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OFFICE OF THE GOVERNOR

**WEST VIRGINIA LEGISLATURE**

REGULAR SESSION, 1984

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**ENROLLED**

**HOUSE BILL No. 1221...**

(By ~~Mr.~~ *Del. Knight & Del. Faircloth*)

— ● —

Passed *March 6,* 1984

In Effect *Ninety Days From* Passage



ENROLLED

# H. B. 1221

(By DELEGATE KNIGHT AND DELEGATE FAIRCLOTH)

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[Passed March 6, 1984; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article twenty-one-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing and reestablishing the state soil conservation committee.

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

That section four, article twenty-one-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 21A. SOIL CONSERVATION DISTRICTS.**

**§19-21A-4. State soil conservation committee.**

1 (a) There is hereby established, to serve as an agency  
2 of the state and to perform the functions conferred upon it  
3 in this article, the state soil conservation committee. The  
4 committee shall consist of seven members. The following  
5 shall serve, ex officio, as members of the committee: The  
6 director of the state cooperative extension service; the direc-  
7 tor of the state agricultural experiment station; the director  
8 of the department of natural resources; and the state com-  
9 missioner of agriculture, who shall be chairman of the com-  
10 mittee.

11 The governor shall appoint as additional members of the  
12 committee three representative citizens. The term of mem-  
13 bers thus appointed shall be four years, except that of the  
14 first members so appointed, one shall be appointed for a

15 term of two years, one for a term of three years and one  
16 for a term of four years. In the event of a vacancy, ap-  
17 pointment shall be for the unexpired term.

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

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

26 (b) The state soil conservation committee may employ an  
27 administrative officer and such technical experts and such  
28 other agents and employees, permanent and temporary, as it  
29 may require, and shall determine their qualifications, duties  
30 and compensation. The committee may call upon the at-  
31 torney general of the state for such legal services as it  
32 may require. It shall have authority to delegate to its  
33 chairman, to one or more of its members, or to one or more  
34 agents or employees, such powers and duties as it may deem  
35 proper. The committee is empowered to secure necessary and  
36 suitable office accommodations, and the necessary supplies  
37 and equipment. Upon request of the committee, for the  
38 purpose of carrying out any of its functions, the super-  
39 vising officer of any state agency, or of any state institu-  
40 tion of learning shall, insofar as may be possible, under  
41 available appropriations, and having due regard to the needs  
42 of the agency to which the request is directed, assign or  
43 detail to the committee, members of the staff or personnel  
44 of such agency or institution of learning, and make such  
45 special reports, surveys or studies as the committee may  
46 request.

47 (c) A member of the committee shall hold office so long  
48 as he shall retain the office by virtue of which he shall be  
49 serving on the committee. A majority of the committee shall  
50 constitute a quorum, and the concurrence of a majority in  
51 any matter within their duties shall be required for its  
52 determination. The chairman and members of the committee

53 shall receive no compensation for their services on the  
54 committee, but shall be entitled to expenses, including tra-  
55 veling expenses, necessarily incurred in the discharge of  
56 their duties on the committee. The committee shall provide  
57 for the execution of surety bonds for all employees and of-  
58 ficers who shall be entrusted with funds or property; shall  
59 provide for the keeping of a full and accurate public record  
60 of all proceedings and of all resolutions, regulations and  
61 orders issued or adopted; and shall provide for an an-  
62 nual audit of the accounts of receipts and disbursements.

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

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

70 (2) To keep the supervisors of each of the several dis-  
71 tricts, organized under the provisions of this article, in-  
72 formed of the activities and experience of all other districts  
73 organized hereunder, and to facilitate an interchange of advice  
74 and experience between such districts and cooperation be-  
75 tween them;

76 (3) To coordinate the programs of the several soil con-  
77 servation districts organized hereunder so far as this may  
78 be done by advice and consultation;

79 (4) To secure the cooperation and assistance of the  
80 United States and any of its agencies, and of agencies of  
81 this state, in the work of such districts;

82 (5) To disseminate information throughout the state con-  
83 cerning the activities and programs of the soil conservation  
84 districts organized hereunder, and to encourage the forma-  
85 tion of such districts in areas where their organization is de-  
86 sirable;

87 (6) To accept and receive donations, gifts, contribu-  
88 tions, grants and appropriations in money, services, materials

89 or otherwise, from the United States or any of its agencies,  
90 from the state of West Virginia, or from other sources,  
91 and to use or expend such money, services, materials or  
92 other contributions in carrying out the policy and provisions  
93 of this article, including the right to allocate such money,  
94 services or materials in part to the various soil conserva-  
95 tion districts created by this article in order to assist them in  
96 carrying on their operations;

97 (7) To obtain options upon and to acquire by purchase,  
98 exchange, lease, gift, grant, bequest, devise or otherwise,  
99 any property, real or personal, or rights or interests therein;  
100 to maintain, administer, operate and improve any properties  
101 acquired, to receive and retain income from such property  
102 and to expend such income as required for operation, main-  
103 tenance, administration or improvement of such properties  
104 or in otherwise carrying out the purposes and provisions of  
105 this article; and to sell, lease or otherwise dispose of any of  
106 its property or interests therein in furtherance of the pur-  
107 poses and the provisions of this article. Money received from  
108 the sale of land acquired in the small watershed program shall  
109 be deposited in the special account of the state soil con-  
110 servation committee and expended as herein provided.

111 After having conducted a performance and fiscal audit  
112 through its joint committee on government operations, pur-  
113 suant to section nine, article ten, chapter four of this code,  
114 the Legislature hereby finds and declares that the state soil  
115 conservation committee should be continued and reestablished.  
116 Accordingly, notwithstanding the provisions of section four,  
117 article ten, chapter four of this code, the state soil conserva-  
118 tion committee shall continue to exist until the first day of  
119 July, one thousand nine hundred ninety.

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

James L. Davis  
Chairman Senate Committee

Arnold Quells  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Wille  
Clerk of the Senate

Donald L. Dapp  
Clerk of the House of Delegates  
Waverly P. McHenry  
President of the Senate

W. M. Lee, Jr.  
Speaker House of Delegates

The within in approved this the 30  
day of March, 1984.

John I. Dwyer  
Governor



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