

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2571

(BY DELEGATE(S) CRAIG, WHITE, MARCUM, MORGAN, STOWERS,
ELDRIDGE, PHILLIPS, R., REYNOLDS, SKAFF AND MILLER)

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

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reenact §22B-3-1 of the Code of West Virginia, 1931, as amended, relating to the Environmental Quality Board; removing outdated language; providing that board members may serve on the board until their successor is appointed; permitting individuals who receive a portion of income from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

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 organization; appointment, qualifications, terms, vacancies.

1 (a) The Environmental Quality Board is continued.

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

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

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

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

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

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

20 (2) For the purposes of this subsection:

21 (A) The term "significant portion of the member of the
22 board's income" means ten percent of gross personal income for

23 a calendar year, except that it means fifty percent of gross
24 personal income for a calendar year if the recipient is over sixty
25 years of age and is receiving such portion pursuant to retirement,
26 a pension or similar arrangement;

27 (B) The term “income” includes retirement benefits,
28 consultant fees and stock dividends;

29 (C) Income is not received “directly or indirectly” from
30 “permit holders” or “applicants for a permit” where it is derived
31 from mutual-fund payments or from other diversified invest-
32 ments with respect to which the recipient does not know the
33 identity of the primary sources of income; and

34 (D) The terms “permit holders” and “applicants for a permit”
35 do not include any university or college operated by this state or
36 political subdivision of this state or any department or agency of
37 this state, other than the Department of Environmental Protec-
38 tion: *Provided*, That no board member may vote on any matter
39 concerning a permit issued to a department or agency of the state
40 by which the member is or has been deployed.

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

43 (2) Any member whose term expires may be reappointed by
44 the Governor.

45 (3) Members may serve until their successors are appointed
46 and qualified.

47 (4) If a board member is unable to complete the term, the
48 Governor shall appoint a person with similar qualification to
49 complete the term.

50 (5) The successor of any board member appointed pursuant
51 to this section must possess the qualification as prescribed in this
52 section.

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53 (6) Each vacancy occurring in the office of a member of the
54 board shall be filled by appointment within sixty days after the
55 vacancy occurs.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

