

1 HB217
2 188738-1
3 By Representative Morrow
4 RFD: Boards, Agencies and Commissions
5 First Read: 16-JAN-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 of 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 to provide that he
17 or she may be an individual licensed by the Alabama
18 Board of Licensure for Professional Geologists.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to the membership of the Environmental
25 Management Commission of the Alabama Department of
26 Environmental Management; to amend Section 22-22A-6, Code of
27 Alabama 1975; to provide that one member of the commission may

1 be an individual licensed by the Alabama Board of Licensure
2 for Professional Geologists.

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~~ who has been certified by the
4 National Water Well Association Certification Program or is
5 licensed by the Alabama Board of Licensure for Professional
6 Geologists;

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

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

14 "(c) At the expiration of the terms of all members
15 initially appointed, their successors shall be promptly
16 appointed by the Governor for terms of six years. At the
17 expiration of a term of office or in the event of a vacancy on
18 the Environmental Management Commission, the Governor shall
19 promptly make an appointment to fill the vacancy. The expiring
20 term of an incumbent member shall be continued until an
21 appointment is made.

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

25 "(1) The Governor shall appoint three members of the
26 Environmental Management Commission, two of whom shall come
27 from the voting members of the boards or commissions abolished

1 by this chapter. The Governor's three initial appointments
2 shall fill the positions described in subdivisions (4), (6),
3 and (7) of subsection (b) ~~of this section~~. The terms of these
4 initial position appointments shall be for six years.

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

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

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

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

21 "(g) Any member of the Environmental Management
22 Commission who misses three consecutive regularly scheduled
23 meetings⁷ shall immediately cease to be a member of the
24 commission and the Governor shall promptly appoint a new
25 member with appropriate qualifications to fill the remainder
26 of the term.

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

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

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

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

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