

The Senate Natural Resources and the Environment Committee offered the following substitute to SB 263:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"2-6-28.

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

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

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

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

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

SECTION 2.

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

"2-6-29.

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

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

(c) The provisions of subsections (a) and (b) of this Code section notwithstanding, all supervisors who were serving as such on the effective date of this subsection shall continue 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."~~

SECTION 4.

Said article is further amended by revising Code Section 2-6-31, relating to district supervisors and the chairperson, terms of elected offices, filling of vacancies, quorum, compensation, and expenses thereof, as follows:

"2-6-31.

(a) The supervisors shall designate a ~~chairman~~ chairperson and from time to time may change such designation.

~~(b) The term of office of each elected supervisor shall be four years. An elected supervisor shall hold office until his successor has been elected and has qualified.~~

~~(c) Vacancies~~ Any vacancy shall be filled for the unexpired term by appointment. The ~~selection~~ appointment of successors any person to fill an unexpired term ~~or a full term~~ shall be made in the same manner in which ~~the retiring supervisors were selected~~ other appointments are made.

~~(d)~~(c) A majority of the supervisors shall constitute a quorum; and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination.

~~(e)~~(d) The commission is authorized to fix a per diem payment for supervisors; in addition thereto, such supervisors shall be entitled to the regular mileage allowances provided for state employees if such supervisors travel by private conveyance and to their actual travel expenses if they travel by public conveyance."

SECTION 5.

The Attorney General of Georgia shall cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or becomes law without such approval. If as of June 30, 2008, implementation of this Act is not permissible under the Voting Rights Act of 1965, as amended, then as of such date this Act shall be void and shall stand repealed in its entirety.

SECTION 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.

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