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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

SENATE BILL NO. 166

(By Senator BOWMAN, ET AL)



PASSED FEBRUARY 7, 2000
In Effect NINETY DAYS FROM Passage

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STATE OF WEST VIRGINIA

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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-one-a, 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
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
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
52 required for its determination. The chairman and mem-
53 bers of the committee shall receive no compensation for
54 their services on the committee but shall be entitled to
55 expenses, including traveling expenses necessarily in-
56 curred in the discharge of their duties on the committee.
57 The committee shall provide for the execution of surety
58 bonds for all employees and officers who shall be en-
59 trusted with funds or property; shall provide for the
60 keeping of a full and accurate public record of all proceed-
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-

85 vation districts organized hereunder and to encourage the
86 formation of such districts in areas where their organiza-
87 tion is desirable;

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

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

113 After having conducted a performance audit through its
114 joint committee on government operations, pursuant to
115 article ten, chapter four of this code, the Legislature
116 hereby finds and declares that the state soil conservation
117 committee should be continued and reestablished. Ac-
118 cordingly, pursuant to the provisions of section five of said
119 article, the state soil conservation committee shall con-
120 tinue to exist until the first day of July, two thousand six,
121 unless sooner terminated, continued or reestablished by
122 act of the Legislature.

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

[Handwritten Signature]

Chairman Senate Committee

[Handwritten Signature]

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

[Handwritten Signature]

Clerk of the Senate

[Handwritten Signature]

Clerk of the House of Delegates

[Handwritten Signature]

President of the Senate

[Handwritten Signature]

Speaker House of Delegates

The within..... *approved* this the *14th*
Day of *February* 2000

[Handwritten Signature]

Governor

PRESENTED TO THE

GOVERNOR

Date 2/11/00

Time 9:40 am