

# Senate Bill No. 412

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

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

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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.

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