

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 631

By Senator Smith (Mr. President)

[Introduced January 27, 2026; referred
to the Committee on Natural Resources]

1 A BILL to amend and reenact §19-21A-3, §19-21A-4, §19-21A-7, §19-21A-8, §19-21A-11, §19-
2 21A-12, and §19-21A-13 of the Code of West Virginia, 1931, as amended, relating to
3 controlling interests in flood control dams and similar structures; revising definitions;
4 authorizing State Conservation Committee to construct, operate, improve, and maintain
5 flood control dams and similar structures and to contract with other entities to do so;
6 removing authority of conservation districts to employ dam monitors; removing authority of
7 conservation districts to construct, operate, improve, and maintain flood control dams and
8 similar structures and to contract with other entities to do so; mandating conservation
9 districts to transfer interests in flood control dams and similar structures, and any
10 associated property, to the West Virginia Conservation Agency by certain date; and
11 requiring conservation districts to transfer all funds and accounts associated with flood
12 control dams and similar structures to the West Virginia Conservation Agency by certain
13 date.

Be it enacted by the Legislature of West Virginia:

ARTICLE	21A.	CONSERVATION	DISTRICTS.
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§19-21A-3.			Definitions.
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1 Wherever used or referred to in this article, unless a different meaning clearly appears from
2 the context:

3 (1) "Agency of this state" means the government of this state and any subdivision, agency,
4 or instrumentality, corporate or otherwise, of the government of this state.

5 (2) "Agriculture" means the production of food, fiber, and woodland products, by means of
6 cultivation, tillage of the soil, and by the conduct of animal, livestock, dairy, apiary, equine or
7 poultry husbandry, and the practice of forestry, silviculture, horticulture, harvesting of silviculture
8 products, packing, shipping, milling, and marketing of agricultural products conducted by the
9 proprietor of the agricultural operation, or any other legal plant or animal production and all farm
10 practices.

11 (3) "Committee" or "State Conservation Committee" means the agency created in §19-
12 21A-4 of this code.

13 (4) "Conservation" means the reduction of soil erosion, enhancement of water supplies,
14 control, and abatement of nonpoint sources of water pollution, improvement of water quality,
15 increased aquatic and wildlife habitat, and the reduction of damages caused by floodwater and
16 sediment damages and other natural disasters.

17 (5) "District" or "conservation district" means a subdivision of this state, organized in
18 accordance with the provisions of this article, for the purposes, with the powers and subject to the
19 restrictions hereinafter set forth.

20 (6) "Grant" means the providing of grants for conservation purposes pursuant to legislative
21 rule.

22 (7) "Governing body" means the supervisors of any conservation district, town, or city,
23 council, city commission, county court, or body acting in lieu of a county court, in this state, and the
24 term "governmental division" means any conservation district, town, city, or county in this state.

25 (8) "Land occupier" or "occupier of land" means any person, firm, or corporation who shall
26 hold title to, or shall be in possession of, any lands lying within a district organized under the
27 provisions of this article, whether as owner, lessee, renter, or tenant.

28 (9) "Landowners" or "owners of land" means any person or persons, firm, or corporation
29 who holds title to any lands lying within a district organized under the provisions of this article.

30 (10) "Notice" means notice published as a Class II legal advertisement in compliance with
31 the provisions of §59-3-1 et seq. of this code and the publication area for the publication is the
32 county in which is located the appropriate area. At any hearing held pursuant to such notice at the
33 time and place designated in the notice, adjournment may be made, from time to time, without the
34 necessity of renewing the notice for the adjournment dates.

35 (11) "Petition" means a petition filed under the provisions of §19-21A-14 of this code for the
36 creation of a district.

37 (12) "Soil conservation", "erosion control", or "erosion prevention projects" means those
38 projects that have been established by federal agencies in cooperation with state agencies for the
39 purpose of demonstrating soil erosion control and water conservation practices.

40 (13) "State" means the State of West Virginia.

41 (14) "Supervisor" means one of the members of the governing body of a district, elected or
42 appointed in accordance with the provisions of this article.

43 (15) "Urban Agriculture" means the cultivation, processing, and distribution of agricultural
44 products grown in urban and suburban settings, including vertical production, warehouse farms,
45 community gardens, rooftop farms, hydroponic, aeroponic, and aquaponic facilities, and other
46 innovations.

47 (16) "United States" or "agencies of the United States" means the United States of
48 America, Natural Resources Conservation Service of the United States Department of Agriculture
49 (NRCS), and any other agency or instrumentality, corporate or otherwise, of the United States of
50 America.

51 (17) "Water management" or "water management operation" means practices to conserve
52 and use water as efficiently as possible in agricultural operations and does not refer to or include
53 construction, improvement, operation, or maintenance of flood control dams, channels, dikes, or
54 levees.

55 (17) (18) "Works of improvement" means such structures as may be necessary or
56 convenient for ~~flood prevention~~ or the conservation, development, or utilization, or ~~disposal~~ of
57 water but does not include flood control dams, channels, dikes, or levees.

§19-21A-4. State Conservation Committee; continuation.

4 (1) Four citizen members;

(2) The following ex officio members or his or her designee:

- (A) The Director of the state Cooperative Extension Service;
- (B) The Director of the State Agricultural and Forestry Experiment Station;
- (C) The Secretary of the Department of Environmental Protection;
- (D) The State Commissioner of Agriculture, who is the chairperson of the committee;
- (E) The Director of the Division of Forestry; and
- (F) The President of the West Virginia Association of Conservation Districts.

12 (b) The Governor shall appoint, by and with the consent of the Senate, the four citizen
13 members. Members shall be appointed for four-year terms, which are staggered in accordance
14 with the initial appointments under prior enactment of this section. In the event of a vacancy, the
15 appointment is for the unexpired term.

16 (c) The committee may invite the Secretary of Agriculture of the United States of America
17 to appoint one person to serve with the committee as an advisory member.

18 (d) The committee shall keep a record of its official actions, shall adopt a seal, which shall
19 be judicially noticed, and may perform those acts, hold public hearings, and adopt or propose for
20 legislative approval rules necessary for the execution of its functions under this article.

21 (e) The State Conservation Committee may employ an administrative officer, technical
22 experts, and other agents and employees, permanent and temporary, as it requires. The
23 administrative officer and support staff shall be known as the West Virginia Conservation Agency.
24 The committee shall determine their qualifications, duties, and compensation. The committee may
25 call upon the Attorney General of the state for legal services it requires. It may delegate to its
26 chairperson, to one or more of its members, or to one or more agents or employees, powers and
27 duties it considers proper. The committee may secure necessary and suitable office
28 accommodations and the necessary supplies and equipment. Upon request of the committee, for
29 the purpose of carrying out any of its functions, the supervising officer of any state agency or of any
30 state institution of learning shall, insofar as may be possible, under available appropriations and

31 having due regard to the needs of the agency to which the request is directed, assign or detail to
32 the committee members of the staff or personnel of the agency or institution of learning and make
33 special reports, surveys, or studies required by the committee.

34 (f) A member of the committee holds office so long as he or she retains the office by virtue
35 of which he or she is serving on the committee. A majority of the committee is a quorum and the
36 concurrence of a majority in any matter within their duties is required for its determination. The
37 chairperson and members of the committee may receive no compensation for their services on the
38 committee, but are entitled to reimbursement of expenses, including traveling expenses
39 necessarily incurred in the discharge of their duties on the committee. The committee shall:

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

42 (2) Provide for the keeping of a full and accurate public record of all proceedings and of all
43 resolutions, rules, and orders issued or adopted;

44 (3) Provide for an annual audit of the accounts of receipts and disbursements; and

45 (4) Cooperate with the State Resiliency Office to the fullest extent practicable to assist that
46 office in fulfilling its duties.

47 (g) In addition to other duties and powers conferred upon the State Conservation
48 Committee, it may:

49 (1) Review district programs and offer appropriate assistance to the supervisors of
50 conservation districts, organized as provided in this article, in the carrying out of any of their
51 powers and programs;

52 (2) Assist and advise conservation districts and others in implementing conservation
53 improvements and projects to control and abate nonpoint sources of water pollution ~~and prevent~~
54 ~~damage from floodwater and sediment~~;

55 (3) Keep the supervisors of each of the several districts, organized under the provisions of
56 this article, informed of the activities and experience of all other districts organized under this

57 article, and facilitate an interchange of advice and experience between the districts and
58 cooperation between them;

59 (4) Review agreements, or forms of agreements, proposed to be entered into by districts
60 with other districts or with any state, federal, interstate, or other public or private agency,
61 organization, or individual, and advise the districts concerning such agreements or forms of
62 agreements;

63 (5) Coordinate the programs of the several conservation districts so far as this may be
64 done by advice and consultation;

65 (6) Contract for services directly related to natural disaster recovery and stream restoration
66 related to flooding, on an as-needed basis;

67 (7) Comply with provisions of present and future federal aid statutes and regulations,
68 including execution of contracts or agreements with, and cooperation in, programs of the United
69 States government and any of its proper departments, bureaus, or agencies relating to natural
70 disaster response, natural disaster recovery, or stream restoration related to flooding;

71 (8) Secure the cooperation and assistance of the United States and any of its agencies and
72 of agencies of this state in the work of the districts;

73 (9) Disseminate information throughout the state concerning the activities and programs of
74 the conservation districts and encourage the formation of the districts in areas where their
75 organization is desirable;

76 (10) Administer the provisions of any law hereinafter enacted by the Legislature
77 appropriating funds for expenditures in connection with the activities of conservation districts;
78 distribute to conservation districts funds, equipment, supplies, and services received by the
79 committee for such purpose from any source subject to conditions in any state or federal statute or
80 local ordinance making such funds, property, or services; adopt rules establishing guidelines to
81 govern the use by conservation districts of such funds, property, and services; and review all
82 budgets, administrative procedures, and operations of such districts and advise the districts

83 concerning their conformance with applicable laws and rules;

84 (11) Administer a conservation grant program that provides financial assistance to

85 conservation districts and others to promote approved conservation, water quality, and soil

86 conservation projects;

87 (12) Accept and receive donations, gifts, contributions, grants, and appropriations in

88 money, services, materials, or otherwise, from the United States or any of its agencies, from the

89 State of West Virginia, or from other sources, and use or expend the money, services, materials, or

90 other contributions in carrying out the policy and provisions of this article, including the right to

91 allocate the money, services, or materials in part to the various conservation districts created by

92 this article in order to assist them in carrying on their operations;

93 (13) Obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest,

94 devise, or otherwise, any property, real or personal, or rights or interests in the property; maintain,

95 administer, operate, and improve any properties acquired; receive and retain income from the

96 property and expend the income as required for operation, maintenance, administration, or

97 improvement of the properties or in otherwise carrying out the purposes and provisions of this

98 article; and sell, lease, or otherwise dispose of any of its property or interests in the property in

99 furtherance of the purposes and the provisions of this article. Money received from the sale of land

100 acquired in the small watershed program shall be deposited in the special account of the State

101 Conservation Committee and expended as provided in this article;

102 (14) Promulgate emergency and legislative rules to effectuate the provisions of this article;

103 and

104 (15) Upon a Governor's proclamation declaring a state of emergency or federal disaster

105 declaration, the state committee, its employees, or agents may enter any water of the state for the

106 purpose of removing debris and other obstruction which impede water flow and present additional

107 flood hazards. The agency shall make reasonable efforts to secure the permission of the

108 landowner before entering any private property in connection with these removal activities. The

109 exercise of this limited authority does not constitute taking of private property or trespass. This
110 authority shall continue for the duration of the Governor's proclamation or the federal disaster
111 declaration.

112 (16) Require annual reports from conservation districts, the form and content of which
113 shall be developed by the state committee; and

114 (17) Establish by rule, adequate and reasonably uniform accounting and auditing
115 procedures which shall be used by conservation districts.

116 (18) Enter into contracts and other arrangements with agencies of the United States, with
117 persons, firms, or corporations, including public and nonprofit corporations, with the state
118 government of this state or other states, or any department or agency thereof, with governmental
119 divisions, with soil conservation, drainage, flood control, soil erosion, or other improvement
120 districts in this state or other states for cooperation or assistance in constructing, improving,
121 operating, or maintaining works of improvement and flood control dams, channels, dikes, and
122 levees within the state, or in preventing floods, or in conserving, developing, utilizing, and
123 disposing of water in the state, or for making surveys, investigations, or reports thereof; and to
124 obtain options upon and acquire property, real or personal, or rights or interests therein, required
125 for flood prevention and water quality improvement, or the conservation, development, utilization,
126 and disposal of water within the state and to construct, improve, operate, or maintain thereon or
127 therewith works of improvement and flood control dams, channels, dikes, and levees.

§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 supervisors, appointed or elected, as
2 provided in this article. The supervisors shall be persons who are by training and experience
3 qualified to perform the specialized skilled services which are required of them in the performance
4 of their duties under this section and shall be legal residents and landowners in the district.

5 (b) The supervisors shall designate a chairperson and may, from time to time, change the

6 designation. On and after the election of supervisors in 2008, the term of office of each elected
7 supervisor is four years. A supervisor holds office until his or her successor has been elected or
8 appointed. In case a new county is added to a district, the committee may appoint two supervisors
9 to represent the county until the next regular election of supervisors for the district takes place.

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

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

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

29 (f) The supervisors shall:

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

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

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

35 (g) Any supervisor may be removed from office pursuant to §6-6-7 of this code.

36 (h) The supervisors may invite the legislative body of any municipality or county located
37 near the territory comprised within the district to designate a representative to advise and consult
38 with the supervisors of a district on all questions of program and policy which may affect the
39 property, water supply quality, or other interests of the municipality or county.

§19-21A-8. Powers and duties of conservations districts and supervisors.

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

4 (1) To hold public meetings; to conduct surveys, investigations, and research relating to the
5 character of soil erosion, floodwater and sediment damage, and nonpoint source water pollution,
6 and to the conservation, development, utilization, water quality, disposal of water, and the
7 preventive and control measures needed; to publish the results of such surveys, investigations, or
8 research, and to disseminate information concerning such preventive and control measures and
9 works of improvement to the public: *Provided*, That in order to avoid duplication of research
10 activities, a district may not initiate any research program or publish the results except with the
11 approval of the state committee and in cooperation with the government of this state or any of its
12 agencies, or with the United States or any of its agencies: *Provided, however*, That any alteration,
13 improvement, or agreement related to a dam owned or sponsored by a local conservation district
14 is subject solely to the authority of the Department of Environmental Protection. The provisions of
15 this subsection subdivision may not be construed to affect or alter any state or federal funding to
16 the West Virginia Conservation Agency;

17 (2) To conduct demonstrational projects within the district on lands owned or controlled by

18 this state or any of its agencies, with the consent and cooperation of the agency administering and
19 having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of
20 the owner and occupier of the lands or the necessary rights or interests in the lands in order to
21 demonstrate by example the means, methods, and measures by which soil and soil resources
22 may be conserved and soil erosion in the form of soil washing may be prevented and controlled,
23 and water quality may be improved, ~~and works of improvement may be carried out~~;

24 (3) To carry out preventive and control measures ~~and works of improvement~~ within the
25 district, including, but not limited to, engineering operations, methods of cultivation, the growing of
26 vegetation, changes in use of land; drainage, irrigation, and other agricultural water management
27 operations ~~and measures for the prevention of floodwater and sediment damages~~, or for the
28 control and abatement of nonpoint sources of water pollution; and the measures listed in §19-21A-
29 2 of this code on lands owned or controlled by this state or any of its agencies with the consent and
30 cooperation of the agency administering and having jurisdiction thereof and on any other lands
31 within the district upon obtaining the consent of the owner and occupier of such lands or the
32 necessary rights or interests in such lands;

33 (4) To cooperate, or enter into agreements with, and within the limits of appropriations duly
34 made available to it by law, to furnish financial or other aid to any agency, governmental or
35 otherwise, or any occupier of lands within the district in the carrying on of erosion-control and
36 prevention operations, and operations for the control and abatement of nonpoint sources of water
37 pollution, ~~and works of improvement within the district~~, subject to such conditions as the
38 supervisors may deem necessary to advance the purposes of this article;

39 (5) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant,
40 bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to
41 ~~institute condemnation proceedings to acquire any property, real or personal, or rights or interests~~
42 ~~therein, whether or not located in the district, required for works of improvement~~; to maintain,
43 administer, and improve any properties acquired, to receive income from such properties, and to

44 expend such income in carrying out the purposes and provisions of this article; and to sell, lease,
45 or otherwise dispose of any of its property or interests therein in furtherance of the purposes and
46 the provisions of this article;

47 (6) To accept and receive donations, gifts, contributions, grants, and appropriations in
48 money, services, materials, or otherwise from the United States or any of its agencies, from the
49 state of West Virginia, or from other sources and use or expend the money, services, materials, or
50 other contributions in carrying out the policy and provisions of this article;

51 (7) To make available, on such terms as it shall prescribe, to land occupiers within the
52 district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings,
53 and such other material or equipment as will assist such land occupiers to carry on operations
54 upon their lands for the conservation of soil resources, and for the prevention and control of soil
55 erosion, and for ~~flood prevention~~ or the conservation, development, utilization, ~~water quality~~, and
56 ~~disposal quality~~ of water;

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

59 (9) (8) To develop and submit to the state committee its proposed long range program and
60 annual work plans related to the conservation of soil resources, and for the control and prevention
61 of soil erosion, and for ~~flood prevention~~ and water quality improvement, or the conservation,
62 development, and utilization,~~and disposal~~ of water within the district. The plans shall specify, in as
63 much detail as may be possible, the acts, procedures, performances, and avoidances which are
64 necessary or desirable for the effectuation of such plans, including the specification of engineering
65 operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices,
66 and changes in use of land; and to publish such plans and information and bring them to the
67 attention of occupiers of lands within the district;

68 (10) (9) To take over, by purchase, lease, or otherwise, and to administer any soil-
69 conservation, ~~flood prevention~~, drainage, irrigation, water-management, erosion-control or

70 erosion-prevention project, or combinations thereof, located within its boundaries, undertaken by
71 the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent
72 of the United States or any of its agencies, or of this state or any of its agencies, any soil-
73 conservation, ~~flood-prevention~~, drainage, irrigation, water-management, erosion-control or
74 erosion-prevention project, or combinations thereof, within its boundaries; to act as agent for the
75 United States or any of its agencies, or for this state or any of its agencies, in connection with the
76 acquisition, construction, operation, or administration of any soil-conservation, ~~flood-prevention~~,
77 drainage, irrigation, water-management, erosion-control or erosion-prevention project, or
78 combinations thereof, within its boundaries; to accept donations, gifts, contributions, and grants in
79 money, services, materials, or otherwise, from the United States or any of its agencies, or from this
80 state or any of its agencies, or from any other source and to use or expend such money, services,
81 materials, or other contributions in carrying on its operations;

82 (11) ~~(10)~~ To sue and be sued in the name of the district; to have a seal, which shall be
83 judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to
84 make and execute contracts and other instruments, necessary or convenient to the exercise of its
85 powers; to make and, from time to time, amend and repeal rules and regulations not inconsistent
86 with this article to carry into effect its purposes and powers;

87 (12) ~~(11)~~ As a condition to extending any benefits under this article to, or the performance
88 of work upon any lands, the supervisors may require contributions in money, services, materials,
89 or otherwise to any operations conferring such benefits and may require land occupiers to enter
90 into and perform such agreements or covenants as to the permanent use of such lands as will tend
91 to prevent or control erosion and prevent ~~floodwater and sediment damage~~ thereon;

92 (13) ~~(12)~~ No provisions with respect to the acquisition, operation, or disposition of property
93 by other public bodies shall be applicable to a district organized here under in its acquisition,
94 operation, and disposition of property unless the Legislature shall specifically so state;

95 (14) ~~To enter into contracts and other arrangements with agencies of the United States,~~

96 ~~with persons, firms, or corporations, including public and nonprofit corporations, with the state~~
97 ~~government of this state or other states, or any department or agency thereof, with governmental~~
98 ~~divisions, with soil conservation, drainage, flood control, soil erosion, or other improvement~~
99 ~~districts in this state or other states, for cooperation or assistance in constructing, improving,~~
100 ~~operating, or maintaining works of improvement within the district, or in preventing floods, or in~~
101 ~~conserving, developing, utilizing, and disposing of water in the district, or for making surveys,~~
102 ~~investigations, or reports thereof; and to obtain options upon and acquire property, real or~~
103 ~~personal, or rights or interests therein, in other districts or states required for flood prevention and~~
104 ~~water quality improvement, or the conservation, development, utilization, and disposal of water~~
105 ~~within the district and to construct, improve, operate, or maintain thereon or therewith works of~~
106 ~~improvement.~~

107 (15) ~~(13) Each district shall, through public meetings, publications, or other means, keep~~
108 ~~the public, agencies, and occupiers of the land within the district informed of the works and~~
109 ~~activities planned and administered by the district, of the purposes these will serve, and of the~~
110 ~~results achieved annually by the districts.~~

111 (14) By no later than July 1, 2026, each district shall convey and transfer all its ownership
112 and sponsorship interest in any flood control dams, channels, dikes, and levees, and any property
113 and easements associated with those flood control dams, channels, dikes, and levees, to the West
114 Virginia Conservation Agency and thereafter may not take an ownership or sponsorship interest
115 in, or operate or maintain, any flood control dams, channels, dikes, or levees.

116 (15) Upon the conveyance and transfer of its ownership and sponsorship interests in any
117 flood control dams, channels, dikes, and levees to the West Virginia Conservation Agency, and by
118 no later than July 1, 2026, each district shall also transfer all funds and accounts associated with
119 the construction, operation, and maintenance of those flood control dams, channels, dikes, and
120 levees to the West Virginia Conservation Agency.

§19-21A-11. Authority of governmental divisions counties and municipalities to expend

money for works of improvement; levy.

1 The A county commission or the governing body of any governmental division which
2 municipality that may reasonably be expected to receive a benefit from the construction,
3 improvement, operation, or maintenance of any works of improvement may expend money for
4 such construction, improvement, operation or maintenance if this expectation exists as to any part
5 of the governmental division county or municipality and even though such works of improvement
6 are not located within the corporate limits of the governmental division county or municipality or
7 are not within this state: *Provided*, That if the expenditure is not made directly by the governmental
8 division county commission or the governing body of the municipality for such purpose, it shall be
9 made only through a conservation district or watershed improvement district organized under the
10 laws of this state, but it shall not be necessary that any part of the governmental division be within
11 the limits of the district through which the expenditure is made the committee or the conservation
12 agency. The governing bodies or governmental divisions of municipalities or county commissions
13 may set up in their respective budgets funds to be spent for such purposes and municipalities and
14 counties may levy and collect taxes for such purposes in the manner provided by law: *Provided*,
15 however, That in case sufficient funds cannot be raised by ordinary levies, additional funds may be
16 raised by municipalities and counties as provided by §11-8-16 of this code.

**§19-21A-12. Assurances of cooperation by governmental division counties and
municipalities.**

1 (a) By vote of the governing body of a municipality or a county commission, any
2 governmental division county or municipality authorized to expend money on works of
3 improvement by §19-21A-11 of this code may alone, or in combination with any other
4 governmental division or divisions authorized to expend money on works of improvement the
5 committee or the conservation agency, give assurances, by contract or otherwise, satisfactory to
6 agencies of the United States, congressional committees, or other proper federal authority and to
7 conservation districts or watershed improvement districts organized under the laws of this state

8 that the ~~governmental division or divisions~~ county or municipality will construct, improve, operate,
9 or maintain works of improvement or will appropriate a sum or sums of money and expend it for
10 such purposes as provided in §19-21A-11 of this code.

11 (b) The assurances, whether by contract or otherwise, shall be reduced to writing and,
12 before final approval of the governing bodies involved, shall be submitted to the Attorney General
13 for approval. After approval by the Attorney General and by the governing body or bodies
14 concerned, certified copies of the assurances shall be filed in the office of the county clerk of the
15 county or counties in which the ~~governmental division is~~ governing bodies are located and in the
16 office of the State Tax Commissioner.

17 (c) Any assurance hereunder may be valid and binding for a period of time not to exceed
18 50 years.

**§19-21A-13. Contracts with ~~district~~ for construction of flood control projects; power to
borrow money; levy.**

1 The county commission of each county and the governing body of each municipality in the
2 state are hereby authorized and empowered to enter into a contract or agreement with the
3 ~~conservation district or districts~~ committee or the conservation agency for the purpose of
4 constructing flood control projects within their respective counties or municipalities or adjacent
5 thereto and to use the projects as recreational areas or public parks. For the purpose of defraying
6 the cost of any such project or projects, the county commission or the governing body of any
7 municipality is hereby authorized to borrow from the federal government, or from any federal
8 agency having money to loan, a sum sufficient to cover the cost of such project or projects. For the
9 purpose of retiring any indebtedness incurred under the provisions of this section, notwithstanding
10 any other provisions of law, the county commission or the governing body of any municipality is
11 hereby authorized to lay and impose a county or citywide levy as the case might be.

NOTE: The purpose of this bill is to transfer all interests of conservation districts in flood

control dams and similar structures, as well as any associated property and related funds and accounts, to the state Conservation Agency by July 1, 2026. The bill authorizes the state conservation committee to operate, improve, maintain, and construct flood control dams and similar structures and to contract with other entities to realize that authority.

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