WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2026

(By Delegate Love)

Passed April 7, 1989

In Effect Ninety Days from Passage
ENROLLED

H. B. 2026

(BY DELEGATE LOVE)

[Passed April 7, 1989; in effect ninety days from passage.]

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 continuation of 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.


1 (a) There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this article, the state soil conservation committee. The committee shall consist of seven members. The following shall serve, ex officio, as members of the committee: The director of the state cooperative extension service; the director of the state agricultural experiment station; the director of the department of natural resources; and the state commissioner of agriculture, who shall be chairman of the committee.

The governor shall appoint as additional members of the committee three representative citizens. The term of members thus appointed shall be four years, except that of the first members so appointed, one shall be ap-
pointed for a term of two years, one for a term of three
years, and one for a term of four years. In the event of
a vacancy, appointment shall be for the unexpired term.

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

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

(b) The state soil conservation committee may employ
an administrative officer and such technical experts and
such other agents and employees, permanent and
temporary, as it may require, and shall determine their
qualifications, duties and compensation. The committee
may call upon the attorney general of the state for such
legal services as it may require. It shall have authority
to delegate to its chairman, to one or more of its
members, or to one or more agents or employees, such
powers and duties as it may deem proper. The commit-
tee is empowered to secure necessary and suitable office
accommodations, and the necessary supplies and equip-
ment. Upon request of the committee, for the purpose
of carrying out any of its functions, the supervising
officer of any state agency, or of any state institution of
learning shall, insofar as may be possible, under
available appropriations, and having due regard to the
needs of the agency to which the request is directed,
assign or detail to the committee, members of the staff
or personnel of such agency or institution of learning,
and make such special reports, surveys or studies as the
committee may request.

(c) A member of the committee shall hold office so
long as he shall retain the office by virtue of which he
shall be serving on the committee. A majority of the
committee shall constitute a quorum, and the concur-
rence of a majority in any matter within their duties
shall be required for its determination. The chairman
and members of the committee shall receive no compensation for their services on the committee, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate public record of all proceedings and of all resolutions, regulations and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.

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

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

(2) To keep the supervisors of each of the several districts, organized under the provisions of this article, informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them;

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

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

(5) To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable;

(6) To accept and receive donations, gifts, contributions, grants and appropriations in money, services, materials or otherwise, from the United States or any
of its agencies, from the state of West Virginia, or from
other sources, and to use or expend such money,
services, materials or other contributions in carrying out
the policy and provisions of this article, including the
right to allocate such money, services or materials in
part to the various soil conservation districts created by
this article in order to assist them in carrying on their
operations;

(7) To obtain options upon and to acquire by purchase,
exchange, lease, gift, grant, bequest, devise or other-
wise, any property, real or personal, or rights or
interests therein; to maintain, administer, operate and
improve any properties acquired, to receive and retain
income from such property and to expend such income
as required for operation, maintenance, administration
or improvement of such properties or in otherwise
carrying out the purposes and provisions of this article;
and to sell, lease or otherwise dispose of any of its
property or interests therein in furtherance of the
purposes and the provisions of this article. Money
received from the sale of land acquired in the small
watershed program shall be deposited in the special
account of the state soil conservation committee and
expended as herein provided.

After having conducted a performance and fiscal
audit through its joint committee on government
operations, pursuant to section nine, article ten, chapter
four of this code, the Legislature hereby finds and
declares that the state soil conservation committee
should be continued and reestablished. Accordingly,
notwithstanding the provisions of section four, article
ten, chapter four of this code, the state soil conservation
committee shall continue to exist until the first day of
July, one thousand nine hundred ninety-one.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick Wilson
Chairman Senate Committee

J. L. Satter
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Fred C. Nichter
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Sam W. Innis
President of the Senate

Robert C. Atchison
Speaker of the House of Delegates

The within is applied this the 15th day of April, 1989.

Gaston Caperton
Governor