

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 202**

BY SENATORS HAMILTON AND WOELFEL

[Originating in the Committee on Agriculture and  
Natural Resources; reported on January 24, 2023]



1 A BILL to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing the term of members of the Natural Resources Commission from four to  
3 seven years.

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

**ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

**§20-1-16. Natural Resources Commission - generally.**

1 (a) The Natural Resources Commission, created and established by §20-1-3 of this code,  
2 shall be a public benefit corporation and as such may sue and be sued, plead and be impleaded,  
3 contract and be contracted with, and have and use a common seal. It shall be a commission  
4 advisory to the director and to the Division of Natural Resources. The commission shall be  
5 composed of seven members, known as commissioners, one from each division of natural  
6 resources district and the remainder from the state at large, and shall be appointed to provide the  
7 broadest geographic distribution possible so that each commissioner shall attend the division  
8 sectional meetings established in §20-1-7(6) of this code within his or her respective district.

9 (b) On and after the effective date of this section, as amended during the 2023 regular  
10 session, the Governor, with the advice and consent of the Senate, shall appoint the seven  
11 members for terms of seven years: *Provided*, That members holding appointments on the  
12 effective date of this section as amended during the 2023 regular session, shall continue to serve  
13 as commissioners until the termination of their respective terms unless sooner removed. ~~for the~~  
14 ~~following terms beginning July 1, 2021:~~

15 ~~(1) Three for a term of four years;~~

16 ~~(2) Two for a term of three years; and~~

17 ~~(3) Two for a term of two years.~~

18 ~~(4) Successors to appointed members whose terms expire shall be appointed for terms of~~  
19 ~~four years.~~ Any commissioner member whose term has expired shall serve until his or her  
20 successor has been appointed. An appointed commissioner member may not serve more than

21 two consecutive terms. Vacancies shall be filled for any unexpired term. Appointment to fill a  
22 vacancy shall not be considered as one of two full terms. Any commissioner who has served two  
23 or more consecutive terms immediately preceding the effective date of this section shall not be  
24 excluded from consideration for initial appointment under this section.

25 (c) The members of the commission shall be citizens and residents of the state, and shall  
26 be selected with special emphasis on his or her interest in the conservation of the natural  
27 resources of the state. No member of the commission shall be a candidate for or hold any public  
28 office other than that of member of the commission; nor shall he or she be a member of any  
29 committee of a political party. In case a member becomes a candidate for or accepts appointment  
30 to any public office or political party committee, his or her position as member of the commission  
31 shall be immediately vacated. The Director of the Division of Natural Resources may submit  
32 recommendations to the Governor for the appointment of the commissioners.

33 (d) Commissioners are not entitled to compensation for services performed for the  
34 commission, but may be reimbursed by the Division of Natural Resources for actual and  
35 necessary expenses incurred for each day in which he or she is engaged in the discharge of  
36 official duties, the actual expenses not to exceed the amount paid similar reimbursement to  
37 members of the Legislature.