

House Bill 1152

By: Representatives Lunsford of the 109th and Cash of the 108th

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing for the election of the members of the Board of Education of Butts County, approved March 30, 1987 (Ga. L. 1987, p. 4919), as amended, so as to reconstitute the board of education; to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for the election of the members of the Board of Education of Butts County, approved March 30, 1987 (Ga. L. 1987, p. 4919), as amended, is amended by striking Section 1 of said Act and inserting in its place the following:

"SECTION 1.

(a) The Board of Education of Butts County which existed on December 31, 2002, is continued in existence but on and after the first Monday in January, 2003, shall be constituted as provided in this Act. The Board of Education of Butts County so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as existed immediately prior to the first Monday in January, 2003.

(b) Those members of the Board of Education of Butts County who are serving as such on December 31, 2002, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after the first Monday in January, 2003, the Board of Education of Butts County shall consist

1 of five members all of whom shall be elected from education districts described in this
2 section.

3 (c) For purposes of electing members of the board of education, the Butts 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: buttscsbnwk1 Plan Type: Local User: Tara Administrator: Butts
8 Co.

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

30 SECTION 2.

31 Said Act is further amended by striking subsection (a) of Section 4 of said Act and inserting
32 in its place the following:

33 "(a)(1) At the general election on the Tuesday next following the first Monday in
34 November 2002, members of the board shall be elected from Education Districts 1, 2, and
35 5, shall take office the first Monday of January immediately following that election, and
36 shall serve for initial terms of office which expire on the day immediately prior to the first

Monday in January, 2007, and upon the election and qualification of their respective successors. At the general election on the Tuesday next following the first Monday in November 2004, members of the board shall be elected from Education Districts 3 and 4, shall take office the first Monday of January immediately following that election, and shall serve for initial terms of office which expire on the day immediately prior to the first Monday in January, 2009, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first Monday of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(2) Education Districts 1, 2, 3, 4, and 5, as they exist immediately prior to the first Monday in January, 2003, shall continue to be designated as Education Districts 1, 2, 3, 4, and 5, respectively, but as newly described under this Act, and on and after such date, such members of the board serving from those former education districts shall be deemed to be serving from and representing their respective districts as newly described under this Act."

SECTION 3.

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

SECTION 4.

This section and Section 3 of this Act and those provisions of this Act necessary for the election of members of the Board of Education of Butts County in 2002 shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval. The remaining provisions of this Act shall become effective January 1, 2003.

SECTION 5.

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