

Senate Bill No. 271

(By Senators Beach and Williams)

[Introduced January 25, 2011; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

A BILL to amend and reenact §22-1-9 of the Code of West Virginia, 1931, as amended, relating to the Environmental Protection Advisory Council generally; increasing the membership of the council to nine members; specifying represented organizations and entities; and making certain procedural changes in board activities.

Be it enacted by the Legislature of West Virginia:

That §22-1-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. DIVISION OF ENVIRONMENTAL PROTECTION.

§22-1-9. Environmental Protection Advisory Council.

(a) There is created within the Department of ~~commerce, labor and environmental resources~~ Environmental Protection, the Environmental Protection Advisory Council. The Environmental

1 Protection Advisory Council consists of ~~seven~~ nine members. The
2 ~~director~~ secretary serves as an ex officio member of the council
3 and as its chair. The remaining ~~six~~ eight members are appointed by
4 the Governor. Each member serves for a term of four years and may
5 be reappointed. Members of the council serving on the effective
6 date of this section shall continue to serve until their terms
7 expire or their successors have been appointed. ~~Of the members of~~
8 ~~the council first appointed, two shall be appointed for terms~~
9 ~~ending on the thirtieth day of June, one thousand nine hundred~~
10 ~~ninety-six, and two each for terms ending one and two years~~
11 ~~thereafter.~~ Of the two new members of the council, one shall be
12 appointed for a term ending on June 30, 2012, and one shall be
13 appointed for the term ending June 30, 2013. Vacancies on the
14 council shall be filled within sixty days after the vacancy occurs.

15 (b) ~~Two members of the council shall represent industries~~
16 ~~regulated by the division or their trade associations. Two members~~
17 ~~shall represent organizations advocating environmental protection.~~
18 ~~One member shall represent organizations representing local~~
19 ~~governments. One member shall represent public service districts.~~

20 Any future appointments to the council shall be representative
21 of the following entities. They are:

22 (1) One member of the council shall be appointed from a list
23 of three names submitted to the Governor by the largest
24 organization representing manufacturing in this state and one

1 member of the council shall be appointed from a list of three names
2 submitted to the Governor by the largest organization representing
3 the interests of coal producers;

4 (2) One member of the council shall be appointed from a list
5 of three names submitted to the Governor by the largest
6 organization representing farming interests in this state and one
7 member of the council shall be appointed from a list of three names
8 of registered foresters submitted to the Governor by the largest
9 organization representing the interests of private owners of forest
10 land;

11 (3) One member of the council shall be appointed from a list
12 of three names submitted to the Governor by the two largest
13 organizations representing environmental protection organizations;

14 (4) One member of the council shall be appointed from a list
15 of three names submitted jointly to the Governor by the largest
16 organizations representing counties and municipalities in this
17 state; and

18 (5) One member of the council shall be appointed from a list
19 of three names submitted to the Governor by the largest
20 organization representing public service districts in this state.

21 In making subsequent appointments this balance of membership shall
22 be maintained.

23 (c) Except for state employee and officer members, appointed
24 members shall be paid the same compensation and expense

1 reimbursement as is paid to members of the Legislature for their
2 interim duties as recommended by the Citizens Legislative
3 Compensation Commission and authorized by law for each day or
4 portion thereof engaged in the discharge of official duties.

5 (d) The council shall meet at least once every quarter ~~and~~ at
6 the call of the chair or at the request of any four members of the
7 council in writing signed by the members requesting the meeting,
8 the chair shall schedule a meeting. At least fifteen days prior to
9 a regularly scheduled meeting, or ten days in advance of a meeting
10 called by the chair, the secretary shall provide the members of the
11 council with an agenda of all matters scheduled for discussion at
12 the meeting and copies of any rules the secretary intends to
13 propose.

14 (e) The council shall:

15 (1) Consult with and advise the director on program and policy
16 development, problem solving and other appropriate subjects;

17 (2) Identify and define problems associated with the
18 implementation of the policy set forth in section one of this
19 article;

20 (3) Provide and disseminate to industry and the public early
21 identification of major federal program and regulatory changes;

22 (4) Provide a forum for the resolution of conflicts between
23 constituency groups;

24 (5) To the extent possible, strive for consensus on the

1 development of overall environmental policy; ~~and~~

2 (6) The council may, upon majority vote of the members, offer
3 suggestions to the secretary for proposed new or amended
4 legislative rules.

5 ~~(6)~~ (7) Provide an annual report to the Joint Committee on
6 Government and Finance on or before January 1 of each year relating
7 to its findings with regard to the ~~division's~~ department's
8 performance during the previous year. The report will specifically
9 address the division's performance in accomplishing the nine
10 purposes set forth in subsection (b), section one of this article;
11 and

12 (8) Appoint technical advisory committees as may be necessary
13 to carry out the provisions of this section.

NOTE: The purpose of this bill is to increase the membership of the Environmental Protection Advisory Council from seven to nine members. Under the bill the new members represent agricultural and forestry interests. The bill also provides for meetings on the call of members, appointment of technical advisory committees and it specifically allows the council to submit suggestions to the secretary of environmental protection for proposed legislative rules and amendments.

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