

WEST VIRGINIA LEGISLATURE
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REGULAR SESSION, 2013



ENROLLED

Senate Bill No. 412

(By SENATORS MILLER, WILLIAMS, KESSLER (MR. PRESIDENT)
AND SYPOLT)

[PASSED APRIL 8, 2013; IN EFFECT FROM PASSAGE.]

E N R O L L E D

Senate Bill No. 412

(BY SENATORS MILLER, WILLIAMS, KESSLER (MR. PRESIDENT)
AND SYPOLT)

[Passed April 8, 2013; in effect from passage.]

AN ACT to amend and reenact §19-21A-6 and §19-21A-7 of the Code of West Virginia, 1931, as amended, all relating to county conservation district supervisors; extending unexpired terms when filling vacancies; and providing for the removal of elected county conservation district supervisors from office.

Be it enacted by the Legislature of West Virginia:

That §19-21A-6 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-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 of
3 one hundred thousand based on the most recent decennial
4 census shall elect one additional supervisor and any county
5 with a population over one hundred thousand based on the
6 most recent decennial census shall elect one additional
7 supervisor for each fifty thousand residents over one hundred
8 thousand.

9 (b) A candidate for supervisor must be a landowner and
10 an active farmer with a minimum of five years' experience or
11 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 this
14 article. The State Conservation Committee shall propose for
15 promulgation in accordance with the requirements of article
16 three-a, chapter twenty-nine of this code legislative rules to
17 establish criteria for the necessary education, training and
18 experience.

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

25 (d) Supervisors shall be elected in the primary election
26 and serve a term of four years. The provisions of chapter
27 three of this code apply to election of supervisors.

28 (e) Persons holding the position of supervisor, regardless
29 of the expiration of the designated term of office, continue to
30 serve until the election and qualification of his or her
31 successor.

32 (f) Any vacancy occurring in the office of supervisor
33 shall be filled by the committee by appointment of a person
34 from the county in which the vacancy occurs. Within fifteen
35 days after the vacancy occurs, the district shall submit a list
36 of names of persons qualified to be a supervisor. If the
37 unexpired term is for less than two years and six months, the
38 appointed person holds office until the expiration of the term.
39 If the unexpired term is for more than two years and six
40 months, the appointed person holds the office until a

41 successor is elected in the next primary or general election
42 and qualified.

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

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

8 (b) The supervisors shall designate a chairperson and
9 may, from time to time, change the designation. On and after
10 the election of supervisors in 2008, the term of office of each
11 elected supervisor is four years. A supervisor holds office
12 until his or her successor has been elected or appointed. In
13 case a new county is added to a district, the committee may
14 appoint two supervisors to represent the county until the next
15 regular election of supervisors for the district takes place.

16 (c) A supervisor is entitled to reasonable and necessary
17 expenses and a per diem of not more than \$150 nor less than
18 \$30 when engaged in the performance of his or her duties.
19 The expense and per diem rate shall be established by the
20 state committee based on availability of funds.

21 (d) The supervisors may, with the approval of the State
22 Conservation Committee, employ a secretary, dam monitors,
23 technical experts and any other officers, agents and
24 employees, permanent and temporary, either with or without
25 compensation, as they may require and shall determine their
26 qualifications, duties and compensation, if any. Dam
27 monitors, as specified in any emergency action plan or

28 monitoring plan approved by the Department of
29 Environmental Protection pursuant to its dam safety rules,
30 pertaining to a flood control structure operated or maintained
31 by a soil conservation district and any other employees,
32 agents or officers employed pursuant to this section are
33 “employees” of the district within the meaning of subsection
34 (a), section three, article twelve-a, chapter twenty-nine of this
35 code.

36 (e) The supervisors may delegate to their chairperson, to
37 one or more supervisors or to one or more agents, or
38 employees, those administrative powers and duties they
39 consider proper. The supervisors shall furnish to the State
40 Conservation Committee, upon request, copies of the
41 ordinances, rules, orders, contracts, forms and other
42 documents they adopt or employ and any other information
43 concerning their activities required in the performance of
44 State Conservation Committee’s duties under this article.

45 (f) The supervisors shall:

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

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

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

54 (g) Any supervisor may be removed from office pursuant
55 to section seven, article six, chapter six of this code.

56 (h) The supervisors may invite the legislative body of any
57 municipality or county located near the territory comprised

58 within the district to designate a representative to advise and
59 consult with the supervisors of a district on all questions of
60 program and policy which may affect the property, water
61 supply or other interests of the municipality 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 of the House of Delegates

The within this the
Day of, 2013.

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Governor