

§156. Appointment of governing body; application to Secretary of State

If the Department of Agriculture, Conservation and Forestry shall determine that the operation of the proposed district is administratively practicable and feasible, it shall appoint 2 supervisors to act, with the 3 supervisors elected, as the governing body of the district. Such district shall be an agency of the State and a public body corporate and politic, upon the taking of the following proceedings: [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

The 2 appointed supervisors shall present to the Secretary of State an application signed by them, which shall set forth:

1. Petition. That a petition for the creation of the district was filed with the State Department of Agriculture, Conservation and Forestry, and that the proceedings specified in this chapter were taken pursuant to such petition; that the application is being filed in order to complete the organization of the district; and that the Department of Agriculture, Conservation and Forestry has appointed them as supervisors;

[PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

2. Supervisors. The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office;

3. Term of office. The term of office of each of the supervisors;

4. Name of district. The name which is proposed for the district.

The application shall be subscribed and sworn to by each of the said supervisors. The application shall be accompanied by a statement by the State Department of Agriculture, Conservation and Forestry, which shall certify that a petition was filed, notice issued and hearing held; that the Department of Agriculture, Conservation and Forestry did duly determine that there is need for a soil and water conservation district to function in the proposed territory and it did define the boundaries thereof; that notice was given and a referendum held on the question of the creation of such district, and that the result of such referendum showed a majority of the votes cast to be in favor of the creation of the district; that thereafter the Department of Agriculture, Conservation and Forestry did duly determine that the operation of the proposed district is administratively practicable and feasible. The said statement shall set forth the boundaries of the district as they have been defined by the Department of Agriculture, Conservation and Forestry. [PL 1969, c. 477, §1 (AMD); PL 1995, c. 532, §17 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

The Secretary of State shall file the application and statement and shall record them in an appropriate book of record in the secretary's office. When the application and statement have been made, filed and recorded, the district constitutes an agency of the State and a public body corporate and politic. The Secretary of State shall make and issue to the supervisors of the district a certificate, under the seal of the State, of the due organization of the district, and shall record a copy of the certificate with the application and statement. [RR 2021, c. 2, Pt. B, §1 (COR).]

SECTION HISTORY

PL 1965, c. 190, §§17,18 (AMD). PL 1969, c. 477, §1 (AMD). PL 1995, c. 532, §17 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). RR 2021, c. 2, Pt. B, §1 (COR).

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