WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

ENROLLED

House Bill No. 4728

(By Delegate Beach, Tabb, Argento, Martin, Stemple, Swartzmiller, Rick Thompson, Wells, Williams and Hamilton)

Passed March 11, 2006

In Effect Ninety Days from Passage
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; and increasing the membership of the council to eight members, specifying represented organizations and entities.

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.


1 (a) There is created within the Department of Environmental Protection, the environmental protection advisory council.
2 The environmental protection advisory council consists of eight members. The Secretary serves as an ex officio member of the
council and as its chair. The remaining seven 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. The new member of the council shall be appointed for a term ending on the thirtieth day of June, two thousand ten. Vacancies on the council shall be filled within sixty days after the vacancy occurs.

(b) Two members of the council shall represent industries regulated by the division or their trade associations. Two members shall represent organizations advocating environmental protection. One member shall represent organizations representing local governments. One member shall represent public service districts. 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.

(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.

(e) The council shall:

(1) Consult with and advise the director 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; and

(6) 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 nine purposes set forth in subsection (b), section one of this article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy White
Chairman Senate Committee

K. Bowers
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell Rhime
Clerk of the Senate

Bev Perdue
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Morgan Griffith
Speaker of the House of Delegates

The within is approved this the ___ day of April, 2006.

Bob Henry
Governor