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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993

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# ENROLLED

SENATE BILL NO. 2

(By Senator Brackmire)

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PASSED April 7, 1993  
In Effect July 1, 1993 Passage

**E N R O L L E D**

**Senate Bill No. 2**

(SENATOR BRACKENRICH)

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[Passed April 7, 1993; to take effect July 1, 1993.]

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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 continuation of 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; continuation.**

1 (a) There is hereby established, to serve as an  
2 agency of the state and to perform the functions  
3 conferred upon it in this article, the state soil conser-  
4 vation committee. The committee shall consist of  
5 seven members. The following shall serve, ex officio,  
6 as members of the committee: The director of the state  
7 cooperative extension service; the director of the state  
8 agricultural experiment station; the director of the  
9 department of natural resources; 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  
14 of members thus appointed shall be four years, except  
15 that of the first members so appointed, one shall be  
16 appointed for a term of two years, one for a term of  
17 three years, and one for a term of four years. In the  
18 event of a vacancy, appointment shall be for the  
19 unexpired term.

20 The committee may invite the secretary of agricul-  
21 ture of the United States of America to appoint one  
22 person to serve with the committee as an advisory  
23 member.

24 The committee shall keep a record of its official  
25 actions, shall adopt a seal, which seal shall be judicial-  
26 ly noticed, and may perform such acts, hold such  
27 public hearings and promulgate such rules and regu-  
28 lations as may be necessary for the execution of its  
29 functions under this article.

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

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

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

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

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

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

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

90 (5) To disseminate information throughout the state  
91 concerning the activities and programs of the soil

92 conservation districts organized hereunder, and to  
93 encourage the formation of such districts in areas  
94 where their organization is desirable;

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

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

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

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1993.

*Garrett Williams*  
.....  
Clerk of the Senate

*Donald D. King*  
.....  
Clerk of the House of Delegates

*Lee S. Bredt*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within is approved.....this the 22<sup>nd</sup>  
day of April....., 1993.

*Garson Caperton*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/16/93

Time 9:12 am