

House Bill 5EX2

By: Representatives Jenkins of the 110th and Lunsford of the 109th

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Board of Commissioners of Lamar County, approved March 8, 1943 (Ga. L. 1943, p. 1066), as amended, so as to reconstitute the board of commissioners; to change the description of the commissioner 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 related matters; 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 creating the Board of Commissioners of Lamar County, approved March 8, 1943 (Ga. L. 1943, p. 1066), as amended, is amended by striking Sections 1 through 3 and inserting in lieu thereof the following:

"SECTION 1.

The Board of Commissioners of Lamar County which existed on December 31, 2001, is continued in existence but on and after January 1, 2002, shall be constituted as provided in this Act. The Board of Commissioners of Lamar 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 January 1, 2002.

SECTION 2.

(a) Those members of the Board of Commissioners of Lamar County who are serving as such on December 31, 2001, 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 until the election and qualification of their respective successors. On

1 and after January 1, 2002, the Board of Commissioners of Lamar County shall consist of
2 five members all of whom shall be elected from commissioner districts described in
3 subsection (b) of this section except for the member who is chairperson and who is elected
4 at large as provided in Section 3.

5 (b) For purposes of electing members of the board of commissioners, other than the
6 chairperson, Lamar County is divided into four commissioner districts. One member of
7 the board shall be elected from each such district. The four commissioner districts shall
8 be and correspond to those four numbered districts described in and attached to and made
9 a part of this Act and further identified as Plan Name: lamarccsb1 Plan Type: Local
10 User:Angela Administrator: Lamar County.

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

29 SECTION 3.

30 (a) No person shall be a member of the board if that person is ineligible for such office
31 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that
32 office.

33 (b) In order to be elected as a member of the board from a commissioner district, a person
34 must receive the number of votes cast as required by general law for that office in that
35 district only. Only electors who are residents of that commissioner district may vote for
36 a member of the board for that district. At the time of qualifying for election as a member

1 of the board from a commissioner district, each candidate for such office shall specify the
2 commissioner district for which that person is a candidate. A person elected or appointed
3 as a member of the board from a commissioner district must continue to reside in that
4 district during that person's term of office or that office shall become vacant.

5 (c) The member of the board who is chairperson of the board may reside anywhere within
6 Lamar County and, if elected, must receive the number of votes cast for that office as
7 required by general law in the entire county. The chairperson must continue to reside
8 within the county during that person's term of office or that office shall become vacant.

9 (d) Before entering upon the discharge of such commissioner's duties, each commissioner
10 shall take and subscribe to the following oath, to wit: 'I do solemnly swear that I will
11 support the Constitution of the United States and of the State of Georgia, and that I will
12 well, truly, and faithfully discharge the duties of commissioner of Lamar County, during
13 my continuance in office according to law and to the best of my knowledge and ability,
14 without fear or affection of any person, firm, or corporation; so help me God.' Each of said
15 commissioners shall give a bond in the sum of \$1,000.00 each, except the chairperson of
16 said board, who shall give a bond in the sum of \$10,000.00, in a good and solvent fidelity
17 and guaranty company, payable to the judge of the probate court of said county and his or
18 her successors in office, conditioned upon the faithful discharge of the duties of his or her
19 office, which shall be duly filed and recorded in the office of the judge of the probate court
20 of said county, as the bond of other county officers. The premium on said bonds shall be
21 paid as provided by Code Section 45-4-7 of the O.C.G.A. Said commissioners shall each
22 be commissioned by the Governor, and all future commissioners shall be commissioned
23 likewise.

24 (e) The board shall elect one of its members as vice chairperson who, in the absence or
25 disqualification of the chairperson or during a vacancy in the office of chairperson, shall
26 perform and discharge all of the duties and functions of the chairperson.

27 (f) A quorum for the conduct of business shall be three members. The chairperson shall
28 be a member for purposes of achieving a quorum.

29 SECTION 3A.

30 (a) The first members of the reconstituted Board of Commissioners of Lamar County shall
31 be elected at the general election on the Tuesday next following the first Monday in
32 November 2002. The chairperson and those members of the board elected thereto from
33 Commissioner Districts 1 and 2 in 2002 shall take office the first day of January
34 immediately following that election and shall serve for initial terms of office which expire
35 December 31, 2006, and until the election and qualification of their respective successors.
36 Those members of the board elected thereto from Commissioner Districts 3 and 4 in 2004

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

10 (b) All members of the board who are elected thereto shall be nominated and elected in
11 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

12 (c) Commissioner Districts 1 through 4, as they exist on December 31, 2001, shall
13 continue to be designated as Commissioner Districts 1 through 4, respectively, but as newly
14 described under this Act, and on and after January 1, 2002, such members of the board
15 serving from those former commissioner districts shall be deemed to be serving from and
16 representing their respective districts as newly described under this section."

17 **SECTION 2.**

18 It shall be the duty of the attorney of the Board of Commissioners of Lamar County to submit
19 this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as
20 amended.

21 **SECTION 3.**

22 This section and Section 2 of this Act and those provisions of this Act necessary for the
23 election of members of the Board of Commissioners of Lamar County in 2002 shall become
24 effective upon the approval of this Act by the Governor or upon its becoming law without
25 such approval. The remaining provisions of this Act shall become effective January 1, 2002.

26 **SECTION 4.**

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