1	COMMITTEE SUBSTITUTE
2	FOR
3	Н. В. 2571
4 5 6	(By Delegates Craig, White, Marcum, Morgan, Stowers, Eldridge, Phillips, R., Reynolds, Skaff and Miller)
0 7	(Originating in the Committee on Government Organization.)
8	(March 26, 2013)
9	
10	A BILL to amend and reenact $\$22B{-}3{-}1$ of the Code of West Virginia,
11	1931, as amended, relating to the Environmental Quality Board;
12	permitting individuals who receive a portion of income from
13	state agencies, other than the Department of Environmental
14	Protection, that hold or are applicants to hold certain
15	environment permits to serve on the board.
16	Be it enacted by the Legislature of West Virginia:
17	That §22B-3-1 of the Code of West Virginia, 1931, as amended,
18	be amended and reenacted to read as follows:
19	ARTICLE 3. ENVIRONMENTAL QUALITY BOARD.
20	§22B-3-1. Environmental quality board; composition and
21	organization; appointment, qualifications, terms, vacancies.
22	(a) <del>On and after the effective date of this article, the</del>
23	"water resources board," heretofore created, shall continue in
24	existence and hereafter shall be known as the "environmental
25	quality board." The Environmental Quality Board is continued.
26	(b) The board <del>shall be</del> <u>is</u> composed of five members, <del>who shall</del>
27	be appointed by the Governor with the advice and consent of the

1 Senate.

2 <u>(1) Not No</u> more than three members of the board shall <u>may</u> be 3 of the same political party. Each appointed member of the board 4 who is serving in such capacity on the effective date of this 5 article shall continue to serve on the board until his or her term 6 ends or he or she resigns or is otherwise unable to serve.

7 (2) As each member's term ends, or that member is unable to 8 serve, a qualified successor shall be appointed by the Governor 9 with the advice and consent of the Senate.

10 (3) Individuals appointed to the board shall be persons who by 11 reason of previous training and experience are knowledgeable in the 12 husbandry of the state's water resources. and with

13 <u>(4)</u> At least one member with <u>shall have</u> experience in 14 industrial pollution control.

(c) (1) No member of the board shall receive or, during the two years next preceding the member of the board's appointment, <del>shall may</del> have received a significant portion of the member of the board's <u>his or her</u> income directly or indirectly from a national pollutant discharge elimination system permit holder or an applicant for a permit issued under <del>any of the provisions of</del> article eleven, chapter twenty-two of this code.

22 (2) For the purposes of this subsection:

(1) (A) The term "significant portion of the member of the 24 board's income" means ten percent of gross personal income for a 25 calendar year, except that it means fifty percent of gross personal 26 income for a calendar year if the recipient is over sixty years of

2

1 age and is receiving such portion pursuant to retirement, a pension
2 or similar arrangement;

3 (2) (B) The term "income" includes retirement benefits, 4 consultant fees and stock dividends;

5 (3) (C) Income is not received "directly or indirectly" from 6 "permit holders" or "applicants for a permit" where it is derived 7 from mutual-fund payments or from other diversified investments 8 with respect to which the recipient does not know the identity of 9 the primary sources of income; and

10 (4) (D) The terms "permit holders" and "applicants for a 11 permit" do not include any university or college operated by this 12 state or political subdivision of this state <u>or any department or</u> 13 <u>agency of this state</u>, other than the Department of Environmental 14 <u>Protection</u>.

15 (d) <u>(1)</u> The members of the board shall be appointed for 16 overlapping terms of five years, except that the original 17 appointments shall be for terms of one, two, three, four and five 18 years, respectively. <u>serve five year terms, staggered in</u> 19 accordance with prior enactments of this section.

20 (2) Any member whose term expires may be reappointed by the 21 Governor.

22 (3) Members may serve until their successors are appointed and 23 qualified.

24 <u>(4)</u> In the event <u>If</u> a board member is unable to complete the 25 term, the Governor shall appoint a person with similar 26 qualification to complete the term.

3

1 <u>(5)</u> The successor of any board member appointed pursuant to 2 this article section must possess the qualification as prescribed 3 herein in this section.

4 <u>(6)</u> Each vacancy occurring in the office of a member of the 5 board shall be filled by appointment within sixty days after such 6 <u>the</u> vacancy occurs.