

SB 496

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WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

WEST VIRGINIA
SECRETARY OF STATE

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ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 496

(SENATORS WILLIAMS, CARUTH, STOLLINGS
AND PLYMALE, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

FINAL

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OFFICE OF THE CLERK
SECRETARY OF STATE

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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; authorizing the council to review and make recommendations on rulemaking to the secretary; adding a member to the council; and requiring Department of Environmental Protection consider the council's recommendations.

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 eight members. The secretary serves as an ex
5 officio member of the council and as its chair. The re-
6 maining seven members are appointed by the Governor.
7 Each member serves for a term of four years and may be
8 reappointed. Vacancies on the council shall be filled
9 within sixty days after the vacancy occurs.

10 (b) Two members of the council shall represent indus-
11 tries regulated by the department or their trade associa-
12 tions. Two members shall represent organizations advo-
13 cating environmental protection. One member shall
14 represent organizations representing local governments.
15 One member shall represent public service districts. One
16 member shall represent the largest coal miner's labor
17 organization in the state. In making subsequent appoint-
18 ments this balance of membership shall be maintained.

19 (c) Appointed members shall be paid the same compen-
20 sation and expense reimbursement as is paid to members
21 of the Legislature for their interim duties as recommended
22 by the Citizens Legislative Compensation Commission and
23 authorized by law for each day or portion thereof engaged
24 in the discharge of official duties.

25 (d) The council shall meet at least once every quarter, at
26 the call of the chair or upon the unanimous request of its
27 members.

28 (e) The council shall:

29 (1) Consult with and advise the director on program and
30 policy development, problem solving and other appropri-
31 ate subjects;

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


35 (3) Provide and disseminate to industry and the public
36 early identification of major federal program and regula-
37 tory changes;

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

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


42 (6) Provide an annual report to the Joint Committee on
43 Government and Finance on or before January 1 of each
44 year relating to its findings with regard to the depart-
45 ment's performance during the previous year. The report
46 will specifically address the department's performance in
47 accomplishing the nine purposes set forth in subsection
48 (b), section one of this article.


49 (f) Notwithstanding any other provision of this code to
50 the contrary, upon approval by majority vote of the
51 Environmental Protection Advisory Council's members,
52 the council may submit recommendations for rulemaking
53 to the Secretary of the Department of Environmental
54 Protection. The Secretary shall consider the council's
55 recommendations for rulemaking when developing agency
56 rules to be submitted for legislative approval.



Enr. Com. Sub. for Com. Sub. for S. B. No. 496] 4


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


.....
Chairman Senate Committee



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Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 2nd
Day of April 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 4:10 pm