

SB 445

FILED

2009 MAY 11 PM 4:06

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2009**

—●—  
**ENROLLED**

**Senate Bill No. 445**

(BY SENATORS KESSLER AND WILLIAMS)

[Passed April 11, 2009; in effect ninety days from passage.]

FILED

2009 MAY 11 PM 4:06

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

## Senate Bill No. 445

(BY SENATORS KESSLER AND WILLIAMS)

---

[Passed April 11, 2009; in effect ninety days from passage.]

---

AN ACT to amend and reenact §19-21A-6 of the Code of West Virginia, 1931, as amended, relating to removing the certification requirements for election of conservation supervisors.

*Be it enacted by the Legislature of West Virginia:*

That §19-21A-6 of the Code of West Virginia, 1931, as amended, be amended to read as follows: *and reenacted*

**ARTICLE 21A. CONSERVATION DISTRICTS.**

**§19-21A-6. Election of supervisors for each district; filling vacancies.**

- 1 (a) Each county in a district shall elect two nonpartisan
- 2 supervisors: *Provided*, That any county with a population
- 3 of one hundred thousand based on the most recent decen-
- 4 nial census shall elect one additional supervisor and any
- 5 county with a population over one hundred thousand
- 6 based on the most recent decennial census shall elect one

7 additional supervisor for each fifty thousand residents  
8 over one hundred thousand.

9 (b) A candidate for supervisor must be a landowner and  
10 an active farmer with a minimum of five years' experience  
11 or a retired farmer who has had a minimum of five years'  
12 experience and must have the education, training and  
13 experience necessary to carry out the duties required by  
14 this article. The State Conservation Committee shall  
15 propose for promulgation in accordance with the require-  
16 ments of article three-a, chapter twenty-nine of this code  
17 legislative rules to establish criteria for the necessary  
18 education, training and experience.

19 (c) All registered voters in the district are eligible to  
20 vote in the election for candidates from the county within  
21 the boundaries of the district in which the voter resides.  
22 The candidates in each county who receive the largest  
23 number of votes cast in the election shall be elected  
24 supervisors for that county.

25 (d) Supervisors shall be elected in the general election  
26 to be conducted in the year 2008 as nonpartisan candi-  
27 dates. After that, supervisors shall be elected in the  
28 primary election. The term of office for the candidate for  
29 supervisor receiving the highest number of votes in the  
30 general election of 2008 is four years; the candidate for  
31 supervisor receiving the second highest number of votes in  
32 the general election of 2008 is two years. In counties  
33 where more than two supervisors are elected in the general  
34 election of 2008, the two supervisors receiving the highest  
35 number of votes serve for four years and the remaining  
36 supervisor or supervisors serve for two years. Terms of  
37 office for supervisors elected after that are four years. The  
38 provisions of chapter three of this code apply to election of  
39 supervisors.

40 (e) Persons holding the position of supervisor, regard-  
41 less of the expiration of the designated term of office,

42 continue to serve until the election and qualification of his  
43 or her successor.

44 (f) Any vacancy occurring in the office of supervisor  
45 shall be filled by the committee by appointment of a  
46 person from the county in which the vacancy occurs.  
47 Within fifteen days after the vacancy occurs, the district  
48 shall submit a list of names of persons qualified to be a  
49 supervisor. If the unexpired term is for less than two years  
50 and two months, the appointed person holds office until  
51 the expiration of the term. If the unexpired term is for  
52 more than two years and two months, the appointed  
53 person holds the office until a successor is elected in the  
54 next primary or general election and qualified.

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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *11<sup>th</sup>* .....  
Day of *May* ..... 2009.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 7 2009

Time 11:15pm