

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1957

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**ENROLLED**

SENATE BILL NO. 18

(By Mr. Stample & Taylor)

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PASSED March 1, 1957

In Effect 90 days from Passage



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**Senate Bill No. 18**

(By MR. STEMPLE AND MR. TAYLOR)

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[Passed March 1, 1957; in effect ninety days from passage.]

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AN ACT to amend chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting sections two, three, and eight, article twenty-one-a thereof, by adding two new sections, designated sections thirteen-a and thirteen-b, to said article, and by adding to said chapter a new article, designated article twenty-one-b, all relating to the conservation of natural resources by providing for the conservation of soil and soil resources, the control and prevention of soil erosion, the prevention of floodwater and sediment damage, and the conservation, development, utilization, and disposal of water.

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

That chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting sections two, three, and eight, article twenty-one-a thereof, by adding two new sections, designated sections thirteen-a and thirteen-b, to said article, and by adding to said chapter a new article, designated article twenty-one-b, all to read as follows:

*Section 2. Legislative Determinations and Declaration*

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

4 (a) That the farm and grazing lands of the State  
5 of 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  
11 the farm and grazing lands of this State by water; that  
12 the breaking of natural grass, plant, and forest cover has  
13 interfered with the natural factors of soil stabilization,

14 causing loosening of soil and exhaustion of humus, and  
15 developing a soil condition that favors erosion; that the  
16 topsoil is being washed out of fields and pastures; that  
17 there has been an accelerated washing of sloping fields;  
18 that these processes of erosion by water speed up with re-  
19 moval of absorptive topsoil, causing exposure of less ab-  
20 sorptive and less protective but more erosive subsoil; that  
21 failure by any landowner to conserve the soil and control  
22 erosion upon his lands causes a washing of soil and water  
23 from his lands onto other lands and makes the conserva-  
24 tion of soil and control of erosion of such other lands dif-  
25 ficult or impossible.

26 (b) That the consequences of such soil erosion in the  
27 form of soil-washing are the silting and sedimentation of  
28 stream channels, reservoirs, dams, ditches, and harbors;  
29 the piling up of soil on lower slopes, and its deposit over  
30 alluvial plains; the reduction in productivity or outright  
31 ruin of rich bottom lands by overwash of poor subsoil ma-  
32 terial, sand, and gravel swept out of the hills; deteriora-  
33 tion of soil and its fertility, deterioration of crops grown  
34 thereon, and declining acre yields despite development of

35 scientific processes for increasing such yields; loss of soil  
36 and water which causes destruction of food and cover for  
37 wildlife; the washing of soil into streams which silts over  
38 spawning beds and destroys water plants, diminishing the  
39 food supply of fish; a diminishing of the underground wa-  
40 ter reserve, which causes water shortages, intensifies peri-  
41 ods of drought, and causes crop failures; an increase in  
42 speed and volume of rainfall run-off, causing severe and  
43 increasing floods, which bring suffering, disease, and  
44 death; impoverishment of families attempting to farm  
45 eroding and eroded lands; damage to roads, highways,  
46 railways, farm buildings, and other property from floods;  
47 and losses in navigation, hydro-electric power, municipal  
48 water supply, irrigation developments, farming and graz-  
49 ing.

50 (c) That to conserve soil resources and control and  
51 prevent soil erosion and prevent floodwater and sediment  
52 damage, and further the conservation, development, util-  
53 ization, and disposal of water, it is necessary that land-use  
54 practices contributing to soil wastage and soil erosion be  
55 discouraged and discontinued, and appropriate soil-con-

56 serving land-use practices and works of improvement for  
57 flood prevention or the conservation, development, utili-  
58 zation, and disposal of water be adopted and carried out;  
59 that among the procedures necessary for widespread adop-  
60 tion, are the carrying on of engineering operations such  
61 as the construction of terraces, terrace outlets, dams, de-  
62 silting basins, floodwater retarding structures, channel  
63 improvements, floodways, dikes, ponds, ditches, and the  
64 like; the utilization of strip cropping, lister furrowing,  
65 contour cultivating, and contour furrowing; land drainage;  
66 land irrigation; seeding and planting of waste, sloping,  
67 abandoned, or eroded lands to water-conserving and  
68 erosion-preventing plants, trees, and grasses; forestation  
69 and reforestation; rotation of crops; soil stabilization with  
70 trees, grasses, legumes, and other thick-growing, soil-  
71 holding crops; retardation of run-off by increasing ab-  
72 sorption of rainfall; and retirement from cultivation of  
73 steep, highly erosive areas and areas now badly guillied  
74 or otherwise eroded.

75 (d) It is hereby declared to be the policy of the Leg-  
76 islature to provide for the conservation of the soil and

77 soil resources of this state, for the control and prevention  
78 of soil erosion, for the prevention of floodwater and sedi-  
79 ment damage, and for furthering the conservation, devel-  
80 opment, utilization, and disposal of water, and thereby to  
81 preserve natural resources, control floods, prevent im-  
82 pairment of dams and reservoirs, assist in maintaining the  
83 navigability of rivers and harbors, preserve wildlife, pro-  
84 tect the tax base, protect public lands and protect and  
85 promote the health, safety, and general welfare of the  
86 people of this state.

87 (e) This article contemplates that the incidental cost  
88 of organizing soil conservation districts will be borne by  
89 the state, while the expense of operating the districts so or-  
90 ganized, will be provided by donations, gifts, contribu-  
91 tions, grants and appropriations, in money, services, ma-  
92 terials or otherwise, from the United States or any of its  
93 agencies, from the State of West Virginia, or from other  
94 sources, with the understanding that the owners or occu-  
95 piers will contribute funds, labor, materials and equip-  
96 ment to aid the carrying out of erosion control measures  
97 on their lands.

Sec. 3. *Definitions.*—Wherever used or referred to in

2 this article, unless a different meaning clearly appears  
3 from the context:

4 (1) “District” or “soil conservation district” means a  
5 subdivision of this State, organized in accordance with  
6 the provisions of this article, for the purposes, with the  
7 powers, and subject to the restrictions hereinafter set  
8 forth.

9 (2) “Supervisor” means one of the members of the  
10 governing body of a district, elected or appointed in ac-  
11 cordance with the provisions of this article.

12 (3) “Committee” or “state soil conservation commit-  
13 tee” means the agency created in section four of this  
14 article.

15 (4) “Petition” means a petition filed under the pro-  
16 visions of subsection-a of section five of this article for  
17 the creation of a district.

18 (5) “State” means the State of West Virginia.

19 (6) “Agency of this State” includes the government of  
20 this State and any subdivision, agency, or instrumental-



21 ity, corporate or otherwise, of the government of this  
22 State.

23 (7) "United States" or "agencies of the United States"  
24 includes the United States of America, the soil conserva-  
25 tion service of the United States department of agricul-  
26 ture, and any other agency or instrumentality, corporate  
27 or otherwise, of the United States of America.

28 (8) "Land owners" or "owners of land" includes any  
29 person or persons, firm, or corporation who shall hold  
30 title to three or more acres of any lands lying within a  
31 district organized under the provisions of this article.

32 (9) "Land occupier" or "occupier of land" includes any  
33 person, firm, or corporation who shall hold title to, or  
34 shall be in possession of, any lands lying within a district  
35 organized under the provisions of this article, whether as  
36 owner, lessee, renter, or tenant.

37 (10) "Due notice" means notice published at least  
38 twice, with an interval of at least seven days between the  
39 two publication dates, in two newspapers of opposite po-  
40 litics and of general circulation published in the county  
41 in which is located the appropriate area, or if no such

42 publication of general circulation be available, by posting  
43 at a reasonable number of conspicuous places within the  
44 appropriate area, such posting to include, where possible,  
45 posting at public places where it may be customary to  
46 post notices concerning county or municipal affairs gen-  
47 erally. At any hearing held pursuant to such notice at  
48 the time and place designated in such notice, adjourn-  
49 ment may be made from time to time without the neces-  
50 sity of renewing such notice for such adjournment dates.

51 (11) The terms "soil conservation," "erosion control,"  
52 or "erosion prevention projects," when used throughout  
53 the article, shall denote those projects that have been  
54 established by federal agencies in cooperation with state  
55 agencies for the purpose of demonstrating soil erosion  
56 control and water conservation practices.

57 (12) The term "governing body" means the supervis-  
58 ors of any soil conservation district, town or city council,  
59 city commission, county court, or body acting in lieu of a  
60 county court, in this state, and the term "governmental  
61 division" means any soil conservation district, town, city,  
62 or county in this state.

63 (13) "Works of improvement" means such structures  
64 as may be necessary or convenient for flood prevention or  
65 the conservation, development, utilization or disposal of  
66 water.

Sec. 8. *Powers of Districts and Supervisors.*—A soil  
2 conservation district organized under the provisions of  
3 this article shall have the following powers, and the sup-  
4 ervisor thereof shall have the following powers, in addi-  
5 tion to others granted in other sections of this article:

6 (1) To conduct surveys, investigations, and research  
7 relating to the character of soil erosion and floodwater  
8 and sediment damage, and to the conservation, develop-  
9 ment, utilization, and disposal of water, and the preven-  
10 tive and control measures needed, to publish the results  
11 of such surveys, investigations, or research, and to dis-  
12 seminate information concerning such preventive and  
13 control measures and works of improvement: *Provided,*  
14 *however,* That in order to avoid duplication of research  
15 activities, no district shall initiate any research program  
16 or publish the results except with the approval of the  
17 state committee and in cooperation with the government

18 of this state or any of its agencies, or with the United  
19 States or any of its agencies;

20 (2) To conduct demonstrational projects within the dis-  
21 trict on lands owned or controlled by this state or any of  
22 its agencies, with the consent and cooperation of the agen-  
23 cy administering and having jurisdiction thereof, and on  
24 any other lands within the district upon obtaining the con-  
25 sent of the owner and occupier of such lands or the neces-  
26 sary rights or interests in such lands, in order to demon-  
27 strate by example the means, methods and measures by  
28 which soil and soil resources may be conserved, and soil  
29 erosion in the form of soil washing may be prevented and  
30 controlled, and works of improvement may be carried out;

31 (3) To carry out preventive and control measures and  
32 works of improvement within the district including, but  
33 not limited to, engineering operations, methods of cultiva-  
34 tion, the growing of vegetation, changes in use of land, and  
35 the measures listed in subsection c of section two of this  
36 article, on lands owned or controlled by this state or any  
37 of its agencies, with the consent and co-operation of the  
38 agency administering and having jurisdiction thereof, and

39 on any other lands within the district upon obtaining the  
40 consent of the owner and occupier of such lands or the  
41 necessary rights or interests in such lands;

42 (4) To cooperate, or enter into agreements with, and  
43 within the limits of appropriations duly made available  
44 to it by law, to furnish financial or other aid to, any  
45 agency, governmental or otherwise, or any occupier of  
46 lands within the district, in the carrying on of erosion-  
47 control and prevention operations and works of improve-  
48 ment within the district, subject to such conditions as  
49 the supervisors may deem necessary to advance the pur-  
50 poses of this article;

51 (5) To obtain options upon and to acquire, by purchase,  
52 exchange, lease, gift, grant, bequest, devise, or otherwise,  
53 any property, real or personal, or rights or interests there-  
54 in; to institute condemnation proceedings to acquire any  
55 property, real or personal, or rights or interests therein,  
56 whether or not located in the district, required for works  
57 of improvement; to maintain, administer, and improve  
58 any properties acquired, to receive income from such  
59 properties and to expend such income in carrying out the

60 purposes and provisions of this article; and to sell, lease,  
61 or otherwise dispose of any of its property or interests  
62 therein in furtherance of the purposes and the provisions  
63 of this article;

64 (6) To make available, on such terms as it shall pre-  
65 scribe, to land occupiers within the district, agricultural  
66 and engineering machinery and equipment, fertilizer,  
67 seeds and seedlings, and such other material or equipment,  
68 as will assist such land occupiers to carry on operations  
69 upon their lands for the conservation of soil resources and  
70 for the prevention and control of soil erosion and for flood  
71 prevention or the conservation, development, utilization,  
72 and disposal of water;

73 (7) To construct, improve, operate and maintain such  
74 structures as may be necessary or convenient for the per-  
75 formance of any of the operations authorized in this  
76 article;

77 (8) To develop with the approval of the state com-  
78 mittee comprehensive plans for the conservation of soil  
79 resources and for the control and prevention of soil ero-  
80 sion and for flood prevention or the conservation, develop-

81 ment, utilization, and disposal of water within the district,  
82 which plans shall specify, in such detail as may be pos-  
83 sible, the acts, procedures, performances, and avoidances  
84 which are necessary or desirable for the effectuation of  
85 such plans, including the specification of engineering  
86 operations, methods of cultivation, the growing of vegeta-  
87 tion, cropping programs, tillage practices, and changes in  
88 use of land; and to publish such plans and information and  
89 bring them to the attention of occupiers of lands within  
90 the district;

91 (9) To take over, by purchase, lease, or otherwise, and  
92 to administer any soil-conservation, flood-prevention,  
93 drainage, irrigation, water-management, erosion-control,  
94 or erosion-prevention project, or combinations thereof,  
95 located within its boundaries, undertaken by the United  
96 States or any of its agencies, or by this state or any of  
97 its agencies; to manage, as agent of the United States or  
98 any of its agencies, or of this state or any of its agencies,  
99 any soil conservation, flood-prevention, drainage, irriga-  
100 tion, water-management, erosion-control, or erosion-pre-  
101 vention project, or combinations thereof, within its boun-

102 daries; to act as agent for the United States or any of its  
103 agencies, or for this state or any of its agencies, in con-  
104 nection with the acquisition, construction, operation, or  
105 administration of any soil-conservation, flood-prevention,  
106 drainage, irrigation, water-management, erosion-control,  
107 or erosion-prevention project, or combinations thereof,  
108 within its boundaries; to accept donations, gifts, contribu-  
109 tions and grants in money, services, materials, or other-  
110 wise, from the United States or any of its agencies, or  
111 from this state or any of its agencies, or from any other  
112 source, and to use or expend such money, services, mater-  
113 ials, or other contributions in carrying on its operations;

114 (10) To sue and be sued in the name of the district;  
115 to have a seal, which seal shall be judicially noticed; to  
116 have perpetual succession unless terminated as herein-  
117 after provided; to make and execute contracts and other  
118 instruments, necessary or convenient to the exercise of  
119 its powers; to make, and from time to time amend and  
120 repeal, rules and regulations not inconsistent with this  
121 article, to carry into effect its purposes and powers;

122 (11) As a condition to this extending of any benefits



123 under this article to, or the performance of work upon, any  
124 lands, the supervisors may require contributions in money,  
125 services, materials, or otherwise, to any operations con-  
126 ferring such benefits, and may require land occupiers to  
127 enter into and perform such agreements or covenants as  
128 to the permanent use of such lands as will tend to prevent  
129 or control erosion and prevent floodwater and sediment  
130 damage thereon;

131 (12) No provisions with respect to the acquisition,  
132 operation, or disposition of property by other public bodies  
133 shall be applicable to a district organized hereunder in its  
134 acquisition, operation and disposition of property unless  
135 the legislature shall specifically so state;

136 (13) To enter into contracts and other arrangements  
137 with agencies of the United States, with persons, firms or  
138 corporations, including public corporations, with the state  
139 government of this state or other states, or any depart-  
140 ment or agency thereof, with governmental divisions, with  
141 soil conservation, drainage, flood control, soil erosion or  
142 other improvement districts in this state or other states,  
143 for cooperation or assistance in constructing, improving,

144 operating or maintaining works of improvement within  
145 the district, or in preventing floods, or in conserving, de-  
146 veloping, utilizing and disposing of water in the district,  
147 or for making surveys, investigations or reports thereof;  
148 and to obtain options upon and acquire property, real or  
149 personal, or rights or interests therein, in other districts or  
150 states required for flood prevention or the conservation,  
151 development, utilization and disposal of water within the  
152 district and to construct, improve, operate or maintain  
153 thereon or therewith works of improvement.

Sec. 13a. *Authority of Governmental Divisions to Ex-*  
2 *pend Money; Levy.*—The governing body of any govern-  
3 mental division which may reasonably be expected to  
4 receive a benefit from the construction, improvement,  
5 operation or maintenance of any works of improvement  
6 may expend money for such construction, improvement,  
7 operation or maintenance if this expectation exists as to  
8 any part of the governmental division and even though  
9 such works of improvement are not located within the  
10 corporate limits of the governmental division or are not  
11 within this state: *Provided, however,* That if the expendi-

12 ture is not made directly by the governmental division for  
13 such purpose, it shall be made only through a soil con-  
14 servation district or watershed improvement district or-  
15 ganized under the laws of this state, but it shall not be nec-  
16 essary that any part of the governmental division be within  
17 the limits of the district through which the expenditure is  
18 made. Such governing bodies or governmental divisions  
19 may set up in their respective budgets funds to be spent  
20 for such purposes, and municipalities and counties may  
21 levy and collect taxes for such purposes, in the manner  
22 provided by law: *Provided, however,* That in case suffic-  
23 ient funds cannot be raised by ordinary levies, additional  
24 funds may be raised by municipalities and counties as pro-  
25 vided by section sixteen, article eight, chapter eleven of  
26 the code.

Sec. 13b. *Assurance of Cooperation by Governmental*  
2 *Division.*—By vote of the governing body, any govern-  
3 mental division authorized to expend money on works of  
4 improvement by section thirteen-a of this article may  
5 alone, or in combination with any other governmental  
6 division or divisions, so authorized to expend money on

7 works of improvement, give assurances, by contract or  
8 otherwise, satisfactory to agencies of the United States,  
9 congressional committees, or other proper federal author-  
10 ity, and to soil conservation districts or watershed im-  
11 provement districts organized under the laws of this state,  
12 that the governmental division or divisions will construct,  
13 improve, operate or maintain works of improvement or  
14 will appropriate a sum or sums of money and expend it  
15 for such purposes as provided in section thirteen-a of this  
16 article.

17 The assurances, whether by contract or otherwise, shall  
18 be reduced to writing and before final approval of the  
19 governing bodies involved shall be submitted to the at-  
20 torney general for approval. After approval by the at-  
21 torney general and by the governing body or bodies con-  
22 cerned, certified copies of the assurances shall be filed in  
23 the office of the county clerk of the county or counties in  
24 which the governmental division is located and in the  
25 office of the state tax commissioner.

26 Any assurance hereunder may be valid and binding for  
27 a period of time not to exceed fifty years.

**Article 21b. Watershed Improvement Districts.**

Section 1. *Definitions.*—The term “landowners” or “owners of land” as used in this article includes any person, firm or corporation, other than a public body corporate, who shall hold title to any lot or tract of land lying within a district organized or to be organized under the provisions of this article, whether or not such land lies within the corporate limits of any town or city.

Sec. 2. *Establishment of Watershed Improvement Districts Authorized.*—Whenever within a soil conservation district or districts, soil conservation or the conservation, development, utilization, or disposal of water will be promoted by the construction of improvements for such purpose or purposes, a watershed improvement district may be established within such soil conservation district or districts in accordance with the provisions of this article.

Sec. 3. *Petition for Establishment.*—Any twenty-five owners of land lying within the limits of a proposed watershed improvement district, or a majority of such owners if their number be less than fifty, or any municipality or county any part of which lies within the proposed water-

6 shed improvement district, may file a petition with the  
7 supervisors of the soil conservation district or districts in  
8 which the proposed watershed improvement district will  
9 be situated asking that a watershed improvement district  
10 be organized for the territory described in the petition.

11 The petition shall set forth:

12 (1) The proposed name of the watershed improvement  
13 district;

14 (2) That there is need, in the interest of the public  
15 health, safety, or welfare, for a watershed improvement  
16 district for the territory described in the petition;

17 (3) A description of the territory proposed to be organiz-  
18 ed as a watershed improvement district, which descrip-  
19 tion shall be deemed sufficient if generally accurate;

20 (4) That the territory described in the petition is con-  
21 tiguous and is in the same watershed;

22 (5) A request that the territory described in the petition  
23 be organized as a watershed improvement district.

24 Land lying within the limits of one watershed improve-  
25 ment district shall not be included in another watershed  
26 improvement district.

Sec. 4. *Public Hearing on Petition; Determination of*  
2 *Need for District; Defining Boundaries.*—Within thirty  
3 days after such petition has been filed with the supervis-  
4 ors of the soil conservation district or districts, they shall  
5 hold a public hearing or hearings upon the practicability  
6 and feasibility of creating the proposed watershed im-  
7 provement district. All owners of land within the proposed  
8 watershed improvement district and all other interested  
9 parties shall have the right to attend such a hearing and  
10 be heard. The supervisors may prescribe such rules and  
11 regulations governing the conduct of such hearings as they  
12 deem to be necessary.

13 The supervisors shall thereafter determine whether  
14 there is need, in the interest of the public health, safety,  
15 or welfare, for the organization of the proposed watershed  
16 improvement district. They shall record such determina-  
17 tion and shall define the boundaries of such watershed  
18 improvement district.

Sec. 5. *Determination of Whether Operation of Pro-*  
2 *posed District is Feasible.*—If the supervisors determine  
3 that need for the proposed watershed improvement dis-

4 trict exists and after they define the boundaries of the  
5 proposed district, they shall consider the question of  
6 whether the operation of the proposed watershed im-  
7 provement district is administratively practicable and  
8 feasible.

Sec. 6. *Declaration of Organization of District; Certification.*—If the supervisors shall determine that operation of  
2 the proposed watershed improvement district is adminis-  
3 tratively practicable and feasible, they shall so notify the  
4 state soil conservation committee which may declare the  
5 watershed improvement district to be duly organized  
6 and shall record such fact in its official minutes. Following  
7 such entry in its official minutes, the committee shall  
8 certify the fact of the organization of the watershed im-  
9 provement district to the secretary of state, and shall  
10 furnish a copy of such certification for recordation to the  
11 clerk of the county court in each county in which any por-  
12 tion of the watershed improvement district is situated;  
13 and the watershed improvement district shall thereupon  
14 constitute a governmental division of this state and a pub-  
15 lic body corporate.



Sec. 7. *Establishment of Watershed Improvement District Situated in More Than One Soil Conservation District.*—If a proposed watershed improvement district will be situated in more than one soil conservation district, copies of the petition shall be presented to the supervisors of all the soil conservation districts in which any part of such proposed watershed improvement district will be situated, and the supervisors of all such soil conservation districts affected shall act jointly as a board of supervisors with respect to all matters concerning such watershed improvement district, including its organization. Such watershed improvement district shall be organized in like manner and shall have the same powers and duties as a watershed improvement district situated entirely in one soil conservation district.

Sec. 8. *Inclusion of Additional Territory.*—Petitions for including additional territory within an existing watershed improvement district may be filed with supervisors of the soil conservation district or districts in which the watershed improvement district is situated, and in such cases the provisions hereof with respect to petitions to

7 organize a watershed improvement district shall be ob-  
8 served to the extent deemed practicable by such super-  
9 visors. No additional territory shall be included in an  
10 existing watershed improvement district without the ap-  
11 proval of the state committee and certification of its in-  
12 clusion to the officers indicated in section six of this article.

Sec. 9. *Governing Body of District; Trustees.*—The  
2 supervisors of the soil conservation district or districts in  
3 which the watershed improvement district is situated  
4 shall be the governing body of the watershed improvement  
5 district. They may appoint three trustees, who shall be  
6 owners of land within the watershed improvement dis-  
7 trict, to carry on the business of the watershed improve-  
8 ment district. The trustees so appointed shall exercise  
9 such administrative duties and powers as may be dele-  
10 gated to them by the governing body of the district, and  
11 they shall hold office at the will of that body. A trustee  
12 shall receive no compensation for his services but may  
13 be reimbursed from funds of the district for actual and  
14 necessary expenses incurred by him in the performance  
15 of his duties. The trustees shall designate a chairman and

16 may, from time to time, change such designation. One of  
17 the trustees may be selected as treasurer and shall then  
18 be responsible for the safekeeping of all the funds of the  
19 watershed improvement district.

20 When a watershed improvement district lies in more  
21 than one soil conservation district, the supervisors of all  
22 such districts shall act jointly as the governing body of the  
23 watershed improvement district.

Sec. 10. *Officers, Agents and Employees; Surety Bonds;*

2 *Annual Audit.*—The trustees may, with the approval of the  
3 governing body of the district, employ such officers, agents,  
4 and other employees as they may require and shall de-  
5 termine their qualifications, duties and compensation.  
6 The compensation of such persons shall be paid out of  
7 funds of said district. The governing body shall provide  
8 for the execution of surety bonds for the treasurer and  
9 such other trustees, officers, agents, and employees as  
10 shall be entrusted with funds or property of the water-  
11 shed improvement district and shall provide for the mak-  
12 ing and publication of an annual audit of the accounts of

13 receipts and disbursements of the watershed improve-  
14 ment district.

15       *Sec. 11. Status and General Powers of District; Appro-*  
16 *val of Governing Body Required.*—A watershed improve-  
17 ment district organized under the provisions of this article  
18 shall constitute a governmental division of this state and  
19 a public body corporate, and such watershed improve-  
20 ment district shall have all of the powers of the soil con-  
21 servation district or districts in which the watershed im-  
22 provement district is situated. These powers are set forth  
23 in article twenty-one-a, chapter nineteen of the code, and  
24 any reference therein to a “soil conservation district” shall  
25 be deemed for the purposes of this article to include a  
26 “watershed improvement district”. The trustees shall exer-  
27 cise only such of the powers of the watershed improvement  
28 district as the governing body of the district may desig-  
29 nate from time to time.

30       *Sec. 12. Powers Granted Additional to Powers of Soil*  
31 *Conservation District; Soil Conservation District to Con-*  
32 *tinue to Exercise its Powers.*—The powers herein granted  
33 to watershed improvement districts shall be additional to

5 the powers of the soil conservation district or districts in  
6 which the watershed improvement district is situated;  
7 and the soil conservation district or districts, and the  
8 supervisors thereof, are authorized, notwithstanding the  
9 creation of the watershed improvement district, to con-  
10 tinue to exercise all of its powers within the watershed  
11 improvement district.

Sec. 13. *Discontinuance of Watershed Improvement*

2 *Districts.*—At any time after five years from the organiza-  
3 tion of a watershed improvement district, any twenty-five  
4 owners of land lying within the limits of the district, or a  
5 majority of such owners if their number be less than fifty,  
6 or any municipality or county any part of which lies with-  
7 in the district, may file a petition with the governing  
8 body of the district, praying that the existence of the dis-  
9 trict be discontinued. The petition shall state the reasons  
10 for discontinuance, and that all obligations of the district  
11 have been met.

12 The governing body of the district may conduct public  
13 hearings on the petition to assist it in making a determina-  
14 tion.

15 If it is found that all the obligations of the district have  
16 been met, the governing body shall consider the question  
17 of whether soil conservation or the conservation develop-  
18 ment, utilization, or disposal of water will be promoted  
19 by the continuance of the district. If the governing body  
20 shall determine that none of these objectives will be pro-  
21 moted, it shall so notify the state soil conservation com-  
22 mittee which may declare the district to be discontinued  
23 and shall record such fact in its official minutes. Following  
24 such entry in its official minutes, the committee shall cer-  
25 tify the fact of the discontinuance to the secretary of state  
26 and shall furnish a copy of such certification for recorda-  
27 tion to the clerk of the county court in each county in  
28 which any portion of the district is situated; and the dis-  
29 trict shall thereupon cease to exist.



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

*E. Harbourn*  
Chairman Senate Committee

*Thomas M. McEl*  
Chairman House Committee

Originated in the Senate.

Takes effect *90 days from* passage.

*J. Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Ralph J. Bean*  
President of the Senate

*W. E. Sawyer*  
Speaker House of Delegates

The within *approved* this the *11th* day of *March*, 1957.

*Jeff. Henderson*  
Governor



Filed In the Office of the Secretary of State  
of West Virginia. **MAR 12 1957**  
D. PITT O'BRIEN  
SECRETARY OF STATE