ENROLLED
Committee Substitute for
SENATE BILL NO. 433

(By Senators Helmick and Dempsey)

PASSED April 9, 2005

In 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.

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

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

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

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

(3) One member of the Council shall be appointed from a list of three names submitted to the Governor by the two
largest organizations representing environmental protection organizations;

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

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

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

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

(8) One member of the Council shall be appointed from a list of three names submitted to the Governor by the West Virginia Wildlife Federation. In making subsequent appointments this balance of membership shall be maintained.

(c) Except for state employee and officer members, appointed members 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 or at the request of any four members of the Council in writing signed by the members requesting the meeting, the Chair shall schedule a meeting. At
least fifteen days prior to a regularly scheduled meeting, or ten days in advance of a meeting called by the Chair, the Secretary shall provide the members of the Council with an agenda of all matters scheduled for discussion at the meeting and copies of any rules the Secretary intends to propose.

(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) The Council may, upon a majority vote of the members, offer suggestions to the Secretary for proposed new or amended legislative rules;

(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 Department's performance during the previous year. The report will specifically address the division'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 necessary to carry out the provisions of this section.
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.

To take effect July 1, 2005.

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 ........................................, 2005.

Governor