

Senate Bill 263

By: Senators Bulloch of the 11th and Tolleson of the 20th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated,  
2 relating to soil and water conservation districts, so as to change certain provisions relating  
3 to number and boundaries of soil and water conservation districts, alteration of existing  
4 districts, and formation of new districts; to change certain provisions relating to district  
5 supervisors and the number, appointment, qualifications, terms, and county election basis  
6 thereof; to change certain provisions relating to district supervisors and procedures for certain  
7 elections thereof; to change certain provisions relating to district supervisors and the  
8 chairperson, terms of elected offices, filling of vacancies, quorum, compensation, and  
9 expenses thereof; to provide for submission; to provide for contingent repeal; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil  
14 and water conservation districts, is amended by revising Code Section 2-6-28, relating to  
15 number and boundaries of soil and water conservation districts, alteration of existing  
16 districts, and formation of new districts, as follows:

17 "2-6-28.

18 (a) The number and geographical boundaries of the several soil and water conservation  
19 districts shall remain as they existed on July 1, 1973, unless changed as provided in this  
20 Code section.

21 (b)(1) If two-thirds of the supervisors within each of the affected districts, each of the  
22 governing authorities of each county within any affected district, and the State Soil and  
23 Water Conservation Commission agree to the alteration of any district or the formation  
24 of any new district, the alteration or formation may be effected if all such approvals are  
25 filed with the commission along with the description of the altered boundaries or the  
26 boundaries of the new districts. The alteration of existing districts or formation of new

1 districts may not be effected so that the boundaries of any such district will traverse the  
2 boundaries of any regional development center within the district or districts.

3 (2) All of the property and assets of any altered district shall be distributed among the  
4 affected districts in accordance to the same ratio used in the distribution of state  
5 appropriated funds to the affected districts.

6 (3) Any person serving as a district supervisor whose county will lie in a different district  
7 than that from which he or she was appointed as a result of the alteration of existing  
8 district boundaries or formation of a new district shall continue to serve as a supervisor  
9 of the altered or new district in which his or her county lies after such change and for the  
10 remainder of the term for which he or she was appointed, unless the commission  
11 eliminates his or her office by reducing the total number of supervisors in the district in  
12 which he or she would otherwise serve after such change in districts."

### 13 SECTION 2.

14 Said article is further amended by revising Code Section 2-6-29, relating to district  
15 supervisors and the number, appointment, qualifications, terms, and county election basis  
16 thereof, as follows:

17 "2-6-29.

18 (a) The governing body of each district shall consist of not less than five supervisors, each  
19 of whom shall be appointed by the commission. ~~Two supervisors shall be appointed by the~~  
20 ~~commission, provided that in those districts which contain three or more counties or~~  
21 ~~portions of three or more counties, the commission shall appoint one supervisor for each~~  
22 ~~county in the district.~~ Appointments by the commission shall be made from a list  
23 submitted to the commission by the ~~elected~~ current supervisors of the district, ~~containing~~  
24 ~~three nominees for each appointive position if any.~~ The supervisors appointed by the  
25 commission shall be persons who are qualified by training and experience to perform the  
26 specialized, skilled services which will be required of them in the performance of their  
27 duties under this article, and each shall be a qualified elector of the county which he or she  
28 represents. ~~Appointed supervisors shall serve for terms of office of two years and until~~  
29 ~~their successors are appointed.~~

30 (b) ~~Elected supervisors shall be elected~~ Supervisors shall be appointed upon a county  
31 basis, ~~as provided in Code Section 2-6-30.~~ Not more than ~~one elected supervisor~~ two  
32 supervisors shall be ~~elected~~ appointed from each county within a district, except in districts  
33 consisting of less than three counties.

34 (c) The provisions of subsections (a) and (b) of this Code section notwithstanding, all  
35 supervisors who were serving as such on the effective date of this subsection shall continue  
36 to serve for terms ending December 31, 2011.

1 (d)(1) All successor supervisors shall be appointed in November immediately preceding  
 2 the expiration of terms, shall take office the first day of January immediately following  
 3 that appointment, and shall serve for terms of office of four years each, except as  
 4 otherwise provided in paragraph (2) of this subsection.

5 (2) For those supervisors appointed to terms commencing January 1, 2012, one-half of  
 6 such supervisors for each district or, if a district has an odd number of supervisors, a  
 7 whole number of supervisors which is just less than one-half, shall be appointed for initial  
 8 terms of two years each.

9 (e) Supervisors shall serve for the terms of office specified in subsection (d) of this Code  
 10 section and until their respective successors are appointed and qualified."

### 11 SECTION 3.

12 Said article is further amended by revising Code Section 2-6-30, relating to district  
 13 supervisors and procedures for certain elections thereof, as follows:

14 "2-6-30.

15 ~~(a) Within 30 days after the date of issuance by the Secretary of State of a certificate of~~  
 16 ~~organization for a soil and water conservation district, nominating petitions may be filed~~  
 17 ~~with the commission to nominate candidates for supervisors of such district. The~~  
 18 ~~commission shall have authority to extend the time within which nominating petitions may~~  
 19 ~~be filed. No such nominating petition shall be accepted by the commission unless it is~~  
 20 ~~subscribed by 25 or more qualified electors of the county in which the nominee resides.~~  
 21 ~~Qualified electors may sign more than one such nominating petition to nominate more than~~  
 22 ~~one candidate for supervisor.~~

23 ~~(b) The commission shall be required to give due notice of an election any forthcoming~~  
 24 ~~appointment only in the particular county in which an election is to be held from which an~~  
 25 ~~appointment is to be made. The ballot for each county shall contain only the names of the~~  
 26 ~~nominees from that county and the electors of each county shall be eligible to vote only for~~  
 27 ~~the nominees of their particular county. The names of all nominees within the county on~~  
 28 ~~behalf of whom nominating petitions have been filed within the time designated shall~~  
 29 ~~appear upon the ballots arranged in the alphabetical order of their surnames, with a square~~  
 30 ~~before each name and a direction to insert an 'X' in the square appearing before the name~~  
 31 ~~of the person for whom the elector desires to vote. The nominee receiving the highest~~  
 32 ~~number of votes shall be declared the duly elected district supervisor from that county.~~

33 ~~(c)(b) The commission shall pay all the expenses of such election incur the costs of such~~  
 34 ~~appointment processes, shall supervise the conduct thereof, shall prescribe regulations~~  
 35 ~~governing the conduct of such election appointments and the determination of the~~  
 36 ~~eligibility of voters therein, and shall publish the results thereof."~~

