

House Bill 26EX2

By: Representatives Lunsford of the 109th, Cash of the 108th and Sanders of the 107th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the election of the members of the Board of Education of
2 Henry County from districts, approved March 28, 1985 (Ga. L. 1985, p. 4938), as amended,
3 so as to reconstitute the board of education; to change the description of the districts from
4 which members of the Board of Education of Henry County are elected; to provide for
5 definitions and inclusions; to provide for continuation in office of current members; to
6 provide for election and terms of office of subsequent members; to provide for a statement
7 of intent; to provide for submission of this Act for approval under the federal Voting Rights
8 Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act providing for the election of the members of the Board of Education of Henry County
13 from districts, approved March 28, 1985 (Ga. L. 1985, p. 4938), as amended, is amended by
14 striking Section 3 of said Act and inserting in its place the following:

15 "SECTION 3.

16 (a) The Board of Education of Henry County which existed on December 31, 2001, is
17 continued in existence but on and after January 1, 2002, shall be constituted as provided
18 in this Act. The Board of Education of Henry County so continued and constituted,
19 sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties,
20 rights, obligations, and liabilities of that board as existed immediately prior to January 1,
21 2002. Those members of the Board of Education of Henry County who are serving as such
22 on December 31, 2001, and any person selected to fill a vacancy in any such office shall
23 continue to serve as such members until the regular expiration of their respective terms of
24 office and upon the election and qualification of their respective successors. On and after
25 January 1, 2002, the Board of Education of Henry County shall consist of five members

1 all of whom shall be elected from education districts described in subsection (b) of this
2 section.

3 (b) For purposes of electing members of the board of education, the Henry County School
4 District is divided into five education districts. One member of the board shall be elected
5 from each such district. The five education districts shall be and correspond to those five
6 numbered districts described in and attached to and made a part of this Act and further
7 identified as Plan Name: henryp2 Plan Type: LOCAL User: PaulH Administrator: Henry
8 County.

9 (c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean
10 and describe the same geographical boundaries as provided in the report of the Bureau of
11 the Census for the United States decennial census of 2000 for the State of Georgia. The
12 separate numeric designations in a Tract description which are underneath a 'BG' heading
13 shall mean and describe individual Blocks within a Block Group as provided in the report
14 of the Bureau of the Census for the United States decennial census of 2000 for the State of
15 Georgia. Any part of the Henry County School District which is not included in any such
16 district described in that attachment shall be included within that district contiguous to such
17 part which contains the least population according to the United States decennial census
18 of 2000 for the State of Georgia. Any part of the Henry County School District which is
19 described in that attachment as being in a particular district shall nevertheless not be
20 included within such district if such part is not contiguous to such district. Such
21 noncontiguous part shall instead be included within that district contiguous to such part
22 which contains the least population according to the United States decennial census of 2000
23 for the State of Georgia. Except as otherwise provided in the description of any education
24 district, whenever the description of such district refers to a named city, it shall mean the
25 geographical boundaries of that city as shown on the census map for the United States
26 decennial census of 2000 for the State of Georgia.

27 (d) Education Districts 1, 2, 3, 4, and 5, as they exist on December 31, 2001, shall continue
28 to be designated as Education Districts 1, 2, 3, 4, and 5, respectively, but as newly
29 described under this Act, and on and after January 1, 2002, such members of the board
30 serving from those former education districts shall be deemed to be serving from and
31 representing their respective districts as newly described under this section."

32 **SECTION 2.**

33 It is the purpose of this Act to reapportion the districts from which members of the Board of
34 Education of Henry County are to be elected in the November, 2002, general election and
35 in subsequent general elections and results from changes in population based on the United
36 States decennial census of 2000. Except as provided in this Act, it is not the intention of the

1 General Assembly to affect the membership of current members of the board, their terms of
2 office, or the manner in which their successors shall be elected and such matters shall remain
3 as provided by law on the effective date of this Act until otherwise amended by law.

4 **SECTION 3.**

5 It shall be the duty of the attorney of the Board of Education of Henry County to submit this
6 Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

7 **SECTION 4.**

8 This section and Section 3 of this Act shall become effective upon the approval of this Act
9 by the Governor or upon its becoming law without such approval. The remaining provisions
10 of this Act shall become effective January 1, 2002.

11 **SECTION 5.**

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