, also known as U.S. Highway 129 and State Route 11;  
17 thence in a generally northerly direction along the southbound lanes of said Bowens  
18 Mill Highway also known as U.S. Highway 129 and State Route 11 and thence  
19 continuing along the said Bowens Mill Highway, also known as U.S. Highway 129 and  
20 State Route 11, in a generally northerly direction to the point where the same is  
21 intersected by Industrial Drive; thence in a generally westerly direction along Industrial  
22 Drive which becomes the Lower Rebecca Road to the point where the said Lower  
23 Rebecca Road is intersected by the run of Willachoochee Creek; thence in a generally  
24 southerly direction along the run of Willachoochee Creek to the point where the same  
25 is intersected by the right of way line of the CSX Transportation Railroad; thence in a  
26 generally southeasterly direction along the right of way line of the said CSX  
27 Transportation Railroad to the point where the same is intersected by Lilac Road;  
28 thence in generally southerly direction and a generally easterly direction along Lilac  
29 Road to its intersection with Washington Avenue; thence in a generally southeasterly  
30 direction along Washington Avenue to the point where the same is intersected by  
31 Redbud Road; thence continuing in an easterly direction along Washington Avenue and  
32 the corporate limits of the City of Fitzgerald to the point where the corporate limits of  
33 the City of Fitzgerald turn in a southerly direction from the right of way of Washington  
34 Avenue; thence southerly, then easterly, then northerly along the corporate limits of the  
35 City of Fitzgerald to the point where the said corporate limits again intersect  
36 Washington Avenue; thence in a generally easterly direction along Washington Avenue  
37 to its intersection with North Merrimac Drive; thence northerly along North Merrimac

1 Drive to its intersection with West Sultana Drive; thence easterly along West Sultana  
2 Drive to its intersection with North Grant Street and the southbound lanes of the  
3 Bowens Mill Highway also known as U.S. Highway 129 and State Route 11, the same  
4 being the point and place of beginning.

5 EDUCATION DISTRICT 7

6 Beginning at the point where Industrial Drive and Joshlyn Road intersect U.S. Highway  
7 129, also know as the Bowens Mill Highway and State Route 11, and thence in a  
8 generally northerly direction along said Bowens Mill Highway, also known as State  
9 Route 11 and U.S. Highway 129, to the point where the same is intersected by the  
10 Lulaville Road; thence in a generally easterly direction along the Lulaville Road to the  
11 point where the same is intersected by the Camp Brooklyn Road; thence in a generally  
12 northerly direction along the Camp Brooklyn Road to the point where the same is  
13 intersected by the River Road, also known as State Route 182; thence in generally  
14 northwesterly direction along the said River Road, also known as State Route 182, to  
15 the run of Otter Creek; thence in a generally northeasterly direction along the run of  
16 Otter Creek to the Ocmulgee River, which is also the Ben Hill County line; thence  
17 continuing in a counter clockwise direction also the Ben Hill County line to the point  
18 where the same is intersected by State Route 125, also known as the Irwinville  
19 Highway; thence in a generally northeasterly direction along State Route 125, also  
20 known as the Irwinville Highway, to the point where the same is intersected by  
21 Snowden Lane; thence in a generally northerly direction along Snowden Lane to the  
22 point where the same is intersected by the Ten Mile Road; thence in a generally  
23 westerly direction to the point where the Ten Mile Road is intersected by Redbud Road;  
24 thence continuing in a northerly and then in a westerly direction along Redbud Road  
25 to the point where the same is intersected by Washington Avenue; thence in a generally  
26 northwesterly direction along Washington Avenue to the point where the same is  
27 intersected by Lilac Road; thence in a westerly and northerly direction along Lilac Road  
28 to the point where the same is intersected by the right of way line of the CSX  
29 Transportation Railroad; thence in a generally northwesterly direction along the right  
30 of way line of the said CSX Transportation Railroad to the point where the same is  
31 intersected by the run of Willacoochee Creek; thence in a generally northerly and  
32 northwesterly direction along the run of Willacoochee Creek to the point where the  
33 same is intersected by the Lower Rebecca Road; thence in a generally easterly direction  
34 along the Lower Rebecca Road and continuing in a generally easterly direction along  
35 Industrial Drive, the said Lower Rebecca Road becoming Industrial Drive, to the point  
36 where Industrial Drive is intersected by the Bowens Mill Highway, also known as State  
37 Route 11 and U.S. Highway 129, said point being the point and place of beginning.

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

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

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

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

18 (1) Those members representing Education Districts 1, 2, 3, and 7 as described under the  
19 immediately prior provisions of subsection (a) of this section shall continue to serve and  
20 represent those districts, respectively, but on the effective date of this Act, those members  
21 shall represent their districts as newly described in subsection (a) of this section. They  
22 shall serve out the terms to which elected, which shall expire December 31, 2002, and  
23 until the election and qualification of their respective successors. The successors to those  
24 members representing Education Districts 1, 2, 3, and 7, but as newly described in  
25 subsection (a) of this section, shall be elected at the 2002 general election and shall take  
26 office January 1, 2003, for terms of four years and until the election and qualification of  
27 their respective successors;

28 (2) Those members representing Education Districts 4, 5, and 6 under the immediately  
29 prior provisions of subsection (a) of this section shall continue to represent those  
30 respective districts, but on the effective date of this Act, those members shall represent  
31 their districts as newly described in subsection (a) of this section. They shall serve out  
32 the terms to which elected, which shall expire December 31, 2004, and until the election  
33 and qualification of their respective successors. The successors to those members  
34 representing newly described Education Districts 4, 5, and 6 under subsection (a) of this  
35 section shall be elected at the 2004 general election and shall take office January 1, 2005,  
36 for terms of four years and until the election and qualification of their respective  
37 successors; and

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

6 **SECTION 2.**

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

8 "SECTION 3.

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

12 **SECTION 3.**

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

16 **SECTION 4.**

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

19 **SECTION 5.**

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