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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for

SENATE BILL NO. 670

(By Senator Kessler, et al)

PASSED April 9, 2005

In Effect from **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 670

(SENATORS KESSLER, EDGELL, HELMICK, BOLEY, BOWMAN,
BARNES AND FACEMYER, *original sponsors*)

[Passed April 9, 2005; in effect from passage.]

AN ACT to amend and reenact §3-8-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-21A-3, §19-21A-4 §19-21A-5, §19-21A-6 and §19-21A-7 of said code, all relating to electing supervisors for conservation districts; defining certain terms; authorizing emergency rulemaking; providing that registered voters in the district may vote for supervisors and in referendum; requiring candidate for supervisor file statement; requiring Conservation Committee certify qualified candidates for ballot; providing that candidate may not be on ballot or take office if qualifications not met; and requiring certain reports.

Be it enacted by the Legislature of West Virginia:

That §3-8-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §19-21A-3, §19-21A-4 §19-21A-5, §19-21A-6 and §19-21A-7 of said code be amended and reenacted, all to read as follows:

CHAPTER 3. ELECTIONS.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5. Detailed accounts and verified financial statements required.

1 (a) Every candidate, financial agent, person and associa-
2 tion of persons, organization of any kind, including every
3 corporation, directly or indirectly, supporting a political
4 committee established pursuant to paragraph (C), subdivi-
5 sion (1), subsection (b), section eight of this article or
6 engaging in other activities permitted by this section and
7 also including the treasurer or equivalent officer of the
8 association or organization, advocating or opposing the
9 nomination, election or defeat of any candidate, and the
10 treasurer of every political party committee shall keep
11 detailed accounts of every sum of money or other thing of
12 value received by him or her, including all loans of money
13 or things of value, and of all expenditures and disburse-
14 ments made, liabilities incurred, by the candidate, finan-
15 cial agent, person, association or organization or commit-
16 tee, for political purposes, or by any of the officers or
17 members of the Committee, or any person acting under its
18 authority or on its behalf.

19 (b) Every person or association of persons required to
20 keep detailed accounts under this section shall file with
21 the officers hereinafter prescribed a detailed itemized
22 sworn statement, according to the following provisions
23 and times:

24 (1) On the last Saturday in March or within six days
25 thereafter and annually whenever the total of all financial
26 transactions relating to an election exceed five hundred
27 dollars, a statement which shall include all financial
28 transactions which have taken place by the date of that
29 statement, subsequent to any previous statement filed
30 within the previous five years under this section;

31 (2) Not less than ten nor more than seventeen days
32 preceding each primary or other election, a statement
33 which shall include all financial transactions which have
34 taken place by the date of the statement, subsequent to the
35 previous statement, if any;

36 (3) Not less than twenty-five nor more than thirty-one
37 days after each primary or other election, a statement
38 which shall include all financial transactions which have
39 taken place by the date of the statement, subsequent to the
40 previous statement; and

41 (4) On the first Saturday in September or within six days
42 thereafter, preceding the general election day whenever
43 the total of all financial transactions relating to an elec-
44 tion exceed five hundred dollars or whenever any loans are
45 outstanding, a statement which shall include all financial
46 transactions which have taken place by the date of the
47 statement, subsequent to the previous statement.

48 (c) Every person who shall announce as a write-in
49 candidate for any elective office and his or her financial
50 agent or election organization of any kind shall comply
51 with all of the requirements of this section after public
52 announcement of the person's candidacy has been made.

53 (d) For purposes of this section, the term "financial
54 transactions" includes all contributions or loans received
55 and all repayments of loans or expenditures made to
56 promote the candidacy of any person by any candidate or
57 any organization advocating or opposing the nomination,
58 election or defeat of any candidate to be voted on.

59 (e) Candidates for the office of conservation district
60 supervisor elected pursuant to the provisions of article
61 twenty-one-a, chapter nineteen of this code shall only be
62 required to file the reports required by subdivisions (2) and
63 (3), subsection (b) of this section immediately prior to and
64 after the general election.

CHAPTER 19. AGRICULTURE.

ARTICLE 21A. CONSERVATION DISTRICTS.

§19-21A-3. Definitions.

1 Wherever used or referred to in this article, unless a
2 different meaning clearly appears from the context:

3 (1) “Agency of this state” includes the government of this
4 state and any subdivision, agency or instrumentality,
5 corporate or otherwise, of the government of this state.

6 (2) “Committee” or “State Conservation Committee”
7 means the agency created in section four of this article.

8 (3) “District” or “conservation district” means a subdivi-
9 sion of this state, organized in accordance with the provi-
10 sions of this article, for the purposes, with the powers and
11 subject to the restrictions hereinafter set forth.

12 (4) “Governing body” means the supervisors of any
13 conservation district, town or city, council, city commis-
14 sion, county court or body acting in lieu of a county court,
15 in this state, and the term “governmental division” means
16 any conservation district, town, city or county in this state.

17 (5) “Land occupier” or “occupier of land” includes any
18 person, firm or corporation who shall hold title to, or shall
19 be in possession of, any lands lying within a district
20 organized under the provisions of this article, whether as
21 owner, lessee, renter or tenant.

22 (6) “Landowners” or “owners of land” includes any
23 person or persons, firm or corporation who shall hold title
24 to three or more acres of any lands lying within a district
25 organized under the provisions of this article.

26 (7) “Notice” means notice published as a Class II legal
27 advertisement in compliance with the provisions of article
28 three, chapter fifty-nine of this code and the publication
29 area for such publication shall be the county in which is

30 located the appropriate area. At any hearing held pursu-
31 ant to such notice at the time and place designated in such
32 notice, adjournment may be made, from time to time,
33 without the necessity of renewing such notice for such
34 adjournment dates.

35 (8) "Petition" means a petition filed under the provisions
36 of subsection (a), section five of this article for the creation
37 of a district.

38 (9) "Soil conservation", "erosion control" or "erosion
39 prevention projects", when used throughout the article,
40 shall denote those projects that have been established by
41 federal agencies in cooperation with state agencies for the
42 purpose of demonstrating soil erosion control and water
43 conservation practices.

44 (10) "State" means the State of West Virginia.

45 (11) "Supervisor" means one of the members of the
46 governing body of a district, elected or appointed in
47 accordance with the provisions of this article.

48 (12) "United States" or "agencies of the United States"
49 includes the United States of America, Natural Resources
50 Conservation Service of the United States Department of
51 Agriculture and any other agency or instrumentality,
52 corporate or otherwise, of the United States of America.

53 (13) "Works of improvement" means such structures as
54 may be necessary or convenient for flood prevention or the
55 conservation, development, utilization or disposal of
56 water.

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

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

5 (1) Four citizen members;

6 (2) The following ex officio members:

7 (A) The Director of the State Cooperative Extension
8 Service;

9 (B) The Director of the State Agricultural and Forestry
10 Experiment Station;

11 (C) The Secretary of the Department of Environmental
12 Protection;

13 (D) The State Commissioner of Agriculture, who is the
14 chairperson of the committee;

15 (E) The Director of the Division of Forestry; and

16 (F) The President of the West Virginia Association of
17 Conservation Districts.

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

24 (c) The Committee may invite the Secretary of Agricul-
25 ture of the United States of America to appoint one person
26 to serve with the Committee as an advisory member.

27 (d) The Committee shall keep a record of its official
28 actions, shall adopt a seal, which shall be judicially
29 noticed, and may perform those acts, hold public hearings
30 and adopt or propose for legislative approval rules neces-
31 sary for the execution of its functions under this article.

32 (e) The State Conservation Committee may employ an
33 administrative officer, technical experts and other agents
34 and employees, permanent and temporary, as it requires.
35 The administrative officer and support staff shall be
36 known as the West Virginia Conservation Agency. The
37 Committee shall determine their qualifications, duties and

38 compensation. The Committee may call upon the Attorney
39 General of the state for legal services it requires. It may
40 delegate to its chairperson, to one or more of its members,
41 or to one or more agents or employees powers and duties
42 it considers proper. The Committee may secure necessary
43 and suitable office accommodations and the necessary
44 supplies and equipment. Upon request of the Committee,
45 for the purpose of carrying out any of its functions, the
46 supervising officer of any state agency or of any state
47 institution of learning shall, insofar as may be possible,
48 under available appropriations and having due regard to
49 the needs of the agency to which the request is directed,
50 assign or detail to the Committee, members of the staff or
51 personnel of the agency or institution of learning and
52 make special reports, surveys or studies required by the
53 Committee.

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

64 (1) Require the execution of surety bonds for all employ-
65 ees and officers who are entrusted with funds or property;

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

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

71 (g) In addition to other duties and powers conferred upon
72 the State Conservation Committee, it may:

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

77 (2) Keep the supervisors of each of the several districts,
78 organized under the provisions of this article, informed of
79 the activities and experience of all other districts orga-
80 nized under this article and facilitate an interchange of
81 advice and experience between the districts and coopera-
82 tion between them;

83 (3) Coordinate the programs of the several conservation
84 districts so far as this may be done by advice and consulta-
85 tion;

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

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

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

103 (7) Obtain options upon and acquire by purchase,
104 exchange, lease, gift, grant, bequest, devise or otherwise
105 any property, real or personal, or rights or interests in the
106 property; maintain, administer, operate and improve any
107 properties acquired; receive and retain income from the

108 property and to expend the income as required for opera-
109 tion, maintenance, administration or improvement of the
110 properties or in otherwise carrying out the purposes and
111 provisions of this article; and sell, lease or otherwise
112 dispose of any of its property or interests in the property
113 in furtherance of the purposes and the provisions of this
114 article. Money received from the sale of land acquired in
115 the small watershed program shall be deposited in the
116 special account of the State Conservation Committee and
117 expended as provided in this article.

118 (8) To promulgate emergency and legislative rules to
119 effectuate the provisions of this article as amended and
120 reenacted by the Legislature during the regular session of
121 the Legislature in the year two thousand five.

§19-21A-5. Creation of conservation districts.

1 (a) Any twenty-five owners of land lying within the
2 limits of the territory proposed to be organized into a
3 district may file a petition with the State Conservation
4 Committee asking that a conservation district be orga-
5 nized to function in the territory described in the petition.
6 The petition shall set forth:

7 (1) The proposed name of the district;

8 (2) That there is need, in the interest of the public health,
9 safety and welfare, for a conservation district to function
10 in the territory described in the petition;

11 (3) A description of the territory proposed to be orga-
12 nized as a district, which shall not be required to be given
13 by metes and bounds or by legal subdivisions, but shall be
14 deemed sufficient if generally accurate;

15 (4) A request that the State Conservation Committee
16 define the boundaries for the district; that a referendum be
17 held within the territory so defined on the question of the
18 creation of a conservation district in the territory; and that
19 the Committee determine that a district be created.

20 Where more than one petition is filed covering neighbor-
21 ing parts of the same region, whether or not these areas
22 overlap, the State Conservation Committee may consoli-
23 date all or any such petitions.

24 (b) Within thirty days after a petition has been filed with
25 the State Conservation Committee, it shall cause notice to
26 be given of a proposed hearing upon the question of the
27 desirability and necessity, in the interest of the public
28 health, safety and welfare, of the creation of such district,
29 upon the question of the appropriate boundaries to be
30 assigned to such district, upon the propriety of the petition
31 and other proceedings taken under this article and upon
32 all questions relevant to such inquiries. Notice of the date,
33 place and time of the hearing shall be published no less
34 than fourteen days prior to the hearing as a Class II-0 legal
35 advertisement in compliance with the provisions of article
36 three, chapter fifty-nine of this code. The publication area
37 is the county or counties where the proposed district is
38 located. All owners of land within the limits of the
39 territory described in the petition, and of lands within any
40 territory considered for addition to the described territory,
41 and all other interested parties shall have the right to
42 attend the hearings and to be heard. If it appears upon the
43 hearing that it may be desirable to include within the
44 proposed district territory outside of the area within which
45 notice of the hearing has been given, the hearing shall be
46 adjourned and notice of further hearing shall be given
47 throughout the entire area considered for inclusion in the
48 district and another hearing held. After the hearing, if the
49 Committee determines, upon the facts presented at the
50 hearing and other relevant facts and information as may
51 be available, that there is need, in the interest of the public
52 health, safety and welfare, for a conservation district to
53 function in the territory considered at the hearing, it shall
54 make and record such determination and shall define, by
55 metes and bounds or by legal subdivisions, the boundaries
56 of such district. Districts thus defined may be a watershed
57 or portion thereof and nothing in this article shall be

58 interpreted to exclude from consideration, small areas
59 often constituting a very small part of a large watershed.
60 The district may be large or small, but in making that
61 determination and in defining the boundaries, the commit-
62 tee shall give due weight and consideration to the topogra-
63 phy of the area considered and of the state, the composi-
64 tion of soils therein, the distribution of erosion, the
65 prevailing land-use practices, the desirability and neces-
66 sity of including within the boundaries the particular
67 lands under consideration and the benefits such lands may
68 receive from being included within the boundaries, the
69 relation of the proposed area to existing watersheds and
70 agricultural regions and to other conservation districts
71 already organized or proposed for organization under the
72 provisions of this article and other physical, geographical
73 and economic factors as are relevant, having due regard to
74 the legislative determinations set forth in section two of
75 this article. The territory to be included within the
76 boundaries need not be contiguous. If the Committee
77 determines after the hearing, after consideration of the
78 relevant facts, that there is no need for a conservation
79 district to function in the territory considered at the
80 hearing, it shall make and record its determination and
81 deny the petition. After six months shall have expired
82 from the date of the denial of any petition, subsequent
83 petitions covering the same or substantially the same
84 territory may be filed as aforesaid and new hearings held
85 and determinations made thereon.

86 (c) After the Committee has made and recorded a
87 determination that there is need, in the interest of the
88 public health, safety and welfare, for the organization of
89 a district in a particular territory and has defined the
90 boundaries thereof, it shall consider the question whether
91 the operation of a district within such boundaries with the
92 powers conferred upon conservation districts in this article
93 is administratively practicable and feasible. To assist the
94 Committee in the determination of administrative practi-
95 cability and feasibility, it is the duty of the Committee to

96 hold a referendum within the proposed district upon the
97 proposition of the creation of the district and to cause due
98 notice of such referendum to be given. The question of the
99 creation of the proposed district shall be submitted to the
100 registered voters of the proposed district at the next
101 primary or general election. All of the provisions of
102 chapter three of this code, unless in conflict with the
103 provisions of this article, apply to voting and elections on
104 the referendum, insofar as practicable.

105 The question shall be submitted by ballots upon which
106 the words "For creation of a conservation district of the
107 lands below described and lying in the (counties) of
108 _____, _____, and _____. Against
109 creation of a conservation district of the lands below
110 described and lying in the (counties) of
111 _____, and _____" shall appear, with a
112 square before each proposition and a direction to insert an
113 X mark in the square before one or the other of the
114 propositions as the voter may favor or oppose creation of
115 a district. The ballot shall set forth the boundaries of the
116 proposed districts as determined by the Committee.

117 (d) The Committee shall pay all expenses for the issuance
118 of notices and conducting hearings. It shall promulgate
119 rules in accordance with the provisions of article three,
120 chapter twenty-nine-a of this code governing the conduct
121 of hearings.

122 (e) The Committee shall publish the result of the referen-
123 dum and shall thereafter consider and determine whether
124 the operation of the district within the defined boundaries
125 is administratively practicable and feasible. If the Com-
126 mittee determines that the operation of the district is not
127 administratively practicable and feasible, it shall record
128 its determination and deny the petition. If the Committee
129 shall determine that the operation of the district is admin-
130 istratively practicable and feasible, it shall record the
131 determination and proceed with the organization of the
132 district in the manner hereinafter provided. In making its

133 determination the Committee shall give due regard and
134 weight to the attitudes of the occupiers of lands lying
135 within the defined boundaries, the number of landowners
136 eligible to vote in the referendum who have voted, the
137 proportion of the votes cast in the referendum in favor of
138 the creation of the district to the total number of votes
139 cast, the approximate wealth and income of the land
140 occupiers of the proposed district, the probable expense of
141 carrying on erosion-control operations within the district
142 and other economic and social factors as may be relevant
143 to the determination, having due regard to the legislative
144 determinations set forth in section two of this article.

145 (f) If the Committee determines that the operation of the
146 proposed district within the defined boundaries is admin-
147 istratively practicable and feasible, it shall appoint two
148 supervisors to act with the supervisors elected as provided
149 hereinafter, as the governing body of the district.

150 (g) The two appointed supervisors shall present to the
151 Secretary of State an application signed by them which
152 shall set forth by recitals: (1) That a petition for the
153 creation of the district was filed with the State Conserva-
154 tion Committee pursuant to the provisions of this article
155 and that the proceedings specified in this article were
156 taken pursuant to the petition; that the application is
157 being filed in order to complete the organization of the
158 district under this article; and that the Committee has
159 appointed them as supervisors; (2) the name and official
160 residence of each of the supervisors, together with a
161 certified copy of the appointments evidencing their right
162 to office; (3) the term of office of each of the supervisors;
163 (4) the name which is proposed for the district; and (5) the
164 location of the principal office of the supervisors of the
165 district. The application shall be subscribed and sworn to
166 by each of the supervisors before an officer authorized by
167 the laws of this state to take and certify oaths, who shall
168 certify upon the application that he or she personally
169 knows the supervisors and knows them to be the officers

170 as affirmed in the application and that each has sub-
171 scribed thereto in the officer's presence. The application
172 shall be accompanied by a statement by the State Conser-
173 vation Committee, which shall certify by recitals that a
174 petition was filed, notice issued and hearing held as
175 aforesaid; that the Committee did determine that there is
176 need, in the interest of the public health, safety and
177 welfare, for a conservation district to function in the
178 proposed territory and did define the boundaries thereof;
179 that notice was given and a referendum held on the
180 question of the creation of the district; that the result of
181 the referendum showed a majority of the votes cast in the
182 referendum to be in favor of the creation of the district;
183 and that thereafter the Committee did determine that the
184 operation of the proposed district is administratively
185 practicable and feasible. The statement shall set forth the
186 boundaries of the district as they have been defined by the
187 Committee.

188 The Secretary of State shall examine the application and
189 statement and, if he or she finds that the name proposed
190 for the district is not identical with that of any other
191 conservation district of this state or so nearly similar as to
192 lead to confusion or uncertainty, he or she shall file them
193 and shall record them in an appropriate book of record in
194 his or her office. If the Secretary of State finds that the
195 name proposed for the district is identical with that of any
196 other conservation district of this state, or so nearly
197 similar as to lead to confusion and uncertainty, he or she
198 shall certify that fact to the State Conservation Committee
199 which shall thereupon submit to the Secretary of State a
200 new name for the district, which shall not be subject to
201 defects. Upon receipt of the new name, free of defects, the
202 Secretary of State shall record the application and state-
203 ment, with the name so modified, in an appropriate book
204 of record in his or her office. The Secretary of State shall
205 make and issue to the supervisors a certificate, under the
206 seal of the state, of the organization of the district and
207 shall record the certificate with the application and

208 statement. The boundaries of the district shall include the
209 territory as determined by the State Conservation Com-
210 mittee as aforesaid, but in no event shall they include any
211 area included within the boundaries of another conserva-
212 tion district organized under the provisions of this article.

213 (h) After six months has expired from the date of entry
214 of a determination by the State Conservation Committee
215 that operation of a proposed district is not administra-
216 tively practicable and feasible and denial of a petition
217 pursuant to such determination, subsequent petitions may
218 be filed as aforesaid and action taken thereon in accor-
219 dance with the provisions of this article.

220 (i) Petitions for including additional territory within an
221 existing district may be filed with the State Conservation
222 Committee and the proceedings herein provided for in the
223 case of petitions to organize a district shall be observed in
224 the case of petitions for inclusion. The Committee shall
225 prescribe the form for petitions, which shall be as nearly
226 as may be in the form prescribed in this article for peti-
227 tions to organize a district. Where the total number of
228 landowners in the area proposed for inclusion is less than
229 twenty-five, the petition may be filed when signed by a
230 majority of the landowners of the area and in such case no
231 referendum need be held.

232 (j) In any suit, action or proceeding involving the validity
233 or enforcement of, or relating to, any contract, proceeding
234 or action of the district, the district shall be deemed to
235 have been established in accordance with the provisions of
236 this article upon proof of the issuance of the aforesaid
237 certificate by the Secretary of State. A copy of the certifi-
238 cate certified by the Secretary of State shall be admissible
239 in evidence in any suit, action or proceeding and shall be
240 proof of the filing and contents thereof.

§19-21A-6. Election of supervisors for each district.

- 1 Within thirty days after the date of issuance by the
- 2 Secretary of State of a certificate of organization of a

3 conservation district, nominating petitions may be filed
4 with the State Conservation Committee to nominate
5 candidates for supervisors of the district. A candidate for
6 supervisor shall own land in the district and have the
7 education, training or experience necessary to carry out
8 the duties required by this article and rules promulgated
9 thereunder. A candidate shall file with the Committee a
10 sworn written statement specifying that he or she meets
11 the requirements of office. A candidate may not be placed
12 on the ballot or be seated as a supervisor unless he or she
13 meets these requirements. The Committee shall provide a
14 list of qualified candidates to the Secretary of State prior
15 to any election for supervisor at the time and in the
16 manner specified by the Secretary.

17 The Committee shall have authority to extend the time
18 within which nominating petitions may be filed. No
19 nominating petition shall be accepted by the Committee
20 unless it is subscribed by twenty-five or more owners of
21 lands lying within the boundaries of the district and
22 within the boundaries of the county in which the candi-
23 date resides. Registered voters in the district may sign
24 more than one nominating petition to nominate more than
25 one candidate for supervisor. All registered voters in the
26 district shall be eligible to vote in the election for two
27 candidates from the county or portion thereof within the
28 boundaries of the district in which they reside. The two
29 candidates in each county who receive the largest number
30 of votes cast in the election shall be elected supervisors for
31 district. Supervisors shall be elected in the general election
32 to be conducted in the year two thousand eight as nonpar-
33 tisan candidates. The term of office for supervisor receiv-
34 ing the second highest number of votes in the general
35 election of two thousand eight shall be for two years,
36 commencing on the first day of January, two thousand
37 nine, and ending on the thirty-first day of December, two
38 thousand eleven. Subsequent terms of office for supervi-
39 sors elected thereafter shall be for four years. Persons
40 currently holding the position of supervisor shall, regard-

41 less of the expiration of the currently designated term of
42 office, continue to serve until the two thousand eight
43 election. Unless otherwise provided or in conflict with this
44 article, the provisions of chapter three shall apply to
45 election of supervisors.

**§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
3 article. The supervisors shall be persons who are by
4 training and experience qualified to perform the special-
5 ized skilled services which are required of them in the
6 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
9 may, from time to time, change the designation. On and
10 after the election of supervisors in two thousand eight,
11 term of office of each supervisor is four years. A supervi-
12 sor holds office until his or her successor has been elected
13 or appointed. In case a new county or portion of a county
14 is added to a district, the committee may appoint a
15 supervisor to represent it until the next regular election of
16 supervisors for the district takes place. If a vacancy occurs
17 among the elected supervisors of a district, the Committee
18 shall appoint a successor from the same county to fill the
19 unexpired term. The appointment shall be made from a
20 name or list of names submitted by the conservation
21 district.

22 (c) A supervisor is entitled to expenses and a per diem
23 not to exceed thirty dollars when engaged in the perfor-
24 mance of his or her duties.

25 (d) The supervisors may, with the approval of the State
26 Committee, employ a secretary, technical experts and any
27 other officers, agents and employees, permanent and

28 temporary, as they may require and shall determine their
29 qualifications, duties and compensation. The supervisors
30 may delegate to their chairperson, to one or more supervi-
31 sors or to one or more agents, or employees, those adminis-
32 trative powers and duties they consider proper. The
33 supervisors shall furnish to the State Conservation Com-
34 mittee, upon request, copies of the ordinances, rules,
35 orders, contracts, forms and other documents they adopt
36 or employ and any other information concerning their
37 activities required in the performance of State Conserva-
38 tion Committee's duties under this article.

39 (e) The supervisors shall:

40 (1) Require the execution of surety bonds for all employ-
41 ees and officers who are entrusted with funds or property;


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

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

47 (f) Any supervisor may be removed by the State Conser-
48 vation Committee upon notice and hearing for neglect of
49 duty or malfeasance in office, but for no other reason.

50 (g) The supervisors may invite the legislative body of any
51 municipality or county located near the territory com-
52 prised within the district to designate a representative to
53 advise and consult with the supervisors of a district on all
54 questions of program and policy which may affect the
55 property, water supply or other interests of the municipal-
56 ity or county.

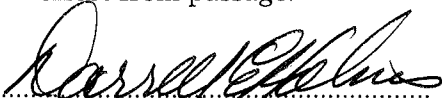
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

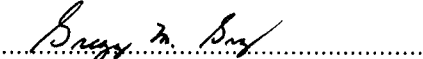

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Chairman Senate Committee

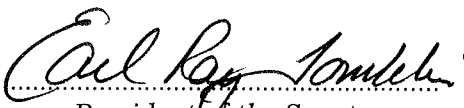

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Chairman House Committee

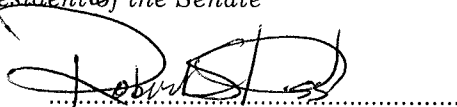
Originated in the Senate.

In effect from passage.

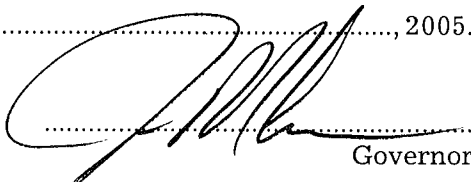

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 3rd
Day of May, 2005.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 27 2005

Time 2:15 pm