

Senate Bill No. 412

(By Senators Miller, Williams, Kessler (Mr. President)
and Sypolt)

[Introduced March 1, 2013; referred to the Committee on
Agriculture and Rural Development; and then to the Committee
on the Judiciary.]

A BILL to amend and reenact §19-21A-7 of the Code of West
Virginia, 1931, as amended, relating to removal of elected
county conservation district supervisors from office.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 21A. CONSERVATION DISTRICTS.

**§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 ~~by the state~~
55 ~~Conservation Committee upon notice and hearing for neglect~~
56 ~~of duty or malfeasance in office, but for no other reason from~~
57 office pursuant to section seven, article six, chapter six of this
58 code.

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

(NOTE: The purpose of this bill is to clarify the procedure by which
elected county conservation district supervisors may be removed from office.)