

1 **ENROLLED**

2 **Senate Bill No. 412**

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

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5 [Passed April 8, 2013; in effect from passage.]
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10 AN ACT to amend and reenact §19-21A-6 and §19-21A-7 of the Code of
11 West Virginia, 1931, as amended, all relating to county
12 conservation district supervisors; extending unexpired terms
13 when filling vacancies; and providing for the removal of
14 elected county conservation district supervisors from office.

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

16 That §19-21A-6 and §19-21A-7 of the Code of West Virginia,
17 1931, as amended, be amended and reenacted, all to read as follows:

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

19 **§19-21A-6. Election of supervisors for each district; filling**
20 **vacancies.**

21 (a) Each county in a district shall elect two nonpartisan
22 supervisors: *Provided*, That any county with a population of one
23 hundred thousand based on the most recent decennial census shall
24 elect one additional supervisor and any county with a population
25 over one hundred thousand based on the most recent decennial census

1 shall elect one additional supervisor for each fifty thousand
2 residents over one hundred thousand.

3 (b) A candidate for supervisor must be a landowner and an
4 active farmer with a minimum of five years' experience or a retired
5 farmer who has had a minimum of five years' experience and must
6 have the education, training and experience necessary to carry out
7 the duties required by this article. The State Conservation
8 Committee shall propose for promulgation in accordance with the
9 requirements of article three-a, chapter twenty-nine of this code
10 legislative rules to establish criteria for the necessary
11 education, training and experience.

12 (c) All registered voters in the district are eligible to vote
13 in the election for candidates from the county within the
14 boundaries of the district in which the voter resides. The
15 candidates in each county who receive the largest number of votes
16 cast in the election shall be elected supervisors for that county.

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

20 (e) Persons holding the position of supervisor, regardless of
21 the expiration of the designated term of office, continue to serve
22 until the election and qualification of his or her successor.

23 (f) Any vacancy occurring in the office of supervisor shall be
24 filled by the committee by appointment of a person from the county
25 in which the vacancy occurs. Within fifteen days after the vacancy
26 occurs, the district shall submit a list of names of persons

1 qualified to be a supervisor. If the unexpired term is for less
2 than two years and six months, the appointed person holds office
3 until the expiration of the term. If the unexpired term is for
4 more than two years and six months, the appointed person holds the
5 office until a successor is elected in the next primary or general
6 election and qualified.

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

10 (a) The governing body of the district consists of the
11 supervisors, appointed or elected, as provided in this article.
12 The supervisors shall be persons who are by training and experience
13 qualified to perform the specialized skilled services which are
14 required of them in the performance of their duties under this
15 section and shall be legal residents and landowners in the
16 district.

17 (b) The supervisors shall designate a chairperson and may,
18 from time to time, change the designation. On and after the
19 election of supervisors in 2008, the term of office of each elected
20 supervisor is four years. A supervisor holds office until his or
21 her successor has been elected or appointed. In case a new county
22 is added to a district, the committee may appoint two supervisors
23 to represent the county until the next regular election of
24 supervisors for the district takes place.

25 (c) A supervisor is entitled to reasonable and necessary

1 expenses and a per diem of not more than \$150 nor less than \$30
2 when engaged in the performance of his or her duties. The expense
3 and per diem rate shall be established by the state committee based
4 on availability of funds.

5 (d) The supervisors may, with the approval of the State
6 Conservation Committee, employ a secretary, dam monitors, technical
7 experts and any other officers, agents and employees, permanent and
8 temporary, either with or without compensation, as they may require
9 and shall determine their qualifications, duties and compensation,
10 if any. Dam monitors, as specified in any emergency action plan or
11 monitoring plan approved by the Department of Environmental
12 Protection pursuant to its dam safety rules, pertaining to a flood
13 control structure operated or maintained by a soil conservation
14 district and any other employees, agents or officers employed
15 pursuant to this section are "employees" of the district within the
16 meaning of subsection (a), section three, article twelve-a, chapter
17 twenty-nine of this code.

18 (e) The supervisors may delegate to their chairperson, to one
19 or more supervisors or to one or more agents, or employees, those
20 administrative powers and duties they consider proper. The
21 supervisors shall furnish to the State Conservation Committee, upon
22 request, copies of the ordinances, rules, orders, contracts, forms
23 and other documents they adopt or employ and any other information
24 concerning their activities required in the performance of State
25 Conservation Committee's duties under this article.

26 (f) The supervisors shall:

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

3 (2) Provide for the keeping of a full and accurate record of
4 all proceedings and of all resolutions, rules and orders issued or
5 adopted; and

6 (3) Provide for an annual audit of the accounts of receipts
7 and disbursements.

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

10 (h) The supervisors may invite the legislative body of any
11 municipality or county located near the territory comprised within
12 the district to designate a representative to advise and consult
13 with the supervisors of a district on all questions of program and
14 policy which may affect the property, water supply or other
15 interests of the municipality or county.