

Senate Bill No. 558

(By Senators Trump, Blair and D. Hall)

[Introduced February 23, 2015; referred to the Committee on Finance.]

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9 A BILL to amend and reenact §19-21A-8 of the Code of West Virginia, 1931, as amended, relating
10 to powers and duties of a conservation district; and permitting conservation districts to award
11 scholarships in limited amounts under certain circumstances.

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

13 That §19-21A-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted
14 to read as follows:

15 **ARTICLE 21A. CONSERVATION DISTRICTS.**

16 **§19-21A-8. Powers of districts; additional powers of supervisors.**

17 A conservation district organized under the provisions of this article and the supervisors
18 thereof shall have the following powers, in addition to others granted in other sections of this article:

- 19 (1) To conduct surveys, investigations and research relating to the character of soil erosion
20 and floodwater and sediment damage and to the conservation, development, utilization and disposal
21 of water and the preventive and control measures needed to publish the results of such surveys,

1 investigations or research and to disseminate information concerning such preventive and control
2 measures and works of improvement: *Provided*, That in order to avoid duplication of research
3 activities, no district shall initiate any research program or publish the results except with the
4 approval of the state committee and in cooperation with the government of this state or any of its
5 agencies, or with the United States or any of its agencies;

6 (2) To conduct demonstrational projects within the district on lands owned or controlled by
7 this state or any of its agencies, with the consent and cooperation of the agency administering and
8 having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of
9 the owner and occupier of the lands or the necessary rights or interests in the lands in order to
10 demonstrate by example the means, methods and measures by which soil and soil resources may be
11 conserved and soil erosion in the form of soil washing may be prevented and controlled and works
12 of improvement may be carried out;

13 (3) To carry out preventive and control measures and works of improvement within the
14 district, including, but not limited to, engineering operations, methods of cultivation, the growing
15 of vegetation, changes in use of land and the measures listed in subsection (c), section two of this
16 article on lands owned or controlled by this state or any of its agencies with the consent and
17 cooperation of the agency administering and having jurisdiction thereof and on any other lands
18 within the district upon obtaining the consent of the owner and occupier of such lands or the
19 necessary rights or interests in such lands;

20 (4) To cooperate, or enter into agreements with, and within the limits of appropriations duly
21 made available to it by law, to furnish financial or other aid to any agency, governmental or

1 otherwise, or any occupier of lands within the district in the carrying on of erosion-control and
2 prevention operations and works of improvement within the district, subject to such conditions as
3 the supervisors may deem necessary to advance the purposes of this article;

4 (5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest,
5 devise or otherwise, any property, real or personal, or rights or interests therein; to institute
6 condemnation proceedings to acquire any property, real or personal, or rights or interests therein,
7 whether or not located in the district, required for works of improvement; to maintain, administer
8 and improve any properties acquired, to receive income from such properties and to expend such
9 income in carrying out the purposes and provisions of this article; and to sell, lease or otherwise
10 dispose of any of its property or interests therein in furtherance of the purposes and the provisions
11 of this article;

12 (6) To make available, on such terms as it shall prescribe, to land occupiers within the district
13 agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings and such other
14 material or equipment as will assist such land occupiers to carry on operations upon their lands for
15 the conservation of soil resources and for the prevention and control of soil erosion and for flood
16 prevention or the conservation, development, utilization and disposal of water;

17 (7) To construct, improve, operate and maintain such structures as may be necessary or
18 convenient for the performance of any of the operations authorized in this article;

19 (8) To develop with the approval of the state committee comprehensive plans for the
20 conservation of soil resources and for the control and prevention of soil erosion and for flood
21 prevention or the conservation, development, utilization and disposal of water within the district.

1 The plans shall specify, in as much detail as may be possible, the acts, procedures, performances and
2 avoidances which are necessary or desirable for the effectuation of such plans, including the
3 specification of engineering operations, methods of cultivation, the growing of vegetation, cropping
4 programs, tillage practices and changes in use of land; and to publish such plans and information and
5 bring them to the attention of occupiers of lands within the district;

6 (9) To take over, by purchase, lease or otherwise, and to administer any soil-conservation,
7 flood-prevention, drainage, irrigation, water-management, erosion-control or erosion-prevention
8 project, or combinations thereof, located within its boundaries, undertaken by the United States or
9 any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States
10 or any of its agencies, or of this state or any of its agencies, any soil-conservation, flood-prevention,
11 drainage, irrigation, water-management, erosion-control or erosion-prevention project, or
12 combinations thereof, within its boundaries; to act as agent for the United States or any of its
13 agencies, or for this state or any of its agencies, in connection with the acquisition, construction,
14 operation, or administration of any soil-conservation, flood-prevention, drainage, irrigation,
15 water-management, erosion-control or erosion-prevention project, or combinations thereof, within
16 its boundaries; to accept donations, gifts, contributions and grants in money, services, materials or
17 otherwise, from the United States or any of its agencies, or from this state or any of its agencies, or
18 from any other source and to use or expend such money, services, materials or other contributions
19 in carrying on its operations;

20 (10) To award scholarships, not to exceed \$500 per student, to high school seniors attending
21 public schools within the district, based upon essays, contests or other competitions, the terms and

1 parameters of which may be established by the district, focusing on principles of soil conservation,
2 and encouraging students participating to become educated regarding sound conservation practices;

3 ~~(10)~~ (11) To sue and be sued in the name of the district; to have a seal, which shall be
4 judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make
5 and execute contracts and other instruments, necessary or convenient to the exercise of its powers;
6 to make and, from time to time, amend and repeal rules and regulations not inconsistent with this
7 article to carry into effect its purposes and powers;

8 ~~(11)~~ (12) As a condition to this extending of any benefits under this article to, or the
9 performance of work upon, any lands, the supervisors may require contributions in money, services,
10 materials or otherwise to any operations conferring such benefits and may require land occupiers to
11 enter into and perform such agreements or covenants as to the permanent use of such lands as will
12 tend to prevent or control erosion and prevent floodwater and sediment damage thereon;

13 ~~(12)~~ (13) No provisions with respect to the acquisition, operation or disposition of property
14 by other public bodies shall be applicable to a district organized hereunder in its acquisition,
15 operation and disposition of property unless the Legislature shall specifically so state; and

16 ~~(13)~~ (14) To enter into contracts and other arrangements with agencies of the United States,
17 with persons, firms or corporations, including public corporations, with the state government of this
18 state or other states, or any department or agency thereof, with governmental divisions, with soil
19 conservation, drainage, flood control, soil erosion or other improvement districts in this state or other
20 states, for cooperation or assistance in constructing, improving, operating or maintaining works of
21 improvement within the district, or in preventing floods, or in conserving, developing, utilizing and

- 1 disposing of water in the district, or for making surveys, investigations or reports thereof; and to
- 2 obtain options upon and acquire property, real or personal, or rights or interests therein, in other
- 3 districts or states required for flood prevention or the conservation, development, utilization and
- 4 disposal of water within the district and to construct, improve, operate or maintain thereon or
- 5 therewith works of improvement.

NOTE: The purpose of this bill is to permit conservation districts to award small scholarships to high school students to encourage students to become educated regarding soil conservation practices.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.