

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 514

BY SENATORS SMITH, TAKUBO, HAMILTON, WOELFEL, AND

JEFFRIES

[Originating in the Committee on Natural Resources;

reported on March 9, 2021]

1 A BILL to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating
2 to the Natural Resources Commission; providing for the composition and membership of
3 the commission; providing criteria and qualifications for the appointment of
4 commissioners; and providing for reimbursement of expenses for commissioners.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-16. Natural Resources Commission - generally.

1 (a) The Natural Resources Commission, created and established by ~~provisions of section~~
2 ~~three of this article~~ §20-1-3 of this code, shall be a public benefit corporation and as such may
3 sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a
4 common seal. It shall be a commission advisory to the director and to the ~~department~~ Division of
5 Natural Resources. ~~The commission shall be composed of seven members, known as~~
6 ~~commissioners, one from each congressional district and the remainder from the state at large,~~
7 ~~appointed by the Governor, by and with the advice and consent of the Senate. Their terms of~~
8 ~~office shall begin on July 1, and shall be for a period of seven years, except that the Governor in~~
9 ~~making the initial appointments shall designate and define their respective terms of office so that~~
10 ~~the term of one member of the commission will expire each year. As initial appointments expire,~~
11 ~~all subsequent appointments shall be for terms of seven years or for the unexpired term of a~~
12 ~~member who may have died, resigned or become disqualified~~ The commission shall be composed
13 of seven members, known as commissioners, one from each division of natural resources district
14 and the remainder from the state at large, and shall be appointed to provide the broadest
15 geographic distribution possible so that each commissioner shall attend the division sectional
16 meetings established in §20-1-7(6) of this code within his or her respective district.

17 (b) The Governor, with the advice and consent of the Senate, shall appoint the seven
18 members for the following terms beginning July 1, 2021:

19 (1) Three for a term of four years:

20 (2) Two for a term of three years; and

21 (3) Two for a term of two years.

22 (4) Successors to appointed members whose terms expire shall be appointed for terms of
23 four years. Any commissioner whose term has expired shall serve until his or her successor has
24 been appointed. An appointed commissioner may not serve more than two consecutive terms.
25 Vacancies shall be filled for any unexpired term. Appointment to fill a vacancy shall not be
26 considered as one of two full terms. Any commissioner who has served two or more consecutive
27 terms immediately preceding the effective date of this section shall not be excluded from
28 consideration for initial appointment under this section.

29 (c) The members of the commission shall be citizens and residents of the state, selected
30 with special reference to their training and experience in relation to the principal activities required
31 of the commission, and for their ability and fitness to perform their duties within the purposes of
32 this chapter and shall be selected with special emphasis on his or her interest in the conservation
33 of the natural resources of the state. No member of the commission shall be a candidate for or
34 hold any public office other than that of member of the commission; nor shall he or she be a
35 member of any committee of a political party. In case a member becomes a candidate for or
36 accepts appointment to any public office or political party committee, his or her office position as
37 member of the commission shall be immediately vacated. The Director of the Division of Natural
38 Resources may submit recommendations to the Governor for the appointment of the
39 commissioners.

40 (d) Commissioners are not entitled to compensation for services performed for the
41 commission, but may be reimbursed by the Division of Natural Resources for actual and
42 necessary expenses incurred for each day in which he or she is engaged in the discharge of
43 official duties, the actual expenses not to exceed the amount paid similar reimbursement to
44 members of the Legislature.