

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for
SENATE BILL NO. 433

(By Senators *Helmick and Dempsey*)

PASSED April 9, 2005

In Effect July 1, 2005 Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 433

(SENATORS HELMICK AND DEMPSEY, *original sponsors*)

[Passed April 9, 2005; to take effect July 1, 2005.]

AN ACT to amend and reenact §22-1-9 of the Code of West Virginia, 1931, as amended, relating to the Environmental Protection Advisory Council generally; increasing the membership of the Council to eleven members; specifying the Governor's power of appointment from named organizations and entities; making certain procedural changes in Council activities; allowing Council members to offer rule-making suggestions to the Secretary upon majority vote of the members; and authorizing appointment of technical advisory committees which will serve without compensation.

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 to read as follows:

ARTICLE 1. DIVISION OF ENVIRONMENTAL PROTECTION.

§22-1-9. Environmental protection advisory council.

1 (a) There is created within the Department of Environ-
2 mental Protection the Environmental Protection Advisory
3 Council. The Environmental Protection Advisory Council
4 consists of eleven members. The Secretary serves as an ex
5 officio member of the Council and as its Chair. The
6 remaining ten members are appointed by the Governor.
7 Each member serves for a term of four years and may be
8 reappointed. Members of the Council serving on the
9 effective date of this section shall continue to serve until
10 their terms expire or their successors have been appointed.
11 Of the four new members of the Council, two shall be
12 appointed for a term ending on the thirtieth day of June,
13 two thousand eight, and two shall be appointed for the
14 term ending the thirtieth day of June, two thousand ten.
15 Vacancies on the Council shall be filled within sixty days
16 after the vacancy occurs.

17 (b) Any future appointments to the Council shall be
18 representative of the following entities. They are:

19 (1) One member of the Council shall be appointed from
20 a list of three names submitted to the Governor by the
21 largest organization representing manufacturing in this
22 state and one member of the Council shall be appointed
23 from a list of three names submitted to the Governor by
24 the largest organization representing the interests of coal
25 producers in this state;

26 (2) One member of the Council shall be appointed from
27 a list of three names submitted to the Governor by the
28 largest organization representing farming interests in this
29 state and one member of the Council shall be appointed
30 from a list of three names of registered foresters submitted
31 to the Governor by the largest organization representing
32 the interests of private owners of forest land in this state;

33 (3) One member of the Council shall be appointed from
34 a list of three names submitted to the Governor by the two

35 largest organizations representing environmental protec-
36 tion organizations;

37 (4) One member of the Council shall be appointed from
38 a list of three names submitted jointly to the Governor by
39 the largest organizations representing counties and
40 municipalities in this state;

41 (5) One member of the Council shall be appointed from
42 a list of three names submitted to the Governor by the
43 largest organization representing public service districts
44 in this state;

45 (6) One member of the Council shall be appointed from
46 a list of three names submitted to the Governor by the
47 largest organization representing oil and gas producers in
48 this state;

49 (7) One member of the Council shall be appointed from
50 a list of three names submitted to the Governor by the
51 largest organization representing coal miners in this state;
52 and

53 (8) One member of the Council shall be appointed from
54 a list of three names submitted to the Governor by the
55 West Virginia Wildlife Federation. In making subsequent
56 appointments this balance of membership shall be main-
57 tained.

58 (c) Except for state employee and officer members,
59 appointed members shall be paid the same compensation
60 and expense reimbursement as is paid to members of the
61 Legislature for their interim duties as recommended by the
62 citizens legislative compensation commission and autho-
63 rized by law for each day or portion thereof engaged in the
64 discharge of official duties.

65 (d) The Council shall meet at least once every quarter at
66 the call of the Chair or at the request of any four members
67 of the Council in writing signed by the members request-
68 ing the meeting, the Chair shall schedule a meeting. At

69 least fifteen days prior to a regularly scheduled meeting,
70 or ten days in advance of a meeting called by the Chair,
71 the Secretary shall provide the members of the Council
72 with an agenda of all matters scheduled for discussion at
73 the meeting and copies of any rules the Secretary intends
74 to propose.

75 (e) The Council shall:

76 (1) Consult with and advise the Secretary on program
77 and policy development, problem solving and other
78 appropriate subjects;

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

82 (3) Provide and disseminate to industry and the public
83 early identification of major federal program and regula-
84 tory changes;

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

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

89 (6) The Council may, upon a majority vote of the mem-
90 bers, offer suggestions to the Secretary for proposed new
91 or amended legislative rules;

92 (7) Provide an annual report to the Joint Committee on
93 Government and Finance on or before the first day of
94 January of each year relating to its findings with regard to
95 the Department's performance during the previous year.
96 The report will specifically address the division's perfor-
97 mance in accomplishing the ten purposes set forth in
98 subsection (b), section one of this article; and

99 (8) Appoint technical advisory committees as may be
100 necessary to carry out the provisions of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Whit
.....
Chairman Senate Committee

D. Rob Beer
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2005.

Darrell G. Eshen
.....
Clerk of the Senate

Gregg M. Seal
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert D. DeLoach
.....
Speaker House of Delegates

The within *is disapproved* this the *4th*
Day of *May*, 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 27 2005

Time 2:10 pm