WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

(By Senator __________)

PASSED March 13, 2004

In Effect 90 Days From Passage
ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 616

(SENATORS ROSS, LOVE, WEEKS AND EDGELL, original sponsors)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §22-1-9 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-3-33, all relating to the department of environmental protection generally; increasing the membership of the environmental protection advisory council; requiring that a meeting of the advisory council be called upon the written request of a majority of members; requiring that the council timely receive an agenda and related materials for each meeting; allowing council members to submit rule-making suggestions to the secretary for consideration; authorizing appointment of technical advisors; establishing a new quality assurance and compliance advisory committee; providing for procedures for committee meetings; authorizing payment of expenses; and authorizing the committee to review coal mining permit procedures and processes.
Be it enacted by the Legislature of West Virginia:

That §22-1-9 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §22-3-33, all to read as follows:

ARTICLE 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION.


(a) There is created within the department of environmental protection the environmental protection advisory council. The environmental protection advisory council consists of twelve members. The secretary serves as an ex officio member of the council and as its chair. The remaining eleven members are appointed by the governor. Each member serves for a term of four years and may be reappointed. Of the new members of the council appointed, as a result of the enactment of this section during the two thousand four regular session, four shall be appointed for terms ending on the thirtieth day of June, two thousand six, four shall be appointed for terms ending two thousand seven and three shall be appointed for terms ending two thousand eight. Thereafter, each appointment shall be for a term of four years. Vacancies on the council shall be filled within sixty days after the vacancy occurs.

(b) The governor shall appoint members of the council from nominations submitted by the following organizations:

(1) The largest state organization representing manufacturers;

(2) The largest state trade organization representing coal producers;

(3) The largest state organization representing farming interests; and
(4) The largest employee organization representing coal miners within this state.

And from the following areas of interest:

(5) A forester registered pursuant to article nineteen, chapter thirty of this code and representing the interests of private owners of forest land;

(6) Two members shall represent organizations advocating environmental protection;

(7) One member shall represent wildlife conservation;

(8) One member shall be the department of environmental protection environmental advocate;

(9) One member shall represent organizations representing local governments; and

(10) One member shall represent public service districts.

In making subsequent appointments this balance of membership shall be maintained.

(c) Appointed members, who are not employees of the state, shall be paid the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law for each day or portion thereof engaged in the discharge of official duties.

(d) The council shall meet at least once every quarter at the call of the chair on his or her own motion or at the request of any five members of the council presented in writing to the chair. At least fifteen days prior to each regularly scheduled quarterly meeting, or ten days in advance of a meeting called by the chair, the secretary shall provide to the council an agenda of all matters scheduled for discussion at the meeting together with any rules the secretary intends to propose for promulgation.
(e) The council shall:

(1) Consult with and advise the secretary on program and policy development, problem solving and other appropriate subjects;

(2) Identify and define problems associated with the implementation of the policy set forth in section one of this article;

(3) Provide and disseminate to industry and the public early identification of major federal program and regulatory changes;

(4) Provide a forum for the resolution of conflicts between constituency groups;

(5) To the extent possible, strive for consensus on the development of overall environmental policy;

(6) Upon a majority vote of the members, the council may submit to the secretary suggestions for proposed rulemaking which the secretary may propose as amendments to an existing rule or as a new rule pursuant to the provisions of chapter twenty-nine-a of this code;

(7) Provide an annual report to the joint committee on government and finance on or before the first day of January of each year relating to its findings with regard to the division's performance during the previous year. The report will specifically address the department's performance in accomplishing the ten purposes set forth in subsection (b), section one of this article; and

(8) Appoint technical advisory committees as may be of assistance to the council and secretary in the development of programs.

ARTICLE 3. SURFACE COAL MINING AND RECLAMATION ACT.

§22-3-33. Quality assurance and compliance advisory committee.

(a) A quality assurance and compliance advisory committee is hereby established.
(b) The purpose of the advisory committee is to review mine permitting procedures and related requirements and to work with the office of mining and reclamation to improve upon the efficiency and quality of permits issued by the office and improvement of the permitting process.

(c) The secretary shall serve as an ex officio member of the advisory committee and as its chair.

(d) The governor shall appoint two members to the committee who each have five or more years experience in either underground or surface coal mining; two members who each have five or more years experience in environmental protection and one citizen at large from a coal producing region of the state who is not currently nor has been employed in the coal mining industry.

(e) After the initial appointments, members shall serve for staggered terms of six years and may be reappointed. Two of the members of the advisory committee first appointed shall serve terms ending on the thirtieth day of June, two thousand six, and one each for terms ending two, three and four years thereafter.

(f) Vacancies on the advisory committee shall be filled within sixty days after the vacancy occurs. Members appointed to fill vacancies shall serve for the remainder of the unexpired term.

(g) Any appointed member whose term has expired shall serve until a successor has been duly appointed and qualified.

(h) Appointed members of the advisory committee shall be paid the same compensation and expense reimbursement as is provided for members of the Legislature pursuant to sections six and eight, article two-a, chapter four of this code.

(i) The advisory committee shall meet at the call of the secretary or his or her designee, but not less than every four months.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is disapproved this the Day of April, 2004.

Governor