

RECEIVED
98 MAR 14 PM 3:51
OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

HOUSE BILL No. 4345

(By Delegates Douglas, Collins, Stalnaker,
Capito, Claypole, Prunty and Tucker)



Passed March 2, 1998

In Effect Ninety Days from Passage

RECEIVED
98 MAR 14 PM 3:51
OFFICE OF THE CLERK
STATE OF WEST VIRGINIA

ENROLLED

H. B. 4345

(BY DELEGATES DOUGLAS, COLLINS, STALNAKER,
CAPITO, CLAYPOLE, PRUNTY AND TUCKER)

[Passed March 2, 1998; 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, continuing 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) The state soil conservation committee is continued.
- 2 It is to serve as an agency of the state and to perform the
- 3 functions conferred upon it in this article. The committee
- 4 shall consist of seven members. The following shall serve,
- 5 ex officio, as members of the committee: The director of
- 6 the state cooperative extension service; the director of the
- 7 state agricultural experiment station; the director of the
- 8 division of environmental protection; and the state
- 9 commissioner of agriculture, who shall be chairman of the
- 10 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 of
14 the first members so appointed, one shall be appointed for
15 a 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,
17 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 to
20 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 as may be necessary
25 for the execution of its functions under this article.

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

48 (c) A member of the committee shall hold office so
49 long as he shall retain the office by virtue of which he
50 shall be serving on the committee. A majority of the

51 committee shall constitute a quorum, and the concurrence
52 of a majority in any matter within their duties shall be
53 required for its determination. The chairman and
54 members of the committee shall receive no compensation
55 for their services on the committee, but shall be entitled to
56 expenses, including traveling expenses, necessarily
57 incurred in the discharge of their duties on the committee.
58 The committee shall provide for the execution of surety
59 bonds for all employees and officers who shall be
60 entrusted with funds or property; shall provide for the
61 keeping of a full and accurate public record of all
62 proceedings and of all resolutions, rules and orders issued
63 or adopted; and shall provide for an annual audit of the
64 accounts of receipts and disbursements.

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

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

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

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

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

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

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

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

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

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

Roy Ashmore
Chairman Senate Committee

Nick Fantasia
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Marsella White
Clerk of the Senate

Bryony M. Day
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *approved* this the *14th*
day of *March* 1998.

[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date

Time

3/11/98

6:31