

1 **Senate Bill No. 412**

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

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

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12 A BILL to amend and reenact §19-21A-7 of the Code of West Virginia,
13 1931, as amended, relating to removal of elected county
14 conservation district supervisors from office.

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

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

18 **ARTICLE 21A. CONSERVATION DISTRICTS.**

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

22 (a) The governing body of the district consists of the
23 supervisors, appointed or elected, as provided in this article.
24 The supervisors shall be persons who are by training and experience
25 qualified to perform the specialized skilled services which are

1 required of them in the performance of their duties under this
2 section and shall be legal residents and landowners in the
3 district.

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

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

17 (d) The supervisors may, with the approval of the State
18 Conservation Committee, employ a secretary, dam monitors, technical
19 experts and any other officers, agents and employees, permanent and
20 temporary, either with or without compensation, as they may require
21 and shall determine their qualifications, duties and compensation,
22 if any. Dam monitors, as specified in any emergency action plan or
23 monitoring plan approved by the Department of Environmental
24 Protection pursuant to its dam safety rules, pertaining to a flood
25 control structure operated or maintained by a soil conservation
26 district and any other employees, agents or officers employed

1 pursuant to this section are "employees" of the district within the
2 meaning of subsection (a), section three, article twelve-a, chapter
3 twenty-nine of this code.

4 (e) The supervisors may delegate to their chairperson, to one
5 or more supervisors or to one or more agents, or employees, those
6 administrative powers and duties they consider proper. The
7 supervisors shall furnish to the State Conservation Committee, upon
8 request, copies of the ordinances, rules, orders, contracts, forms
9 and other documents they adopt or employ and any other information
10 concerning their activities required in the performance of State
11 Conservation Committee's duties under this article.

12 (f) The supervisors shall:

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

15 (2) Provide for the keeping of a full and accurate record of
16 all proceedings and of all resolutions, rules and orders issued or
17 adopted; and

18 (3) Provide for an annual audit of the accounts of receipts
19 and disbursements.

20 (g) Any supervisor may be removed ~~by the state Conservation~~
21 ~~Committee upon notice and hearing for neglect of duty or~~
22 ~~malfeasance in office, but for no other reason~~ from office pursuant
23 to section seven, article six, chapter six of this code.

24 (h) The supervisors may invite the legislative body of any
25 municipality or county located near the territory comprised within
26 the district to designate a representative to advise and consult

1 with the supervisors of a district on all questions of program and
2 policy which may affect the property, water supply or other
3 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.)