

HOUSE BILL 2163

By Windle

AN ACT to amend Tennessee Code Annotated, Section 5-9-106; Title 9, Chapter 21 and Title 43, relative to soil conservation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 43-14-203(b)(1), is amended by deleting the language "three (3)" and substituting the language "four (4)".

SECTION 2. Tennessee Code Annotated, Section 43-14-203(b)(2), is amended by inserting the language "the president of the Tennessee association of conservation districts;" immediately preceding the language "and the commissioner".

SECTION 3. Tennessee Code Annotated, Section 43-14-206, is amended by adding the following as a new subdivision:

() Establish a limit on the total amount of indebtedness that any soil conservation district may incur under § 43-14-218(6);

SECTION 4. Tennessee Code Annotated, Section 43-14-217(b), is amended by deleting the fifth sentence in the subsection and substituting the following:

The selection of a successor to fill a full term shall be made in the same manner in which the retiring supervisor was selected. The selection of a successor to fill the unexpired term of a supervisor who was appointed by the committee shall be made, as soon as practicable following the vacancy, by appointment of the committee of a person who meets the qualifications required for committee appointees under subsection (a), and whose appointment is recommended to the committee by the governing body of the district in which the vacancy occurs. The selection of a successor to fill the unexpired term of a supervisor who was elected shall be made, as soon as practicable following

the vacancy, by a majority vote of the governing body of the district in which the vacancy occurs.

SECTION 5. Tennessee Code Annotated, Section 43-14-218, is amended by deleting the language:

A soil conservation district organized under this part, and the supervisors of the district, shall have the power, in addition to other powers granted in this part to:

and substituting instead the following:

A soil conservation district organized under this part, and the supervisors of the district, working to protect and enhance the soil, water, and other natural resources of this state, shall have the power, in addition to other powers granted in this part, to:

SECTION 6. Tennessee Code Annotated, Section 43-14-218(6), is amended by adding the following as a new subdivision:

(D) Subject to the limitation established by the committee under § 43-14-206, borrow money for the purposes authorized by subdivisions (A) and (B);

SECTION 7. Tennessee Code Annotated, Section 43-14-223(c), is amended by deleting the subsection and substituting the following:

(c) Upon receipt from the committee of a certification that the committee has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction, use the proceeds of the sale to satisfy any outstanding indebtedness incurred by the district, and pay over any remaining proceeds of the sale to be covered into the state treasury. The supervisors shall thereupon file an application, duly verified, with the secretary of state for the discontinuance of the district, and shall transmit with the application the certificate of the committee, setting forth the determination of the committee that the continued operation of the district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of, that all indebtedness of the district has been satisfied

in full, and the proceeds paid over, as in this section provided, and shall set forth a full accounting of the properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record the certificate in an appropriate book of record in the secretary of state's office.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.