

1 HB358  
2 189874-2  
3 By Representative South  
4 RFD: State Government  
5 First Read: 01-FEB-18

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8 SYNOPSIS: Under existing law, the Environmental  
9 Management Commission is comprised of seven  
10 appointed members and is housed within the Alabama  
11 Department of Environmental Management. Its duties  
12 include the selection of a director for the  
13 department and the development of environmental  
14 policy for the state.

15 This bill would change the qualifications  
16 for one member of the commission.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to the membership of the Environmental  
23 Management Commission of the Alabama Department of  
24 Environmental Management; to amend Section 22-22A-6, Code of  
25 Alabama 1975; to change the qualifications for one member of  
26 the commission to require the member to be an individual who

1 is certified by the National Ground Water Association  
2 certification program or be a professional geologist.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§22-22A-6.

7 "(a) There is hereby created a seven member  
8 Environmental Management Commission of the Alabama Department  
9 of Environmental Management which shall have the following  
10 duties:

11 "(1) To select a director for the Department of  
12 Environmental Management and to advise the director on  
13 environmental matters which are within the department's scope  
14 of authority;

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

19 "(3) To develop environmental policy for the state;  
20 and

21 "(4) To hear and determine appeals of administrative  
22 actions.

23 "(b) The Environmental Management Commission shall  
24 be composed of seven members who are citizens of the State of  
25 Alabama. Initial members of the commission shall be appointed  
26 to places on the Environmental Management Commission by the  
27 Governor, Lieutenant Governor, and Speaker of the House of

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

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

18           "(2) One member shall be a professional engineer  
19 registered in the State of Alabama and shall be familiar with  
20 environmental matters;

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

24           "(4) One member shall be a chemist possessing as a  
25 minimum a bachelor's degree from an accredited university or a  
26 veterinarian licensed to practice veterinary medicine in the

1 State of Alabama and shall be familiar with environmental  
2 matters;

3 "(5) One member ~~that has been~~ who is certified by  
4 the National Ground Water Well Association Certification  
5 Program or is a professional geologist;

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

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

13 "(c) At the expiration of the terms of all members  
14 initially appointed, their successors shall be promptly  
15 appointed by the Governor for terms of six years. The Governor  
16 shall coordinate his or her appointments to assure commission  
17 membership is inclusive and reflects the racial, gender,  
18 geographic, urban, rural, and economic diversity of the state.

19 At the expiration of a term of office or in the event of a  
20 vacancy on the Environmental Management Commission, the  
21 Governor shall promptly make an appointment to fill the  
22 vacancy. The expiring term of an incumbent member shall be  
23 continued until an appointment is made.

24 "(d) Provided however that the initial appointments  
25 to the Environmental Management Commission shall be made as  
26 follows notwithstanding the other provisions of this chapter:

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

8           "(2) The Lieutenant Governor shall appoint two  
9 members of the Environmental Management Commission, one who  
10 shall come from the voting members of the boards or  
11 commissions abolished by this chapter. The Lieutenant  
12 Governor's appointments pursuant to this subsection shall fill  
13 the positions described in subdivisions (1) and (5) of  
14 subsection (b) ~~of this section~~. The term of the initial  
15 position described in subdivision (1) of subsection (b) ~~of~~  
16 ~~this section~~ shall be for four years. The term of the initial  
17 position described in subdivision (5) of subsection (b) ~~of~~  
18 ~~this section~~ shall be for two years.

19           "(3) The Speaker of the House of Representatives  
20 shall appoint two members of the Environmental Management  
21 Commission, one who shall come from the voting members of the  
22 boards or commissions abolished by this chapter. The Speaker  
23 of the House of Representatives' appointments pursuant to this  
24 subsection shall fill the positions described in subdivisions  
25 (2) and (3) of subsection (b) ~~of this section~~. The term of the  
26 initial position described in subdivision (2) of subsection  
27 (b) ~~of this section~~ shall be for four years. The term of the

1 initial position described in subdivision (3) of subsection  
2 (b) ~~of this section~~ shall be for two years.

3 "(e) The Environmental Management Commission shall  
4 select a ~~chairman~~ chair from among its members, and the  
5 ~~chairman's~~ chair's term of office shall be determined by the  
6 Environmental Management Commission, but shall not exceed  
7 three consecutive years. The Environmental Management  
8 Commission shall not take official action unless a quorum is  
9 present. A quorum shall be any four of the seven members.  
10 Recusal of a member shall not affect the quorum.

11 "(f) The Environmental Management Commission shall  
12 meet regularly, at least once every two months at times and  
13 places to be fixed by the Environmental Management Commission.  
14 Special meetings may be called at the discretion of the  
15 ~~chairman~~ chair of the Environmental Management Commission and  
16 special meetings shall be called by him or her on written  
17 request of any four members to take up any matters within the  
18 jurisdiction of the Environmental Management Commission. All  
19 members shall be notified of the time and place of any regular  
20 or special meeting in any one of the following ways: ~~in~~ In  
21 writing or by telegram to a member's last known address as  
22 provided to the department or by telephone.

23 "(g) Any member of the Environmental Management  
24 Commission who misses three consecutive regularly scheduled  
25 meetings<sup>7</sup> shall immediately cease to be a member of the  
26 commission and the Governor shall promptly appoint a new

1 member with appropriate qualifications to fill the remainder  
2 of the term.

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

7 "(i) (1) Each member shall receive ~~\$100.00~~ one  
8 hundred dollars (\$100) per day for each day of attendance at  
9 an official meeting. Members of the Environmental Management  
10 Commission shall be reimbursed for expenses when attending  
11 meetings which are approved and certified by the director.  
12 Reimbursement shall be in accordance with Sections 36-7-1  
13 through 36-7-42;

14 "(2) All proper expenses of the Environmental  
15 Management Commission shall be paid from the appropriations to  
16 or funds of the department in the same manner as expenses of  
17 the department are paid.

18 "(j) Members of the Environmental Management  
19 Commission shall meet all requirements of the state ethics law  
20 and the conflict of interest provisions of applicable federal  
21 laws and regulations."

22 Section 2. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.