

NO. 2026

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

HOUSE BILL No. 2026

(By ~~the~~ Delegate Love)



Passed April 2, 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.

§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
3 it in this article, the state soil conservation committee.
4 The committee shall consist of seven members. The
5 following shall serve, ex officio, as members of the
6 committee: The director of the state cooperative exten-
7 sion service; the director of the state agricultural
8 experiment station; the director of the department of
9 natural resources; and the state commissioner of
10 agriculture, who shall be chairman of the committee.

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

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

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

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

27 (b) The state soil conservation committee may employ
28 an administrative officer and such technical experts and
29 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
34 to delegate to its chairman, to one or more of its
35 members, or to one or more agents or employees, such
36 powers and duties as it may deem proper. The commit-
37 tee is empowered to secure necessary and suitable office
38 accommodations, and the necessary supplies and equip-
39 ment. Upon request of the committee, for the purpose
40 of carrying out any of its functions, the supervising
41 officer of any state agency, or of any state institution of
42 learning shall, insofar as may be possible, under
43 available appropriations, and having due regard to the
44 needs of the agency to which the request is directed,
45 assign or detail to the committee, members of the staff
46 or personnel of such agency or institution of learning,
47 and make such special reports, surveys or studies as the
48 committee may request.

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

55 and members of the committee shall receive no compen-
56 sation for their services on the committee, but shall be
57 entitled to expenses, including traveling expenses,
58 necessarily incurred in the discharge of their duties on
59 the committee. The committee shall provide for the
60 execution of surety bonds for all employees and officers
61 who shall be entrusted with funds or property; shall
62 provide for the keeping of a full and accurate public
63 record of all proceedings and of all resolutions, regula-
64 tions and orders issued or adopted; and shall provide for
65 an annual audit of the accounts of receipts and
66 disbursements.

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

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

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

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

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

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

91 (6) To accept and receive donations, gifts, contribu-
92 tions, grants and appropriations in money, services,
93 materials or otherwise, from the United States or any

94 of its agencies, from the state of West Virginia, or from
95 other sources, and to use or expend such money,
96 services, materials or other contributions in carrying out
97 the policy and provisions of this article, including the
98 right to allocate such money, services or materials in
99 part to the various soil conservation districts created by
100 this article in order to assist them in carrying on their
101 operations;

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

118 After having conducted a performance and fiscal
119 audit through its joint committee on government
120 operations, pursuant to section nine, article ten, chapter
121 four of this code, the Legislature hereby finds and
122 declares that the state soil conservation committee
123 should be continued and reestablished. Accordingly,
124 notwithstanding the provisions of section four, article
125 ten, chapter four of this code, the state soil conservation
126 committee shall continue to exist until the first day of
127 July, one thousand nine hundred ninety-one.

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

Fredrick S. Purman

Chairman Senate Committee

J. L. Satter

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Isabel C. Walker

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Sam D. Tucker

President of the Senate

Robert C. Bell

Speaker of the House of Delegates

The within *is approved* this the *25th*
day of *April*, 1989.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/89

Time 10:20