

House Bill 1749

By: Representative Houston of the 166th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the board of commissioners of roads and revenues of Berrien
2 County, approved February 28, 1887 (Ga. L. 1886-87, p. 664), as amended, so as to change
3 the number of commissioners; to change the composition of the commissioner districts; to
4 provide for the election of the commissioners; to provide for definitions and inclusions; to
5 provide for election of a chairperson; to provide for submission of this Act for preclearance
6 pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for
7 related matters; to provide for a referendum; to provide for effective dates; to provide for
8 automatic repeal under certain circumstances; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating the board of commissioners of roads and revenues of Berrien County,
13 approved February 28, 1887 (Ga. L. 1886-87, p. 664), as amended, is amended by striking
14 Section 1 in its entirety and inserting in lieu thereof a new Section 1 to read as follows:

15 "SECTION 1.

16 (a) The board of commissioners of Berrien County shall be composed of five members to
17 be elected as provided for in this Act. For the purpose of electing the members of the
18 board, Berrien County is hereby divided into five commissioner districts which shall be and
19 correspond to those five numbered districts described in and attached to and made a part
20 of this Act and further identified as Plan Name: berccp2 Plan Type: Local User: Linda
21 Administrator: Berrien.

22 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
23 and describe the same geographical boundaries as provided in the report of the Bureau of
24 the Census for the United States decennial census of 2000 for the State of Georgia. The
25 separate numeric designations in a Tract description which are underneath a 'BG' heading

1 shall mean and describe individual Blocks within a Block Group as provided in the report
2 of the Bureau of the Census for the United States decennial census of 2000 for the State of
3 Georgia. Any part of Berrien County which is not included in any such district described
4 in that attachment shall be included within that district contiguous to such part which
5 contains the least population according to the United States decennial census of 2000 for
6 the State of Georgia. Any part of Berrien County which is described in that attachment as
7 being in a particular district shall nevertheless not be included within such district if such
8 part is not contiguous to such district. Such noncontiguous part shall instead be included
9 within that district contiguous to such part which contains the least population according
10 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise
11 provided in the description of any district, whenever the description of such district refers
12 to a named city, it shall mean the geographical boundaries of that city as shown on the
13 census map for the United States decennial census of 2000 for the State of Georgia.

14 (c) The terms of all members of the board of commissioners serving on the effective date
15 of this Act shall end on December 31, 2004.

16 (d) At the state-wide general election in 2004, members of the board shall be elected from
17 Commissioner Districts 1, 2, 3, 4, and 5. The members elected from Commissioner
18 Districts 2, 4, and 5 shall take office on January 1 following their election for terms of four
19 years and until their successors are elected and qualified. The members elected from
20 Commissioner Districts 1 and 3 shall take office on January 1 following their election for
21 terms of two years and until their successors are elected and qualified.

22 (e) Successors to members elected under subsection (d) of this section shall be elected at
23 the state-wide general election next preceding the expiration of such terms of office and
24 shall take office on January 1 following their election for terms of four years and until their
25 successors are elected and qualified.

26 (f) Each member shall be elected by the vote of the electors of the entire county. At the
27 time of qualifying, each person shall designate for which district such person seeks
28 election. In order to be eligible to offer for election to the board, a candidate must be a
29 legal resident of the commissioner district from which such person seeks election. If
30 during his or her term of office a member ceases to be a legal resident of the district from
31 which such member was elected, such member's seat on the board shall be declared vacant
32 and such vacancy shall be filled as provided by law.

33 (g) At its first meeting each year, the members of the board of commissioners shall elect,
34 by majority vote, one of their members to serve as chairperson for that year and until the
35 election of a chairperson in the subsequent year. A member shall be eligible to succeed
36 himself or herself as a member of the board and also as chairperson of the board."

SECTION 2.

1
2 It shall be the duty of the attorney for the governing authority of Berrien County to submit
3 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as
4 amended.

SECTION 3.

5
6 Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the
7 election superintendent of Berrien County shall call and conduct an election on the date of
8 the 2002 state-wide general election as provided in this section for the purpose of submitting
9 this Act to the electors of Berrien County for approval or rejection. The election
10 superintendent shall issue the call and conduct that election as provided by general law. The
11 superintendent shall cause the date and purpose of the election to be published once a week
12 for two weeks immediately preceding the date thereof in the official organ of Berrien
13 County. The ballot shall have written or printed thereon the words:

14 "() YES Shall the Act be approved which provides for a board of commissioners of
15 () NO Berrien County consisting of five members?"

16 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
17 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
18 such question are for the approval of the Act, those provisions of Section 1 of this Act
19 relating to and necessary for the regular election in 2004 of members of the board of
20 commissioners of Berrien County shall become effective on January 1, 2004, and Section 1
21 shall become of full force and effect on January 1, 2005. If the Act is not approved or if the
22 election is not conducted as provided in this section, Section 1 shall not become effective and
23 this Act shall be automatically repealed on the first day of January immediately following
24 that election date. The expense of such election shall be borne by Berrien County. It shall
25 be the duty of the election superintendent of Berrien County to certify the results thereof to
26 the Secretary of State.

SECTION 4.

27
28 Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon
29 approval by the Governor or upon its becoming effective without such approval.

SECTION 5.

30
31 All laws and parts of laws in conflict with this Act are repealed.