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SENATE BILL NO. 114

Offered January 9, 2002

Prefiled January 7, 2002

A BILL to amend and reenact §§ 10.1-515, 10.1-516, 10.1-523, 10.1-525, 10.1-528, and 10.1-530 of the Code of Virginia, relating to soil and water conservation districts; district boards of directors and terms of office.

Patron—Bolling

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-515, 10.1-516, 10.1-523, 10.1-525, 10.1-528, and 10.1-530 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-515. Composition of governing body.

If the Board determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, and the proposed district is created, then its governing body shall be a board of district directors appointed or elected; ~~and may include members of the governing body of a local government,~~ in the number and manner specified as follows:

1. If the district embraces one county or city, or less than one county or city, the board of district directors shall consist of five members, three to be elected by the registered voters of the district and two appointed by the Board.

2. If the district embraces more than one county or city, or parts thereof, the board of district directors shall consist of two members elected by the registered voters from each county or city, or parts thereof embraced by the district. Two members-at-large shall be appointed by the Board.

§ 10.1-516. Status of district directors in event of transfer, merger, or division of districts.

In the event of the transfer, merger, or division of districts, the status of the district directors involved shall be affected as follows:

1. The composition of an existing district board of a district to which territory is transferred shall remain in effect until the terms of office of the present elected members expire. Upon the transfer of a county or city, or parts thereof, from one district to another district, (i) *elected* district directors residing within the territory transferred shall be appointed as directors of the district to which the territory is transferred for a term of office to coincide with that of the elected directors of the district to which the territory is transferred; and (ii) *appointed district directors residing within the territory transferred shall be appointed as directors of the district to which the territory is transferred for a term of office to coincide with that of the appointed directors, either as an extension agent appointee or an at-large appointee of the district to which the territory is transferred.* At the option of the petitioners, a petition may request that a proposed transfer be treated as a merger or division for the purpose of this section, and the Board at its discretion may grant or refuse such request.

2. Upon the merger of existing districts, or upon the separation from two or more existing districts of a county or city, or parts thereof, which merge to create a new district, all district directors residing within the territory merged shall be appointed as directors of the new district ~~for terms of office as hereinafter provided.~~ If the organization of the new district is completed in such time that district directors may be nominated for election in the general election in November of the same calendar year in which the district was organized, one district director shall be appointed for a one-year term, and one district director shall be appointed for a two-year term. Appointments of the other district directors shall be for terms to expire on December 31 of the year in which the district is organized. If the organization of the new district is not completed in such time so that district directors may be nominated for election in the general election in November of the same calendar year in which such district is organized, one district director shall be appointed for a two-year term, and one district director shall be appointed for a three-year term. Appointments of the other district directors shall be for terms to expire on December 31 of the year following the year in which the district was organized. *Following the merger, (i) elected district directors residing within the territory of the new district shall be appointed as directors of the new district for a term of office to coincide with that of elected directors as provided in § 10.1-529; and (ii) appointed district directors residing within the new district shall be appointed as directors of the new district for a term of office to coincide with that of the appointed directors, either as an extension agent appointee or an at-large appointee of the district as provided in § 10.1-529.*

3. Upon the division of an existing district, to create a new district, all elected or appointed district directors residing within the territory to be divided from the existing district shall be appointed as

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59 directors of the new district for terms of office as hereinafter provided. If the organization of the new
60 district is completed in such time that district directors may be nominated for election in the general
61 election in November of the same calendar year in which the district is organized, one district director
62 shall be appointed for a one-year term, and one district director shall be appointed for a two-year term.
63 If there are any other district directors residing within the territory divided, their appointments shall be
64 made for terms to expire on December 31 of the year in which the district is organized. If the
65 organization of the new district is not completed in such time so that district directors may be elected in
66 the general election in November of the same calendar year in which such district is organized, one
67 district director shall be appointed for a two-year term, and one district director shall be appointed for a
68 three-year term. If there are any other district directors residing within the territory divided, their
69 appointments shall be made for terms to expire on December 31 of the year following the year in which
70 the district was organized. *Following the division, (i) elected district directors residing within the*
71 *territory of the new district shall be appointed as directors of the new district for a term of office to*
72 *coincide with that of elected directors as provided in § 10.1-529; and (ii) appointed district directors*
73 *residing within the territory of the new district shall be appointed as directors of the new district for a*
74 *term of office to coincide with that of the appointed directors, either as an extension agent appointee or*
75 *an at-large appointee of the district as provided in § 10.1-529.*

76 This section shall not be construed as broadening or limiting the size of a governing body of a
77 district as prescribed by § 10.1-515. If the operation of this section results in a governing body larger or
78 smaller than the appropriate size permitted by § 10.1-515, then such a variation, if not otherwise
79 corrected by operation of this section, shall be cured by *appropriate appointments by the Board and*
80 *with the next general election after the transfer, merger, or division in which all those elected directors*
81 *prescribed by § 10.1-515 may be elected.*

82 § 10.1-523. Nominating petitions; notice of election for district directors.

83 A. Beginning thirty days after the date of issuance by the Secretary of the Commonwealth of a
84 certificate of organization of a district, but not later than the filing date specified in § 24.2-507 *for the*
85 *November 2003 general election and each fourth year thereafter*, nominating petitions, statements of
86 qualifications, and declarations of candidacy shall be filed with the general registrar of the county or city
87 where the candidate resides, pursuant to §§ 24.2-501, 24.2-503, 24.2-505, 24.2-506, and 24.2-507, to
88 nominate candidates for elected directors of such districts. Nominating petitions, statements of
89 qualifications, and declarations of candidacy for elected directors of existing districts shall be filed with
90 the general registrar of the county or city where the candidate resides, pursuant to §§ 24.2-501,
91 24.2-503, 24.2-505, 24.2-506, and 24.2-507. Notice of the date for filing such petitions and the time of
92 the election shall be published in a newspaper of general circulation within the district at least thirty
93 days before the filing date.

94 B. Registered voters may sign more than one nominating petition to nominate more than one
95 candidate for district director.

96 C. The Virginia Soil and Water Conservation Board shall ~~fix the time and~~ give due notice of an
97 election to be held for the election of district directors.

98 D. *Beginning in the year 2003, elections shall be held only at the November general election in 2003*
99 *and at the November general election in each fourth year thereafter.*

100 § 10.1-525. Canvassing returns.

101 The result of the election shall be canvassed and certified by the electoral board for the county or
102 city in which the candidate resides pursuant to §§ 24.2-671 through 24.2-678. ~~If the election is held at~~
103 ~~any other time than that fixed for the general election in November, the canvass shall be made as in the~~
104 ~~case of a special election to fill a vacancy.~~ The State Board of Elections shall, promptly after the
105 meeting required by § 24.2-679, certify to the Director of the Department of Conservation and
106 Recreation a list of the candidates elected and certified as Directors of Soil and Water Conservation
107 Districts, as reported pursuant to § 24.2-675.

108 § 10.1-528. Expenses and publication of results.

109 The expenses of such elections shall be paid by the counties or cities concerned. ~~However, if the~~
110 ~~election is held at any other time than that fixed for the general election in November, the expenses~~
111 ~~shall be paid by the Board.~~ The State Board of Elections shall publish, or have published within the
112 district, the results of the election.

113 § 10.1-530. Designation of chairman; terms of office; filling vacancies.

114 A. The district directors shall designate a chairman from the elected members, or from the
115 Board-appointed members, of the district board and may change such designation.

116 B. The term of office of each district director shall be ~~three~~ four years; ~~except that the appointment~~
117 ~~of the first directors shall be for terms of office to provide for one appointment to be made in each year~~
118 ~~in which there is no election for directors within the district.~~ A district director shall hold office until his
119 successor has been elected or appointed and has qualified. The selection of successors to fill a full term
120 shall be made in accordance with the provisions of this article. *Beginning in the year 2003, the election*

of district directors shall be held at the November 2003 general election and each fourth year thereafter. The terms of office of elected district directors shall begin on January 1 following the November general election. The term of office of any district director elected in November 1999 shall be extended to the January 1 following the November 2003 general election. The term of office of any district director elected in November 2000 shall expire on the January 1 following the November 2003 general election. The term of office of any district director elected in November 2001 or 2002 shall be extended to expire on the January 1 following the November general election in 2007. Appointments made by the Board to the at-large position held by an extension agent shall be made to commence January 1, 2005, and each fourth year thereafter. Appointments made by the Board to the other at-large position shall be made to commence January 1, 2007, and each fourth year thereafter. Any appointment made by the Board after July 1, 2002, and prior to January 1, 2005, to an at-large position held by an extension agent shall be made to expire January 1, 2005; and any appointment made by the Board after July 1, 2002, and prior to January 1, 2007, to the other at-large position shall be made to expire January 1, 2007.

C. A vacancy shall exist in the event of the death, resignation or removal of residence from the district of any director or the elimination or detachment from the district of the territory in which a director resides, or by the removal of a director from office by the Board. Any vacancy in an elected or appointed director's position shall be filled by an appointment made by the Board for the unexpired term. ~~The Board may fill vacancies in elective district directors' positions by appointment for the unexpired term.~~ In the event of the creation of a new district, the transfer of territory from an existing district to an existing district, or the addition of territory not previously within an existing district to an existing district, the Board may appoint directors to fill the vacancies of elected directors prescribed by § 10.1-515 in the newly created district or in the territory added to an existing district. Such appointed directors shall serve in office until the elected directors prescribed by § 10.1-515 take office after the next general election at which directors for the entire district are selected.