

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2571**

5 (By Delegates Craig, White, Marcum, Morgan, Stowers, Eldridge,
6 Phillips, R., Reynolds, Skaff and Miller)

7
8 [Passed April 13, 2013; in effect from passage.]

9
10 AN ACT to amend and reenact §22B-3-1 of the Code of West Virginia,
11 1931, as amended, relating to the Environmental Quality Board;
12 removing outdated language; providing that board members may
13 serve on the board until their successor is appointed;
14 permitting individuals who receive a portion of income from
15 state agencies, other than the Department of Environmental
16 Protection, who hold or are applicants to hold certain
17 environment permits to serve on the board; and prohibiting
18 board members who are employed or have been employed by a
19 state agency from voting on a matter concerning a permit
20 issued to that agency.

21 *Be it enacted by the Legislature of West Virginia:*

22 That §22B-3-1 of the Code of West Virginia, 1931, as amended,
23 be amended and reenacted to read as follows:

24 **ARTICLE 3. ENVIRONMENTAL QUALITY BOARD.**

25 **§22B-3-1. Environmental quality board; composition and**
26 **organization; appointment, qualifications, terms, vacancies.**

27 (a) The Environmental Quality Board is continued.

1 (b) The board is composed of five members, appointed by the
2 Governor with the advice and consent of the Senate.

3 (1) No more than three members may be of the same political
4 party.

5 (2) As each member's term ends, a qualified successor shall be
6 appointed by the Governor with the advice and consent of the
7 Senate.

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

11 (4) At least one member shall have experience in industrial
12 pollution control.

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

19 (2) For the purposes of this subsection:

20 (A) The term "significant portion of the member of the board's
21 income" means ten percent of gross personal income for a calendar
22 year, except that it means fifty percent of gross personal income
23 for a calendar year if the recipient is over sixty years of age and
24 is receiving such portion pursuant to retirement, a pension or
25 similar arrangement;

26 (B) The term "income" includes retirement benefits, consultant

1 fees and stock dividends;

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

7 (D) The terms "permit holders" and "applicants for a permit"
8 do not include any university or college operated by this state or
9 political subdivision of this state or any department or agency of
10 this state, other than the Department of Environmental Protection:
11 : *Provided*, That no board member may vote on any matter concerning
12 a permit issued to a department or agency of the state by which the
13 member is or has been employed.

14 (d) (1) The members of the board shall serve five year terms,
15 staggered in accordance with prior enactments of this section.

16 (2) Any member whose term expires may be reappointed by the
17 Governor.

18 (3) Members may serve until their successors are appointed and
19 qualified.

20 (4) If a board member is unable to complete the term, the
21 Governor shall appoint a person with similar qualification to
22 complete the term.

23 (5) The successor of any board member appointed pursuant to
24 this section must possess the qualification as prescribed in this
25 section.

26 (6) Each vacancy occurring in the office of a member of the

1 board shall be filled by appointment within sixty days after the
2 vacancy occurs.