

1 HB511  
2 116128-2  
3 By Representative Todd  
4 RFD: Boards and Commissions  
5 First Read: 09-FEB-10

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8 SYNOPSIS: Under existing law, there is a seven-member  
9 Environmental Management Commission which  
10 establishes an environmental management policy for  
11 the state. One member is certified by the National  
12 Water Well Association Certification Program.

13 This bill would provide that the member must  
14 either have been certified by the National Water  
15 Well Association Certification Program, or its  
16 successor, the National Ground Water Association,  
17 or must be a geologist licensed to practice geology  
18 by the State of Alabama or must be a certified  
19 professional hydrologist or hydrogeologist.  
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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 Relating to the Alabama Environmental Management  
26 Commission; to amend Section 22-22A-6, Code of Alabama 1975,  
27 relating to the membership of the commission, to provide that

1 the member previously required to be certified by the National  
2 Water Well Association Certification Program must be certified  
3 by the National Ground Water Association Certification Program  
4 or must be a geologist licensed to practice geology by the  
5 State of Alabama or must be a certified professional  
6 hydrologist or hydrogeologist.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 22-22A-6, Code of Alabama 1975,  
9 is amended to read as follows:

10 "\$22-22A-6.

11 "(a) There is hereby created a seven member  
12 Environmental Management Commission of the Alabama Department  
13 of Environmental Management which shall have the following  
14 duties:

15 "(1) To select a director for the Department of  
16 Environmental Management and to advise the director on  
17 environmental matters which are within the department's scope  
18 of authority;

19 "(2) To establish, adopt, promulgate, modify,  
20 repeal, and suspend any rules, regulations, or environmental  
21 standards for the department which may be applicable to the  
22 state as a whole or any of its geographical parts;

23 "(3) To develop environmental policy for the state;  
24 and

25 "(4) To hear and determine appeals of administrative  
26 actions.

1           "(b) The Environmental Management Commission shall  
2 be composed of seven members who are citizens of the State of  
3 Alabama. Initial members of the commission shall be appointed  
4 to places on the Environmental Management Commission by the  
5 Governor, Lieutenant Governor, and Speaker of the House of  
6 Representatives pursuant to the procedure set out in  
7 subsection (d) of this section with the advice and consent of  
8 the Senate. Initial appointments shall be made on or before  
9 October 1, 1982. All subsequent appointments to places on the  
10 Environmental Management Commission after the initial  
11 appointments shall be made by the Governor with the advice and  
12 consent of the Senate. No member of the Environmental  
13 Management Commission may serve more than a total of ~~18~~ 12  
14 years. When a vacancy occurs during a period when the  
15 Legislature is not in session to advise and consent, such  
16 appointee shall have the full power of the office until and  
17 unless the Senate, upon the reconvening of the Legislature,  
18 shall by affirmative vote refuse to consent in such  
19 appointment. Qualifications of the seven members shall be as  
20 follows:

21           "(1) One member shall be a physician licensed to  
22 practice medicine in the State of Alabama and shall be  
23 familiar with environmental matters;

24           "(2) One member shall be a professional engineer  
25 registered in the State of Alabama and shall be familiar with  
26 environmental matters;

1           "(3) One member shall be an attorney licensed to  
2 practice law in the State of Alabama and shall be familiar  
3 with environmental matters;

4           "(4) One member shall be a chemist possessing as a  
5 minimum a bachelor's degree from an accredited university or a  
6 veterinarian licensed to practice veterinary medicine in the  
7 State of Alabama and shall be familiar with environmental  
8 matters;

9           "(5) One member that who has been certified at any  
10 time by the National Water Well Association Certification  
11 Program, or its successor, the National Ground Water  
12 Association, or who is a geologist, as that term is defined in  
13 Section 34-41-3(2), licensed to practice geology at any time  
14 by the State of Alabama or specifically exempted from  
15 licensing under Section 34-41-7(b)(1); or who is certified as  
16 a professional hydrologist or professional hydrogeologist by  
17 the American Institute of Hydrology;

18           "(6) One member shall be a biologist or an ecologist  
19 possessing as a minimum a bachelor's degree from an accredited  
20 university and shall have training in environmental matters;  
21 and

22           "(7) One member shall be a resident of the state for  
23 at least two years but shall not be required to have any  
24 specialized experience.

25           "(c) At the expiration of the terms of all members  
26 initially appointed, their successors shall be promptly  
27 appointed by the Governor for terms of six years. At the

1 expiration of a term of office or in the event of a vacancy on  
2 the Environmental Management Commission, the Governor shall  
3 promptly make an appointment to fill the vacancy. The expiring  
4 term of an incumbent member shall be continued until an  
5 appointment is made.

6 "(d) ~~Provided however that the~~ The initial  
7 appointments to the Environmental Management Commission shall  
8 be made as follows notwithstanding the other provisions of  
9 this chapter:

10 "(1) The Governor shall appoint three members of the  
11 Environmental Management Commission, two of whom shall come  
12 from the voting members of the boards or commissions abolished  
13 by this chapter. The Governor's three initial appointments  
14 shall fill the positions described in subdivisions (4), (6)  
15 and (7) of subsection (b) of this section. The terms of these  
16 initial position appointments shall be for six years.

17 "(2) The Lieutenant Governor shall appoint two  
18 members of the Environmental Management Commission, one who  
19 shall come from the voting members of the boards or  
20 commissions abolished by this chapter. The Lieutenant  
21 Governor's appointments pursuant to this subsection shall fill  
22 the positions described in subdivisions (1) and (5) of  
23 subsection (b) of this section. The term of the initial  
24 position described in subdivision (1) of subsection (b) of  
25 this section shall be for four years. The term of the initial  
26 position described in subdivision (5) of subsection (b) of  
27 this section shall be for two years.

1           "(3) The Speaker of the House of Representatives  
2 shall appoint two members of the Environmental Management  
3 Commission, one who shall come from the voting members of the  
4 boards or commissions abolished by this chapter. The Speaker  
5 of the House of Representatives' appointments pursuant to this  
6 subsection shall fill the positions described in subdivisions  
7 (2) and (3) of subsection (b) of this section. The term of the  
8 initial position described in subdivision (2) of subsection  
9 (b) of this section shall be for four years. The term of the  
10 initial position described in subdivision (3) of subsection  
11 (b) of this section shall be for two years.

12           "(e) The Environmental Management Commission shall  
13 select a chairman from among its members, and the chairman's  
14 term of office shall be determined by the Environmental  
15 Management Commission, but shall not exceed three consecutive  
16 years. The Environmental Management Commission shall not take  
17 official action unless a quorum is present. A quorum shall be  
18 any four of the seven members. Recusal of a member shall not  
19 affect the quorum.

20           "(f) The Environmental Management Commission shall  
21 meet regularly, at least once every two months, at times and  
22 places to be fixed by the Environmental Management Commission.  
23 Special meetings may be called at the discretion of the  
24 chairman of the Environmental Management Commission and  
25 special meetings shall be called by him on written request of  
26 any four members to take up any matters within the  
27 jurisdiction of the Environmental Management Commission. All

1 members shall be notified of the time and place of any regular  
2 or special meeting in any one of the following ways: in  
3 writing or by telegram to a member's last known address as  
4 provided to the department or by telephone.

5 "(g) Any member of the Environmental Management  
6 Commission who misses three consecutive regularly scheduled  
7 meetings, shall immediately cease to be a member of the  
8 commission and the Governor shall promptly appoint a new  
9 member with appropriate qualifications to fill the remainder  
10 of the term.

11 "(h) The Environmental Management Commission shall  
12 keep a complete and accurate record of the proceedings of all  
13 its meetings, a copy of which shall be kept on file in the  
14 office of the director and open to public inspection.

15 "(i) (1) Each member shall receive \$100.00 per day  
16 for each day of attendance at an official meeting. Members of  
17 the Environmental Management Commission shall be reimbursed  
18 for expenses when attending meetings which are approved and  
19 certified by the director. Reimbursement shall be in  
20 accordance with Sections 36-7-1 through 36-7-42;

21 "(2) All proper expenses of the Environmental  
22 Management Commission shall be paid from the appropriations to  
23 or funds of the department in the same manner as expenses of  
24 the department are paid.

25 "(j) Members of the Environmental Management  
26 Commission shall meet all requirements of the state ethics law



1 and the conflict of interest provisions of applicable federal  
2 laws and regulations."

3 Section 2. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.