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

(1) Four citizen members;

(2) The following ex officio members:

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

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

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

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

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

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

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

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

(d) The committee shall keep a record of its official actions, shall adopt a seal, which shall be judicially noticed, and may
perform those acts, hold public hearings and adopt or propose
for legislative approval rules necessary for the execution of its
functions under this article.

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

(f) A member of the committee holds office so long as he
or she retains the office by virtue of which he or she is serving
on the committee. A majority of the committee is a quorum and
the concurrence of a majority in any matter within their duties
is required for its determination. The chairperson and members
of the committee may receive no compensation for their
services on the committee, but are entitled to reimbursement of
expenses, including traveling expenses necessarily incurred in
the discharge of their duties on the committee. The committee
shall:
(1) Require the execution of surety bonds for all employees and officers who are entrusted with funds or property;

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

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

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

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

(2) Keep the supervisors of each of the several districts, organized under the provisions of this article, informed of the activities and experience of all other districts organized under this article and facilitate an interchange of advice and experience between the districts and cooperation between them;

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

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

(5) Disseminate information throughout the state concerning the activities and programs of the conservation districts and encourage the formation of the districts in areas where their organization is desirable;

(6) 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 use or expend the money, services, materials or other contributions in carrying out the policy and provisions of this article, including the right to allocate the money, services or materials in part to the various conservation districts created by this article in order to assist them in carrying on their operations; and

(7) Obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property, real or personal, or rights or interests in the property; maintain, administer, operate and improve any properties acquired; receive and retain income from the property and to expend the income as required for operation, maintenance, administration or improvement of the properties or in otherwise carrying out the purposes and provisions of this article; and sell, lease or otherwise dispose of any of its property or interests in the property 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 conservation committee and expended as provided in this article.

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

(a) The governing body of the district consists of the supervisors, appointed or elected, as provided in this article. The two supervisors appointed by the committee shall be persons who are by training and experience qualified to perform the specialized skilled services which are required of them in the performance of their duties under this section and shall be legal residents and landowners in the district.
(b) The supervisors shall designate a chairperson and may, from time to time, change the designation. The term of office of each supervisor is three years. A supervisor holds office until his or her successor has been elected or appointed. In case a new county or portion of a county is added to a district, the committee may appoint a supervisor to represent it until the next regular election of supervisors for the district takes place. If a vacancy occurs among the elected supervisors of a district, the committee shall appoint a successor from the same county to fill the unexpired term. The appointment shall be made from a name or list of names submitted by local farm organizations and agencies.

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

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

(e) The supervisors may, with the approval of the state committee, employ a secretary, technical experts and any other officers, agents and employees, permanent and temporary, as they may require and shall determine their qualifications, duties and compensation. The supervisors may delegate to their chairperson, to one or more supervisors or to one or more agents, or employees, those administrative powers and duties they consider proper. The supervisors shall furnish to the state
conservation committee, upon request, copies of the ordinances, rules, orders, contracts, forms and other documents they adopt or employ and any other information concerning their activities required in the performance of state conservation committee’s duties under this article.

(f) The supervisors shall:

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

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

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

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

(h) The supervisors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of a district on all questions of program and policy which may affect the property, water 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 25th day of April, 2004.

Governor
PRESENTED TO THE
GOVERNOR
DATE 4/16/01
TIME 2:30 PM