

Senate Bill No. 598

(By Senators Kirkendoll, Snyder, Williams, Stollings and Plymale)

[Introduced March 22, 2013; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

A BILL to amend and reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to permitting individuals from state departments and agencies, except the Department of Environmental Protection, who have received a significant portion of their income, during a two-year period, from national pollutant discharge elimination system permit holders and applicants for certain state permits to serve as members of the Environmental Quality 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

1 **organization; appointment, qualifications, terms,**
2 **vacancies.**

3 (a) On and after the effective date of this article, the
4 "water resources board," heretofore created, shall continue in
5 existence and hereafter shall be known as the "environmental
6 quality board."

7 (b) The board shall be composed of five members who shall be
8 appointed by the Governor with the advice and consent of the
9 Senate. Not more than three members of the board shall be of the
10 same political party. Each appointed member of the board who is
11 serving in such capacity on the effective date of this article
12 shall continue to serve on the board until his or her term ends or
13 he or she resigns or is otherwise unable to serve. As each
14 member's term ends, or that member is unable to serve, a qualified
15 successor shall be appointed by the Governor with the advice and
16 consent of the Senate. Individuals appointed to the board shall be
17 persons who by reason of previous training and experience are
18 knowledgeable in the husbandry of the state's water resources and
19 with at least one member with experience in industrial pollution
20 control.

21 (c) No member of the board shall receive or, during the two
22 years next preceding the member of the board's appointment, shall
23 have received a significant portion of the member of the board's

1 income directly or indirectly from a national pollutant discharge
2 elimination system permit holder or an applicant for a permit
3 issued under ~~any of the provisions of~~ article eleven, chapter
4 twenty-two of this code. For the purposes of this subsection: (1)
5 The term "significant portion of the member of the board's income"
6 means ten percent of gross personal income for a calendar year,
7 except that it means fifty percent of gross personal income for a
8 calendar year if the recipient is over sixty years of age and is
9 receiving such portion pursuant to retirement, a pension or similar
10 arrangement; (2) the term "income" includes retirement benefits,
11 consultant fees and stock dividends; (3) income is not received
12 "directly or indirectly" from "permit holders" or "applicants for
13 a permit" where it is derived from mutual-fund payments or from
14 other diversified investments with respect to which the recipient
15 does not know the identity of the primary sources of income; and
16 (4) the terms "permit holders" and "applicants for a permit" do not
17 include any university or college operated by this state or
18 political subdivision of this state or any department or agency of
19 this state, other than the Department of Environmental Protection.

20 (d) The members of the board shall be appointed for
21 overlapping terms of five years, except that the original
22 appointments shall be for terms of one, two, three, four and five
23 years, respectively. Any member whose term expires may be

1 reappointed by the Governor. In the event a board member is unable
2 to complete the term, the Governor shall appoint a person with
3 similar qualification to complete the term. The successor of any
4 board member appointed pursuant to this article must possess the
5 qualification as prescribed herein. Each vacancy occurring in the
6 office of a member of the board shall be filled by appointment
7 within sixty days after such vacancy occurs.

NOTE: The purpose of this bill is to permit individuals from state departments and agencies, except the Department of Environmental Protection, who have received a significant portion of his or her income, during a two-year period, from national pollutant discharge elimination system permit holders and applicants for certain state permits to serve as members of the environmental quality board.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.