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SB 774

FILED

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WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 774

(By Senator Kessler, et al)

PASSED March 14, 2006

In Effect 90 days from Passage

FILED

2006 APR -4 P 4: 55

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 774

(BY SENATORS KESSLER, DEMPSEY, FANNING, MINARD,
WHITE, BARNES, CARUTH, DEEM, HARRISON,
LANHAM, MCKENZIE AND WEEKS)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §22-1-2, §22-1-7 and §22-1-8 of the Code of West Virginia, 1931, as amended, all relating to the organization of offices within the Department of Environmental Protection; and defining certain terms.

Be it enacted by the Legislature of West Virginia:

That §22-1-2, §22-1-7 and §22-1-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION.

§22-1-2. Definitions.

- 1 As used in this chapter, unless otherwise provided or
- 2 indicated by the context:

3 (1) "Chief" means the Secretary of the Department of
4 Environmental Protection, or his or her designee, who is
5 also the chief executive officer of an office, division or
6 section within the department.

7 (2) "Department" means the Department of Environ-
8 mental Protection.

9 (3) "Director" means the Secretary of the Department of
10 Environmental Protection or his or her designee.

11 (4) "Division" means the Department of Environmental
12 Protection.

13 (5) "Function" means any duty, obligation, power,
14 authority, responsibility, right, privilege, activity or
15 program.

16 (6) "Office" means any office, division, board, agency,
17 unit, organizational entity or component thereof within
18 the Department of Environmental Protection.

19 (7) "Secretary" means the Secretary of the Department
20 of Environmental Protection.

§22-1-7. Offices within division.

1 Consistent with the provisions of this article, the secre-
2 tary shall, at a minimum, maintain the following offices
3 within the division:

4 (1) The Office of Abandoned Mine Lands and Reclama-
5 tion, which is charged, at a minimum, with administering
6 and enforcing, under the supervision of the director, the
7 provisions of article two of this chapter;

8 (2) The Division of Mining and Reclamation, which is
9 charged, at a minimum, with administering and enforcing,
10 under the supervision of the director, the provisions of
11 articles three and four of this chapter;

12 (3) The Division of Air Quality, which is charged, at a
13 minimum, with administering and enforcing, under the

14 supervision of the director, the provisions of article five of
15 this chapter;

16 (4) The Office of Oil and Gas, which is charged, at a
17 minimum, with administering and enforcing, under the
18 supervision of the director, the provisions of articles six,
19 seven, eight, nine and ten of this chapter;

20 (5) The Division of Water and Waste Management, which
21 is charged, at a minimum, with administering and enforc-
22 ing, under the supervision of the director, the provisions of
23 articles eleven, twelve, thirteen, fourteen fifteen, sixteen,
24 seventeen, eighteen, nineteen and twenty of this chapter;
25 and

26 (6) The Office of Explosives and Blasting, which is
27 charged, at a minimum, with administering and enforcing,
28 under the supervision of the director, the provisions of
29 article three-a of this chapter.

§22-1-8. Supervisory officers.

1 (a) The secretary shall appoint a competent and qualified
2 person to be the chief executive officer of each office
3 specified in section seven of this article. The chief execu-
4 tive officer is the principal administrative officer of that
5 office and is accountable and responsible for the orderly
6 and efficient performance of the duties, functions and
7 services of her or his office.

8 (b) There shall be in the department such other supervi-
9 sory officers as the secretary determines is necessary to
10 administer the functions of the department. Such supervi-
11 sory officers are "administrators" as such term is defined
12 in section two, article six, chapter twenty-nine of this
13 code, notwithstanding the fact that the positions filled by
14 such persons are not statutorily created. Any such super-
15 visory officer may be designated by the secretary as a
16 deputy director, assistant director, chief, administrator or
17 other administrative title or designation. Each of the
18 supervisory officers shall be appointed by the secretary

19 and serve at the will and pleasure of the secretary. The
20 compensation of such supervisory officers shall be fixed
21 by the secretary. A single individual may be appointed to
22 serve simultaneously in two distinct supervisory positions,
23 but in a case where a dual appointment is made, the
24 supervisory officer shall not receive additional compensa-
25 tion above that which would be paid for serving in one
26 supervisory position.

27 (c) A supervisory officer appointed pursuant to the
28 provisions of this section shall report directly to the
29 secretary and shall, in addition to any functions vested in
30 or required to be delegated to such officer, perform
31 additional functions as the secretary may prescribe.

32 (d) Each supervisory officer of the department shall,
33 before entering upon the discharge of his or her duties,
34 take the oath of office prescribed by section five, article IV
35 of the Constitution of West Virginia and shall execute a
36 bond in the penalty of two thousand dollars, with security
37 to be approved by the Governor, conditioned upon the
38 faithful discharge of their duties, a certificate of the oath
39 and bond shall be filed in the office of the Secretary of
40 State. Premiums on the bond shall be paid from the
41 department funds.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *4th*
Day of *April*, 2006.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 03 2006

Time 2:03 pm