

COMMITTEE SUBSTITUTE

FOR

H. B. 2571

(BY DELEGATE(S) CRAIG, WHITE, MARCUM, MORGAN, STOWERS,
ELDRIDGE, PHILLIPS, R., REYNOLDS, SKAFF AND MILLER)

(Originating in the Committee on Government Organization.)

(March 26, 2013)

A BILL to amend and reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to the Environmental Quality Board; permitting individuals who receive a portion of income from state agencies, other than the Department of Environmental Protection, that hold or are applicants to hold certain environment permits to serve on the board.

Be it enacted by the Legislature of West Virginia:

That §22B-3-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. ENVIRONMENTAL QUALITY BOARD.

§22B-3-1. Environmental quality board; composition and organization; appointment, qualifications, terms, vacancies.

1 (a) ~~On and after the effective date of this article, the “water~~
2 ~~resources board,” heretofore created, shall continue in existence~~
3 ~~and hereafter shall be known as the “environmental quality~~
4 ~~board.”~~ The Environmental Quality Board is continued.

5 (b) The board ~~shall be~~ is composed of five members, ~~who~~
6 ~~shall be~~ appointed by the Governor with the advice and consent
7 of the Senate.

8 (1) ~~Not~~ No more than three members ~~of the board shall~~ may
9 be of the same political party. ~~Each appointed member of the~~
10 ~~board who is serving in such capacity on the effective date of~~
11 ~~this article shall continue to serve on the board until his or her~~
12 ~~term ends or he or she resigns or is otherwise unable to serve.~~

13 (2) As each member’s term ends, ~~or that member is unable~~
14 ~~to serve,~~ a qualified successor shall be appointed by the Gover-
15 nor with the advice and consent of the Senate.

16 (3) Individuals appointed to the board shall be persons who
17 by reason of previous training and experience are knowledgeable
18 in the husbandry of the state’s water resources. ~~and with~~

19 (4) At least one member ~~with~~ shall have experience in
20 industrial pollution control.

21 (c) (1) No member of the board shall receive or, during the
22 two years next preceding the member of the board's appoint-
23 ment, ~~shall~~ may have received a significant portion of ~~the~~
24 ~~member of the board's~~ his or her income directly or indirectly
25 from a national pollutant discharge elimination system permit
26 holder or an applicant for a permit issued under ~~any of the~~
27 ~~provisions of~~ article eleven, chapter twenty-two of this code.

28 (2) For the purposes of this subsection:

29 (†) (A) The term “significant portion of the member of the
30 board's income” means ten percent of gross personal income for
31 a calendar year, except that it means fifty percent of gross
32 personal income for a calendar year if the recipient is over sixty
33 years of age and is receiving such portion pursuant to retirement,
34 a pension or similar arrangement;

35 (‡) (B) The term “income” includes retirement benefits,
36 consultant fees and stock dividends;

37 (‡) (C) Income is not received “directly or indirectly” from
38 “permit holders” or “applicants for a permit” where it is derived

39 from mutual-fund payments or from other diversified invest-
40 ments with respect to which the recipient does not know the
41 identity of the primary sources of income; and

42 ~~(4)~~ (D) The terms “permit holders” and “applicants for a
43 permit” do not include any university or college operated by this
44 state or political subdivision of this state or any department or
45 agency of this state, other than the Department of Environmental
46 Protection.

47 (d) (1) The members of the board shall ~~be appointed for~~
48 ~~overlapping terms of five years, except that the original appoint-~~
49 ~~ments shall be for terms of one, two, three, four and five years,~~
50 ~~respectively.~~ serve five year terms, staggered in accordance with
51 prior enactments of this section.

52 (2) Any member whose term expires may be reappointed by
53 the Governor.

54 (3) Members may serve until their successors are appointed
55 and qualified.

56 (4) ~~In the event~~ If a board member is unable to complete the
57 term, the Governor shall appoint a person with similar qualifica-
58 tion to complete the term.

59 (5) The successor of any board member appointed pursuant
60 to this ~~article~~ section must possess the qualification as prescribed
61 ~~herein~~ in this section.

62 (6) Each vacancy occurring in the office of a member of the
63 board shall be filled by appointment within sixty days after ~~such~~
64 the vacancy occurs.

