

House Bill 1629

By: Representative Hanner of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute the Board of Education of Terrell County; to change the description of the
2 education districts; to provide for definitions and inclusions; to provide for continuation in
3 office of current members; to provide for election and terms of office of subsequent
4 members; to provide for filling of vacancies; to provide for compensation; to provide for
5 submission of this Act for preclearance under the federal Voting Rights Act of 1965, as
6 amended; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 The Board of Education of Terrell County which existed on March 31, 2004, is continued
10 in existence but on and after April 1, 2004, shall be constituted as provided in this Act. The
11 Board of Education of Terrell County so continued and constituted, sometimes referred to
12 in this Act as the "board," shall continue to have the powers, duties, rights, obligations, and
13 liabilities of that board as existed immediately prior to April 1, 2004.

14 **SECTION 2.**

15 (a) Those members of the Board of Education of Terrell County who are serving as such on
16 March 31, 2004, and any person selected to fill a vacancy in any such office shall continue
17 to serve as such members until the regular expiration of their respective terms of office and
18 upon the election and qualification of their respective successors. On and after April 1, 2004,
19 the Board of Education of Terrell County shall consist of five members all of whom shall be
20 elected from education districts described in subsection (b) of this section.

21 (b) For purposes of electing members of the board of education, the Terrell County School
22 District is divided into five education districts. One member of the board shall be elected
23 from each such district. The five education districts shall be and correspond to those five
24 numbered districts described in and attached to and made a part of this Act and further
25 identified as Plan Name: terrsb2 Plan Type: Local User: staff Administrator: Terrell.

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

19

SECTION 3.

20 (a) No person shall be a member of the board if that person is ineligible for such office
 21 pursuant to Code Sections 45-2-1 and 20-2-51 of the O.C.G.A. or any other general law
 22 applicable to that office.

23 (b) In order to be elected or appointed as a member of the board from an education district,
 24 a person must have that person's legal residence in that district and, if elected, must receive
 25 the number of votes cast as required by general law for that office in that district only and not
 26 at large. Only electors who are residents of that education district may vote for a member
 27 of the board for that district. At the time of qualifying for election as a member of the board
 28 from an education district, each candidate for such office shall specify the education district
 29 for which that person is a candidate. A person elected or appointed as a member of the board
 30 from an education district must continue to reside in that district during that person's term
 31 of office or that office shall become vacant.

32

SECTION 4.

33 (a) The first members of the reconstituted Board of Education of Terrell County shall be
 34 elected at the general election on the Tuesday next following the first Monday in November,
 35 2004. The members of the board elected thereto in 2004 shall take office the first day of

1 January immediately following that election and shall serve for initial terms of office which
 2 expire December 31, 2008, and upon the election and qualification of their respective
 3 successors. Those and all future successors to members of the board whose terms of office
 4 are to expire shall be elected at the time of the state-wide general election immediately
 5 preceding the expiration of such terms, shall take office the first day of January immediately
 6 following that election, and shall serve for terms of office of four years each. Members of
 7 the board shall serve for the terms of office specified therefor in this subsection and until
 8 their respective successors are elected and qualified.

9 (b) Education Districts 1 through 5, as they exist on March 31, 2004, shall continue to be
 10 designated as Education Districts 1 through 5, respectively, but as newly described under this
 11 Act, and on and after April 1, 2004, such members of the board serving from those former
 12 education districts shall be deemed to be serving from and representing their respective
 13 districts as newly described under this Act.

14 (c) All members of the board who are elected thereto shall be nominated and elected in
 15 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code" in
 16 nonpartisan elections as provided in Code Section 21-2-139 of the O.C.G.A.

17 (d)(1) Any vacancy in office upon the board which occurs for any reason other than
 18 expiration of term shall be filled by majority vote of the remaining members of the board.

19 (2) Any person appointed to fill a vacancy in office pursuant to paragraph (1) of this
 20 subsection shall meet the same eligibility requirements specified for persons who are
 21 elected to such office and shall serve out the remainder of the unexpired term and until
 22 a successor is elected and qualified.

23 **SECTION 5.**

24 Members of the Board of Education of Terrell County shall be compensated in the amount
 25 of \$50.00 per meeting. Members of the board, including the chairperson, shall be reimbursed
 26 for the actual expenses necessarily incurred for attending meetings in the performance of
 27 their official duties when those meetings occur outside the Terrell County School District.

28 **SECTION 6.**

29 The chairperson of the board shall be selected from the membership of the board as provided
 30 in Code Section 20-2-57 of the O.C.G.A.

31 **SECTION 7.**

32 The Board of Education of Terrell County shall through its legal counsel cause this Act to
 33 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
 34 such submission shall be made to the United States Department of Justice or filed with the

1 appropriate court no later than 30 days after the date on which this Act is approved by the
2 Governor or otherwise becomes law without such approval.

3 **SECTION 8.**

4 An Act to reconstitute the Board of Education of Terrell County, approved January 15, 1993
5 (Ga. L. 1993, p. 3620), is hereby repealed.

6 **SECTION 9.**

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