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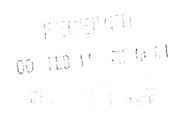
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

ENROLLED

(By Senator Bowney, ET AL)

PASSED FEBRUARY 7, 2000 In Effect Nivery Days From Passage



ENROLLED

Senate Bill No. 166

(By Senators Bowman, Bailey, Ball, Dawson, Kessler, McCabe, Minard, Redd, Wooton, Boley and Minear)

[Passed February 7, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article twenty-onea, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to 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 stage agricultural experiment station; the director of the
- 8 division of environmental protection; and the state com-
- 9 missioner of agriculture, who shall be chairman of the
- 10 committee.
- 11 The governor shall appoint as additional members of the
- 12 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, 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
- 20 serve 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 as may be necessary for the execu-
- 25 tion 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
- 29 it may require, and shall determine their qualifications,
- 30 duties and compensation. The committee may call upon
- 31 the attorney general of the state for such legal services as
- 32 it may require. It shall have authority to delegate to its
- 33 chairman, to one or more of its members, or to one or more
- on the state of th
- 34 agents or employees, such powers and duties as it may
- 35 deem proper. The committee is empowered to secure
- 36 necessary and suitable office accommodations and the
- 37 necessary supplies and equipment. Upon request of the
- 38 committee, for the purpose of carrying out any of its
- 39 functions, the supervising officer of any state agency or of
- 40 any state institution of learning shall, insofar as may be
- 41 possible, under available appropriations, and having due
- 42 regard to the needs of the agency to which the request is
- 43 directed, assign or detail to the committee, members of the
- 44 staff or personnel of such agency or institution of learning
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- 45 and make such special reports, surveys or studies as the
- 46 committee may request.

- 47 (c) A member of the committee shall hold office so long 48 as he or she shall retain the office by virtue of which he or 49 she shall be serving on the committee. A majority of the 50 committee shall constitute a quorum and the concurrence 51 of a majority in any matter within their duties shall be required for its determination. The chairman and mem-52 53 bers of the committee shall receive no compensation for 54 their services on the committee but shall be entitled to expenses, including traveling expenses necessarily in-55 curred in the discharge of their duties on the committee. 56 The committee shall provide for the execution of surety 57 bonds for all employees and officers who shall be en-58 trusted with funds or property; shall provide for the 59 keeping of a full and accurate public record of all proceed-60 61 ings and of all resolutions, rules and orders issued or 62 adopted; and shall provide for an annual audit of the 63 accounts of receipts and disbursements.
- 64 (d) In addition to the duties and powers hereinafter 65 conferred upon the state soil conservation committee, it 66 shall have the following duties and powers:
- 67 (1) To offer such assistance as may be appropriate to the 68 supervisors of soil conservation districts, organized as 69 provided hereinafter, in the carrying out of any of their 70 powers and programs.
- 71 (2) To keep the supervisors of each of the several dis-72 tricts, organized under the provisions of this article, 73 informed of the activities and experience of all other 74 districts organized hereunder, and to facilitate an inter-75 change of advice and experience between such districts 76 and cooperation between them;
- 77 (3) To coordinate the programs of the several soil 78 conservation districts organized hereunder so far as this 79 may be done by advice and consultation;
- 80 (4) To secure the cooperation and assistance of the 81 United States and any of its agencies and of agencies of 82 this state in the work of such districts:
- 83 (5) To disseminate information throughout the state 84 concerning the activities and programs of the soil conser-

vation 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 conserva-tion districts created by this article in order to assist them in carrying on their operations; and
 - (7) To obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, 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 audit through its joint committee on government operations, pursuant to 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, pursuant to the provisions of section five of said article, the state soil conservation committee shall continue to exist until the first day of July, two thousand six, unless sooner terminated, continued or reestablished by act of the Legislature.

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