

FILED

2004 APR -6 A 11:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4516

(By Delegates Boggs, Michael, Kominar and Evans)



Passed March 13, 2004

In Effect Ninety Days from Passage

FILED

2004 APR -6 A 11: 49

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4516

(BY DELEGATES BOGGS, MICHAEL, KOMINAR AND EVANS)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §19-21A-4 and §19-21A-7 of the code of West Virginia, 1931, as amended, all relating to the state conservation committee and conservation districts; adding a member to the state conservation committee; designating the administrative officer and the support staff as the West Virginia conservation agency; and increasing the per diem rate for conservation supervisors.

Be it enacted by the Legislature of West Virginia:

That §19-21A-4 and §19-21A-7 of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 21A. CONSERVATION DISTRICTS.

§19-21A-4. State conservation committee; continuation.

1 (a) The state conservation committee is continued. It serves
2 as an agency of the state and is to perform the functions
3 conferred upon it in this article. The committee consists of the
4 following ten members:

5 (1) Four citizen members;

6 (2) The following ex officio members:

7 (A) The director of the state cooperative extension service;

8 (B) The director of the state agricultural and forestry
9 experiment station;

10 (C) The secretary of the department of environmental
11 protection;

12 (D) The state commissioner of agriculture, who is the
13 chairperson of the committee;

14 (E) The director of the division of forestry; and

15 (F) The president of the West Virginia association of
16 conservation districts.

17 (b) The governor shall appoint, by and with the consent of
18 the Senate, the four citizens members. Members shall be
19 appointed for four-year terms, which are staggered in accor-
20 dance with the initial appointments under prior enactment of
21 this section. In the event of a vacancy, the appointment is for
22 the unexpired term.

23 (c) The committee may invite the secretary of agriculture
24 of the United States of America to appoint one person to serve
25 with the committee as an advisory member.

26 (d) The committee shall keep a record of its official actions,
27 shall adopt a seal, which shall be judicially noticed, and may

28 perform those acts, hold public hearings and adopt or propose
29 for legislative approval rules necessary for the execution of its
30 functions under this article.

31 (e) The state conservation committee may employ an
32 administrative officer, technical experts and other agents and
33 employees, permanent and temporary, as it requires. The
34 administrative officer and support staff shall be known as the
35 West Virginia conservation agency. The committee shall
36 determine their qualifications, duties and compensation. The
37 committee may call upon the attorney general of the state for
38 legal services it requires. It may delegate to its chairperson, to
39 one or more of its members, or to one or more agents or
40 employees, powers and duties it considers proper. The commit-
41 tee may secure necessary and suitable office accommodations
42 and the necessary supplies and equipment. Upon request of the
43 committee, for the purpose of carrying out any of its functions,
44 the supervising officer of any state agency or of any state
45 institution of learning shall, insofar as may be possible, under
46 available appropriations and having due regard to the needs of
47 the agency to which the request is directed, assign or detail to
48 the committee, members of the staff or personnel of the agency
49 or institution of learning and make special reports, surveys or
50 studies required by the committee.

51 (f) A member of the committee holds office so long as he
52 or she retains the office by virtue of which he or she is serving
53 on the committee. A majority of the committee is a quorum and
54 the concurrence of a majority in any matter within their duties
55 is required for its determination. The chairperson and members
56 of the committee may receive no compensation for their
57 services on the committee, but are entitled to reimbursement of
58 expenses, including traveling expenses necessarily incurred in
59 the discharge of their duties on the committee. The committee
60 shall:

61 (1) Require the execution of surety bonds for all employees
62 and officers who are entrusted with funds or property;

63 (2) Provide for the keeping of a full and accurate public
64 record of all proceedings and of all resolutions, rules and orders
65 issued or adopted; and

66 (3) Provide for an annual audit of the accounts of receipts
67 and disbursements.

68 (g) In addition to other duties and powers conferred upon
69 the state conservation committee, it may:

70 (1) Offer appropriate assistance to the supervisors of
71 conservation districts, organized as provided in this article, in
72 the carrying out of any of their powers and programs;

73 (2) Keep the supervisors of each of the several districts,
74 organized under the provisions of this article, informed of the
75 activities and experience of all other districts organized under
76 this article and facilitate an interchange of advice and experi-
77 ence between the districts and cooperation between them;

78 (3) Coordinate the programs of the several conservation
79 districts so far as this may be done by advice and consultation;

80 (4) Secure the cooperation and assistance of the United
81 States and any of its agencies and of agencies of this state in the
82 work of the districts;

83 (5) Disseminate information throughout the state concern-
84 ing the activities and programs of the conservation districts and
85 encourage the formation of the districts in areas where their
86 organization is desirable;

87 (6) Accept and receive donations, gifts, contributions,
88 grants and appropriations in money, services, materials or

89 otherwise from the United States or any of its agencies, from
90 the state of West Virginia or from other sources and use or
91 expend the money, services, materials or other contributions in
92 carrying out the policy and provisions of this article, including
93 the right to allocate the money, services or materials in part to
94 the various conservation districts created by this article in order
95 to assist them in carrying on their operations; and

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

**§19-21A-7. Supervisors to constitute governing body of district;
qualifications and terms of supervisors; powers
and duties.**

1 (a) The governing body of the district consists of the
2 supervisors, appointed or elected, as provided in this article.
3 The two supervisors appointed by the committee shall be
4 persons who are by training and experience qualified to perform
5 the specialized skilled services which are required of them in
6 the performance of their duties under this section and shall be
7 legal residents and landowners in the district.

8 (b) The supervisors shall designate a chairperson and may,
9 from time to time, change the designation. The term of office of
10 each supervisor is three years. A supervisor holds office until
11 his or her successor has been elected or appointed. In case a
12 new county or portion of a county is added to a district, the
13 committee may appoint a supervisor to represent it until the
14 next regular election of supervisors for the district takes place.
15 If a vacancy occurs among the elected supervisors of a district,
16 the committee shall appoint a successor from the same county
17 to fill the unexpired term. The appointment shall be made from
18 a name or list of names submitted by local farm organizations
19 and agencies.

20 (c) When any county or portion of a county lying within the
21 boundaries of a district has in effect eight hundred or more
22 signed agreements of cooperation with occupiers of land
23 located within the county, then at the next regular election of
24 supervisors the land occupiers within the county or portion of
25 the county are entitled to elect two supervisors to represent the
26 county instead of one for the term and in the manner prescribed
27 in this section. A majority of the supervisors constitutes a
28 quorum and the concurrence of a majority in any matter within
29 their duties is required for its determination.

30 (d) A supervisor is entitled to expenses and a per diem not
31 to exceed thirty dollars when engaged in the performance of his
32 or her duties.

33 (e) The supervisors may, with the approval of the state
34 committee, employ a secretary, technical experts and any other
35 officers, agents and employees, permanent and temporary, as
36 they may require and shall determine their qualifications, duties
37 and compensation. The supervisors may delegate to their
38 chairperson, to one or more supervisors or to one or more
39 agents, or employees, those administrative powers and duties
40 they consider proper. The supervisors shall furnish to the state

41 conservation committee, upon request, copies of the ordinances,
42 rules, orders, contracts, forms and other documents they adopt
43 or employ and any other information concerning their activities
44 required in the performance of state conservation committee's
45 duties under this article.

46 (f) The supervisors shall:

47 (1) Require the execution of surety bonds for all employees
48 and officers who are entrusted with funds or property;

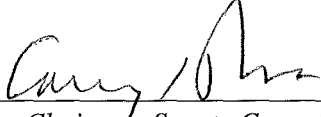
49 (2) Provide for the keeping of a full and accurate record of
50 all proceedings and of all resolutions, rules and orders issued or
51 adopted; and

52 (3) Provide for an annual audit of the accounts of receipts
53 and disbursements.

54 (g) Any supervisor may be removed by the state conserva-
55 tion committee upon notice and hearing for neglect of duty or
56 malfeasance in office, but for no other reason.

57 (h) The supervisors may invite the legislative body of any
58 municipality or county located near the territory comprised
59 within the district to designate a representative to advise and
60 consult with the supervisors of a district on all questions of
61 program and policy which may affect the property, water
62 supply or other interests of the municipality or county.

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



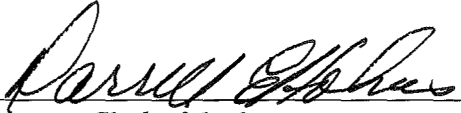
Chairman Senate Committee



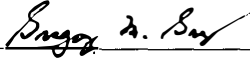
Chairman House Committee

Originating in the House.

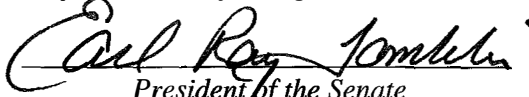
In effect ninety days from passage.



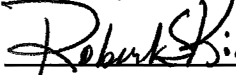
Clerk of the Senate



Clerk of the House of Delegates

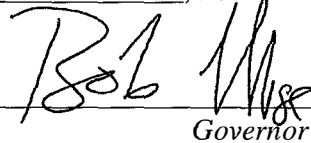


President of the Senate



Speaker of the House of Delegates

The within is approved this the 6th
day of April, 2004.


Governor

PRESENTED TO THE
GOVERNOR

DATE 4/1/04
TIME 4:35p