

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 97

(By Mr. Bowling)



PASSED February 20 1947

In Effect from Passage

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(By MR. BOWLING)

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AN ACT to amend and reenact sections two, four, five, six and seven, article twenty-one-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to soil conservation districts, the state soil conservation committee, its powers and duties, and the election, appointment, qualifications and tenure of supervisors.

*Be it enacted by the Legislature of West Virginia:*

That sections two, four, five, six and seven, article twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter five, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 2. *Legislative Determinations and Declaration*

2 of *Policy*.—It is hereby declared, as a matter of legislative  
3 determination:

4 (a) That the farm and grazing lands of the state of  
5 West Virginia are among the basic assets of the state  
6 and that the preservation of these lands is necessary to  
7 protect and promote the health, safety, and general wel-  
8 fare of its people; that improper land-use practices have  
9 caused and have contributed to and are now causing and  
10 contributing to, a progressively more serious erosion of the  
11 farm and grazing lands of this state by water; that the  
12 breaking of natural grass, plant, and forest cover has inter-  
13 fered with the natural factors of soil stabilization, causing  
14 loosening of soil and exhaustion of humus, and developing  
15 a soil condition that favors erosion; that the topsoil is being  
16 washed out of fields and pastures; that there has been an  
17 accelerated washing of sloping fields; that these processes  
18 of erosion by water speed up with removal of absorptive  
19 topsoil, causing exposure of less absorptive and less pro-  
20 tective but more erosive subsoil; that failure by any land  
21 owner to conserve the soil and control erosion upon his  
22 lands causes a washing of soil and water from his lands

23 onto other lands and makes the conservation of soil and  
24 control of erosion of such other lands difficult or impossible.

25 (b) That the consequences of such soil erosion in the  
26 form of soil-washing are the silting and sedimentation of  
27 stream channels, reservoirs, dams, ditches, and harbors;  
28 the piling up of soil on lower slopes, and its deposit over  
29 alluvial plains; the reduction in productivity or outright  
30 ruin of rich bottom lands by overwash of poor subsoil  
31 material, sand, and gravel swept out of the hills; deterior-  
32 ation of soil and its fertility, deterioration of crops grown  
33 thereon, and declining acre yields despite development of  
34 scientific processes for increasing such yields; loss of soil  
35 and water which causes destruction of food and cover  
36 for wildlife; the washing of soil into streams which silts  
37 over spawning beds and destroys water plants, diminish-  
38 ing the food supply of fish; a diminishing of the under-  
39 ground water reserve, which causes water shortages, in-  
40 tensifies periods of drought, and causes crop failures; an  
41 increase in the speed and volume of rainfall run-off,  
42 causing severe and increasing floods, which bring suffer-  
43 ing, disease, and death; impoverishment of families at-

44 tempting to farm eroding and eroded lands; damage to  
45 roads, highways, railways, farm buildings, and other  
46 property from floods; and losses in navigation, hydro-  
47 electric power, municipal water supply, irrigation devel-  
48 opments, farming and grazing.

49 (c) That to conserve soil resources and control and  
50 prevent soil erosion and to enable flood control programs,  
51 it is necessary that land-use practices contributing to soil  
52 wastage and soil erosion be discouraged and discontinued,  
53 and appropriate soil-conserving land-use practices be  
54 adopted and carried out; that among the procedures nec-  
55 essary for wide-spread adoption, are the carrying on of  
56 engineering operations such as the construction of ter-  
57 races, terrace outlets, check-dams, dikes, ponds, ditches,  
58 and the like; the utilization of strip cropping, lister fur-  
59 rowing, contour cultivating, and contour furrowing; land  
60 irrigation; seeding and planting of waste, sloping, aban-  
61 doned, or eroded lands to water-conserving and erosion-  
62 preventing plants, trees, and grasses; forestation and re-  
63 forestation; rotation of crops; soil stabilization with trees,  
64 grasses, legumes, and other thick-growing, soil holding

65 crops; retardation of run-off by increasing absorption of  
66 rainfall; and retirement from cultivation of steep, highly  
67 erosive areas and areas now badly gullied or otherwise  
68 eroded.

69 (d) It is hereby declared to be the policy of the legis-  
70 lature to provide for the conservation of the soil and soil  
71 resources of this state, and for the control and prevention  
72 of soil erosion, and thereby to preserve natural resources,  
73 control floods, prevent impairment of dams and reser-  
74 voirs, assist in maintaining the navigability of rivers and  
75 harbors, preserve wildlife, protect the tax base, protect  
76 public lands and protect and promote the health, safety,  
77 and general welfare of the people of this state.

78 (e) This act contemplates that the incidental cost of  
79 organizing soil conservation districts will be borne by the  
80 state, while the expense of operating the districts so or-  
81 ganized, will be provided by donations, gifts, contribu-  
82 tions, grants and appropriations, in money, services, ma-  
83 terials or otherwise, from the United States or any of its  
84 agencies, from the State of West Virginia, or from other  
85 sources, with the understanding that the owners or occu-

86 piers will contribute funds, labor, materials and equip-  
87 ment to aid the carrying out of erosion control measures  
88 on their lands.

Sec. 4. *State Soil Conservation Committee.*—(a) There  
2 is hereby established, to serve as an agency of the state  
3 and to perform the functions conferred upon it in this  
4 act, the state soil conservation committee. The committee  
5 shall consist of seven members. The following shall serve,  
6 ex officio, as members of the committee: The director of  
7 the state agricultural extension service; the director of  
8 the state agricultural experiment station; the director of  
9 the state conservation commission; and the state com-  
10 missioner of agriculture, who shall be chairman of the  
11 committee.

12 The governor shall appoint as additional members of  
13 the committee three representative citizens. The term of  
14 members thus appointed shall be four years, except that  
15 of the first members so appointed, one shall be appointed  
16 for a term of two years, one for a term of three years, and  
17 one for a term of four years. In the event of a vacancy,  
18 appointment shall be for the unexpired term.

19 The committee may invite the secretary of agriculture  
20 of the United States of America to appoint one person to  
21 serve with the committee as an advisory member.

22 The committee shall keep a record of its official actions,  
23 shall adopt a seal, which seal shall be judicially noticed,  
24 and may perform such acts, hold such public hearings,  
25 and promulgate such rules and regulations as may be  
26 necessary for the execution of its functions under this act.

27 (b) The state soil conservation committee may em-  
28 ploy an administrative officer and such technical experts  
29 and such other agents and employees, permanent and  
30 temporary, as it may require, and shall determine their  
31 qualifications, duties, and compensation. The committee  
32 may call upon the attorney general of the state for such  
33 legal services as it may require. It shall have authority to  
34 delegate to its chairman, to one or more of its members,  
35 or to one or more agents or employees, such powers and  
36 duties as it may deem proper. The committee is empow-  
37 ered to secure necessary and suitable office accommoda-  
38 tions, and the necessary supplies and equipment. Upon  
39 request of the committee, for the purpose of carrying out

40 any of its functions, the supervising officer of any state  
41 agency, or of any state institution of learning shall, inso-  
42 far as may be possible, under available appropriations,  
43 and having due regard to the needs of the agency to which  
44 the request is directed, assign or detail to the committee  
45 members of the staff or personnel of such agency or in-  
46 stitution of learning, and make such special reports, sur-  
47 veys, or studies as the committee may request.

48 (c) A member of the committee shall hold office so long  
49 as he shall retain the office by virtue of which he shall be  
50 serving on the committee. A majority of the committee  
51 shall constitute a quorum, and the concurrence of a major-  
52 ity in any matter within their duties shall be required for  
53 its determination. The chairman and members of the  
54 committee shall receive no compensation for their serv-  
55 ices on the committee, but shall be entitled to expenses,  
56 including traveling expenses, necessarily incurred in the  
57 discharge of their duties on the committee. The commit-  
58 tee shall provide for the execution of surety bonds for all  
59 employees and officers who shall be entrusted with funds  
60 or property; shall provide for the keeping of a full and

61 accurate public record of all proceedings and of all reso-  
62 lutions, regulations, and orders issued or adopted; and  
63 shall provide for an annual audit of the accounts of re-  
64 ceipts and disbursements.

65 (d) In addition to the duties and powers hereinafter  
66 conferred upon the state soil conservation committee, it  
67 shall have the following duties and powers:

68 (1) To offer such assistance as may be appropriate to  
69 the supervisors of soil conservation districts, organized  
70 as provided hereinafter, in the carrying out of any of  
71 their powers and programs;

72 (2) To keep the supervisors of each of the several dis-  
73 tricts organized under the provisions of this act informed  
74 of the activities and experience of all other districts or-  
75 ganized hereunder, and to facilitate an interchange of  
76 advice and experience between such districts and coop-  
77 eration between them;

78 (3) To coordinate the programs of the several soil  
79 conservation districts organized hereunder so far as this  
80 may be done by advice and consultation;

81 (4) To secure the cooperation and assistance of the

82 United States and any of its agencies, and of agencies of  
83 this state, in the work of such districts;

84 (5) To disseminate information throughout the state  
85 concerning the activities and programs of the soil con-  
86 servation districts organized hereunder, and to encourage  
87 the formation of such districts in areas where their or-  
88 ganization is desirable;

89 (6) To accept and receive donations, gifts, contribu-  
90 tions, grants, and appropriations in money, services, ma-  
91 terials or otherwise, from the United States or any of its  
92 agencies, from the State of West Virginia, or from other  
93 sources, and to use or expend such money, services, ma-  
94 terials, or other contributions in carrying out the policy  
95 and provisions of this act, including the right to allocate  
96 such money, services, or materials in part to the various  
97 soil conservation districts created by this act in order to  
98 assist them in carrying on their operations;

99 (7) To obtain options upon and to acquire by purchase,  
100 exchange, lease, gift, grant, bequest, devise, or otherwise,  
101 any property, real or personal, or rights or interests  
102 therein; to maintain, administer, operate and improve

103 any properties acquired, to receive and retain income  
104 from such property and to expend such income as re-  
105 quired for operation, maintenance, administration or im-  
106 provement of such properties or in otherwise carrying  
107 out the purposes and provisions of this act; and to sell,  
108 lease, or otherwise dispose of any of its property or inter-  
109 ests therein in furtherance of the purposes and the pro-  
110 visions of this act.

Sec. 5. *Creation of Soil Conservation Districts.*—(a)

2 Any twenty-five owners of land lying within the limits  
3 of the territory proposed to be organized into a district  
4 may file a petition with the state soil conservation com-  
5 mittee asking that a soil conservation district be organ-  
6 ized to function in the territory described in the petition.

7 Such petition shall set forth:

8 (1) The proposed name of said district;

9 (2) That there is need, in the interest of the public  
10 health, safety and welfare, for a soil conservation district  
11 to function in the territory described in the petition;

12 (3) A description of the territory proposed to be organ-  
13 ized as a district, which description shall not be required

14 to be given by metes and bounds or by legal subdivisions,  
15 but shall be deemed sufficient if generally accurate;

16 (4) A request that the state soil conservation com-  
17 mittee duly define the boundaries for such district; that a  
18 referendum be held within the territory so defined on the  
19 question of the creation of a soil conservation district in  
20 such territory; and that the committee determine that  
21 such a district be created.

22 Where more than one petition is filed covering neigh-  
23 boring parts of the same region, whether or not these  
24 areas overlap, the state soil conservation committee may  
25 consolidate all or any such petitions.

26 (b) Within thirty days after such a petition has been  
27 filed with the state soil conservation committee, it shall  
28 cause due notice to be given of a proposed hearing upon  
29 the question of the desirability and necessity, in the inter-  
30 est of the public health, safety, and welfare, of the crea-  
31 tion of such district, upon the question of the appropriate  
32 boundaries to be assigned to such district, upon the  
33 propriety of the petition and other proceedings taken un-  
34 der this act, and upon all questions relevant to such in-

35 quires. All owners of land within the limits of the  
36 territory described in the petition, and of lands within  
37 any territory considered for addition to such described  
38 territory, and all other interested parties, shall have the  
39 right to attend such hearings and to be heard. If it shall  
40 appear upon the hearing that it may be desirable to in-  
41 clude within the proposed district territory outside of the  
42 area within which due notice of the hearing has been giv-  
43 en, the hearing shall be adjourned and due notice of fur-  
44 ther hearing shall be given throughout the entire area  
45 considered for inclusion in the district, and such further  
46 hearing held. After such hearing, if the committee shall  
47 determine, upon the facts presented at such hearing and  
48 upon such other relevant facts and information as may  
49 be available, that there is need, in the interest of the pub-  
50 lic health, safety and welfare, for a soil conservation  
51 district to function in the territory considered at the  
52 hearing, it shall make and record such determination, and  
53 shall define, by metes and bounds or by legal subdivisions,  
54 the boundaries of such district. Districts thus defined  
55 may be a watershed or portion thereof, and nothing in

56 this act shall be interpreted to exclude from considera-  
57 tion, small areas often constituting a very small part of a  
58 large watershed. The district may be large or small, but  
59 in making such determination and in defining such boun-  
60 daries, the committee shall give due weight and consid-  
61 eration to the topography of the area considered and of  
62 the state, the composition of soils therein, the distribu-  
63 tion of erosion, the prevailing land-use practices, the de-  
64 sirability and necessity of including within the boundaries  
65 the particular lands under consideration and the benefits  
66 such lands may receive from being included within such  
67 boundaries, the relation of the proposed area to existing  
68 watersheds and agricultural regions, and to other soil  
69 conservation districts already organized or proposed for  
70 organization under the provisions of this act, and such  
71 other physical, geographical, and economic factors as are  
72 relevant, having due regard to the legislative determina-  
73 tions set forth in section two of this act. The territory to  
74 be included within such boundaries need not be con-  
75 tiguous. If the committee shall determine after such  
76 hearing, after due consideration of the said relevant facts,

77 that there is no need for a soil conservation district to  
78 function in the territory considered at the hearing, it shall  
79 make and record such determination and shall deny the  
80 petition. After six months shall have expired from the  
81 date of the denial of any such petition, subsequent peti-  
82 tions covering the same or substantially the same terri-  
83 tory may be filed as aforesaid and new hearings held and  
84 determinations made thereon.

85 (c) After the committee has made and recorded a de-  
86 termination that there is need, in the interest of the public  
87 health, safety, and welfare, for the organization of a  
88 district in a particular territory and has defined the  
89 boundaries thereof, it shall consider the question whether  
90 the operation of a district within such boundaries with  
91 the powers conferred upon soil conservation districts in  
92 this act is administratively practicable and feasible. To  
93 assist the committee in the determination of such  
94 administrative practicability and feasibility, it shall  
95 be the duty of the committee, within a reasonable time  
96 after entry of the finding that there is need for  
97 the organization of the proposed district and the

98 determination of the boundaries thereof, to hold a  
99 referendum within the proposed district upon the  
100 proposition of the creation of the district, and to  
101 cause due notice of such referendum to be given. The  
102 question shall be submitted by ballots upon which the  
103 words "For creation of a soil conservation district of the  
104 lands below described and lying in the county (ies) of  
105 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
106 and "Against creation of a soil conservation district of  
107 the lands below described and lying in the county (ies)  
108 of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_"  
109 shall appear, with a square before each proposition and a  
110 direction to insert an X mark in the square before one or  
111 the other of said propositions as the voter may favor or  
112 oppose creation of such district. The ballot shall set forth  
113 the boundaries of such proposed districts as determined  
114 by the committee. All owners of lands lying within the  
115 boundaries of the territory, as determined by the state soil  
116 conservation committee, shall be eligible to vote in such  
117 referendum.

118 (d) The committee shall pay all expenses for the is-

119 suance of such notices and the conduct of such hearings  
120 and referenda, and shall supervise the conduct of such  
121 hearings and referenda. It shall issue appropriate regula-  
122 tions governing the conduct of such hearings and refer-  
123 enda, and providing for the registration prior to the date  
124 of the referendum of all eligible voters, or prescribing  
125 some other appropriate procedure for the determination  
126 of those eligible as voters in such referendum. No in-  
127 formalities in the conduct of such referendum or in any  
128 matter relating thereto shall invalidate said referendum  
129 or the result thereof if notice thereof shall have been giv-  
130 en substantially as herein provided and said referendum  
131 shall have been fairly conducted.

132 (e) The committee shall publish the result of such ref-  
133 erendum and shall thereafter consider and determine  
134 whether the operation of the district within the defined  
135 boundaries is administratively practicable and feasible.  
136 If the committee shall determine that the operation of  
137 such district is not administratively practicable and feas-  
138 ible, it shall record such determination and deny the  
139 petition. If the committee shall determine that the opera-

140 tion of such district is administratively practicable and  
141 feasible, it shall record such determination and shall pro-  
142 ceed with the organization of the district in the manner  
143 hereinafter provided. In making such determination the  
144 committee shall give due regard and weight to the atti-  
145 tudes of the occupiers of lands lying within the defined  
146 boundaries, the number of land owners eligible to vote in  
147 such referendum who shall have voted, the proportion of  
148 the votes cast in such referendum in favor of the creation  
149 of the district to the total number of votes cast, the ap-  
150 proximate wealth and income of the land occupiers of  
151 the proposed district, the probable expense of carrying  
152 on erosion-control operations within such district, and  
153 such other economic and social factors as may be relevant  
154 to such determination, having due regard to the legisla-  
155 tive determinations set forth in section two of this act:  
156 that the committee shall not have authority to determine  
157 that the operation of the proposed district within the de-  
158 fined boundaries is administratively practicable and feas-  
159 ible unless at least sixty per centum of the votes cast in  
160 the referendum upon the proposition of creation of the

161 district shall have been cast in favor of the creation of  
162 such district.

163 (f) If the committee shall determine that the opera-  
164 tion of the proposed district within the defined boundaries  
165 is administratively practical and feasible, it shall ap-  
166 point two supervisors to act with the supervisors elected  
167 as provided hereinafter, as the governing body of the  
168 district.

169 (g) The two appointed supervisors shall present to the  
170 secretary of state an application signed by them which  
171 shall set forth (and such application need contain no de-  
172 tail other than the mere recitals): (1) that a petition for  
173 the creation of the district was filed with the state soil  
174 conservation committee pursuant to the provisions of this  
175 act, and that the proceedings specified in this act were  
176 taken pursuant to such petition; that the application is  
177 being filed in order to complete the organization of the  
178 district under this act; and that the committee has ap-  
179 pointed them as supervisors; (2) the name and official  
180 residence of each of the supervisors, together with a  
181 certified copy of the appointments evidencing their right

182 to office; (3) the term of office of each of the supervisors;  
183 (4) the name which is proposed for the district; and (5)  
184 the location of the principal office of the supervisors of  
185 the district. The application shall be subscribed and  
186 sworn to by each of the said supervisors before an officer  
187 authorized by the laws of this state to take and certify  
188 oaths, who shall certify upon the application that he per-  
189 sonally knows the supervisors and knows them to be the  
190 officers as affirmed in the application, and that each has  
191 subscribed thereto in the officer's presence. The  
192 application shall be accompanied by a statement by  
193 the state soil conservation committee, which shall  
194 certify, (and such statement need contain no detail  
195 other than the mere recitals) that a petition was  
196 filed, notice issued, and hearing held as aforesaid;  
197 that the committee did duly determine that there is  
198 need, in the interest of the public health, safety, and  
199 welfare, for a soil conservation district to function in  
200 the proposed territory and did define the boundaries  
201 thereof; that notice was given and a referendum held  
202 on the question of the creation of such district; and

203 that the result of such referendum showed a major-  
204 ity of the votes cast in such referendum to be in  
205 favor of the creation of the district; that thereafter  
206 the committee did duly determine that the operation  
207 of the proposed district is administratively practicable  
208 and feasible. The said statement shall set forth the boun-  
209 daries of the district as they have been defined by the  
210 committee.

211 The secretary of state shall examine the application  
212 and statement and, if he finds that the name pro-  
213 posed for the district is not identical with that of any  
214 other soil conservation district of this state or so near-  
215 ly similar as to lead to confusion or uncertainty,  
216 he shall file them and shall record them in an appro-  
217 priate book of record in his office. If the secretary  
218 of state shall find that the name proposed for the  
219 district is identical with that of any other soil con-  
220 servation district of this state, or so nearly similar as  
221 to lead to confusion and uncertainty, he shall certify  
222 such fact to the state soil conservation committee, which  
223 shall thereupon submit to the secretary of state a

224 new name for the said district, which shall not be  
225 subject to such defects. Upon receipt of such new  
226 name, free of such defects, the secretary of state shall  
227 record the application and statement, with the name  
228 so modified, in an appropriate book of record in his  
229 office. The secretary of state shall make and issue  
230 to the said supervisors a certificate, under the seal  
231 of the state, of the due organization of the said dis-  
232 trict, and shall record such certificate with the appli-  
233 cation and statement. The boundaries of such dis-  
234 trict shall include the territory as determined by  
235 the state soil conservation committee as aforesaid,  
236 but in no event shall they include any area in-  
237 cluded within the boundaries of another soil con-  
238 servation district organized under the provisions of this  
239 act.

240 (h) After six months shall have expired from  
241 the date of entry of a determination by the state soil  
242 conservation committee that operation of a proposed  
243 district is not administratively practicable and feasible,  
244 and denial of a petition pursuant to such determina-

245 tion, subsequent petitions may be filed as aforesaid, and  
246 action taken thereon in accordance with the provisions  
247 of this act.

248 (i) Petitions for including additional territory with-  
249 in an existing district may be filed with the state  
250 soil conservation committee, and the proceedings here-  
251 in provided for in the case of petitions to organize a  
252 district shall be observed in the case of petitions for  
253 such inclusion. The committee shall prescribe the form  
254 for such petitions, which shall be as nearly as  
255 may be in the form prescribed in this act for  
256 petitions to organize a district. Where the total num-  
257 ber of land owners in the area proposed for inclusion  
258 shall be less than twenty-five the petition may be filed  
259 when signed by a majority of the land owners of  
260 such area, and in such case no referendum need be held.  
261 In referenda upon petitions for such inclusion, all owners  
262 of land lying within the proposed additional area shall  
263 be eligible to vote.

264 (j) In any suit, action, or proceeding involving the  
265 validity or enforcement of, or relating to, any contract,

266 proceeding, or action of the district, the district shall be  
267 deemed to have been established in accordance with the  
268 provisions of this act upon proof of the issuance of the  
269 aforesaid certificate by the secretary of state. A copy of  
270 such certificate duly certified by the secretary of state  
271 shall be admissible in evidence in any such suit, action,  
272 or proceeding and shall be proof of the filing and contents  
273 thereof.

Sec. 6. *Election of Supervisors for Each District.*—

2 Within thirty days after the date of issuance by the secre-  
3 tary of state of a certificate of organization of a soil con-  
4 servation district, nominating petitions may be filed with  
5 the state soil conservation committee to nominate candi-  
6 dates for supervisors of such district.

7 The committee shall have authority to extend the time  
8 within which nominating petitions may be filed. No such  
9 nominating petition shall be accepted by the committee  
10 unless it shall be subscribed by twenty-five or more own-  
11 ers of lands lying within the boundaries of such district  
12 and within the boundaries of the county in which the  
13 candidate resides. Land owners may sign more than one

14 such nominating petition to nominate more than one can-  
15 didate for supervisor. The committee shall give due  
16 notice of an election to be held for the election of one  
17 supervisor from each county or portion thereof within  
18 the boundaries of the district. The names of all nominees  
19 in each county on behalf of whom such nominating peti-  
20 tions have been filed within the time designated, shall  
21 appear arranged in alphabetical order of the surnames  
22 upon a ballot, with a square before each name and a di-  
23 rection to insert an X mark in the square before any one  
24 name to indicate the voter's preference. All owners of  
25 lands lying within the district shall be eligible to vote in  
26 such election for one candidate from the county in which  
27 they reside. Only such land owners shall be eligible to vote.  
28 The candidate in each county who shall receive the largest  
29 number of votes cast in such election by land owners  
30 residing in his county shall be one of the elected super-  
31 visors for such district. The committee shall pay all ex-  
32 penses of such election, shall supervise the conduct there-  
33 of, shall prescribe regulations governing the conduct of  
34 such election and the determination of the eligibility of

35 voters therein, and shall make public the results thereof.

Sec. 7. *Appointment, Qualification, and Tenure of Su-*  
2 *pervisors.*—The governing body of the district shall con-  
3 sist of the supervisors, appointed or elected, as provided  
4 in preceding sections. The two supervisors appointed by  
5 the committee shall be persons who are by training and  
6 experience qualified to perform the specialized skilled  
7 services which will be required of them in the perform-  
8 ance of their duties hereunder, and must be legal residents  
9 and land owners of the district.

10 The supervisors shall designate a chairman and may,  
11 from time to time, change such designation. The term of  
12 office of each supervisor shall be three years, except that  
13 the supervisors who are first appointed shall be designated  
14 to serve for terms of one and two years, respectively, from  
15 the date of their appointment. A supervisor shall hold  
16 office until his successor has been elected, or appointed.  
17 In case a new county or portion thereof is added to a dis-  
18 trict the committee may appoint a supervisor to repre-  
19 sent it until such time as the next regular election of  
20 supervisors for the district takes place. In case a vacancy

21 occurs among the elected supervisors of a district the  
22 committee shall appoint a successor from the same county  
23 to fill the unexpired term. Such appointment shall be  
24 made from a name or list of names submitted by local  
25 farm organizations and agencies. When any county or  
26 portion thereof lying within the boundaries of a district  
27 shall have in effect eight hundred or more signed agree-  
28 ments of cooperation with occupiers of land located with-  
29 in said county, then at the next regular election of super-  
30 visors the land occupiers within said county or portion  
31 thereof are entitled to elect two supervisors to represent  
32 the county instead of one for the term and in the manner  
33 previously prescribed. A majority of the supervisors  
34 shall constitute a quorum and the concurrence of a ma-  
35 jority in any matter within their duties shall be required  
36 for its determination. A supervisor shall be entitled to  
37 expenses, and a per diem not to exceed four dollars when  
38 engaged in the performance of his duties.

39 The supervisors may with the approval of the state  
40 committee employ a secretary, technical experts, and  
41 such other officers, agents, and employees, permanent

42 and temporary, as they may require, and shall determine  
43 their qualifications, duties and compensation. The super-  
44 visors may delegate to their chairman, to one or more  
45 supervisors or to one or more agents, or employees, such  
46 administrative powers and duties as they may deem  
47 proper. The supervisors shall furnish to the state soil  
48 conservation committee, upon request, copies of such  
49 ordinances, rules, regulations, orders, contracts, forms,  
50 and other documents as they shall adopt or employ, and  
51 such other information concerning their activities as it  
52 may require in the performance of its duties under this  
53 act.

54 The supervisors shall provide for the execution of sure-  
55 ty bonds for all employees and officers who shall be en-  
56 trusted with funds or property; shall provide for the  
57 keeping of a full and accurate record of all proceedings  
58 and of all resolutions, regulations and orders issued or  
59 adopted; and shall provide for an annual audit of the  
60 accounts of receipts and disbursements. Any supervisor  
61 may be removed by the state soil conservation committee

62 upon notice and hearing, for neglect of duty or malfeas-  
63 ance in office, but for no other reason.

64 The supervisors may invite the legislative body of any  
65 municipality or county located near the territory com-  
66 prised within the district to designate a representative to  
67 advise and consult with the supervisors of a district on  
68 all questions of program and policy which may affect the  
69 property, water supply, or other interests of such munici-  
70 pality or county.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Joseph L. McKea*

Chairman Senate Committee

*W. L. Mauter*

Chairman House Committee

Originated in the Senate

Takes effect from passage.

*Howard Myers*  
Clerk of the Senate

*Robert Lipp*  
Clerk of the House of Delegates

*Amold M. Tickers*  
President of the Senate

*John E. Cawser*  
Speaker House of Delegates

The within Approved this the 25<sup>th</sup>  
day of Feb, 1947.

*Clarence Meadows*  
Governor.



Filed in the Office of the Secretary of State  
of West Virginia. **FEB 26 1947**  
Wm. S. CRITTON,  
SECRETARY OF STATE