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HOUSE BILL NO. 1261

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on March 1, 2022)

(Patron Prior to Substitute—Delegate Bloxom)

A BILL to amend and reenact §§ 2.2-107, 10.1-1301, 10.1-1401, and 62.1-448 of the Code of Virginia, relating to state environmental boards.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-107, 10.1-1301, 10.1-1401, and 62.1-448 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-107. Appointment of members of commissions, boards, and other collegial bodies; disclosure of resumes.

A. Except as provided in the Constitution of Virginia, or where the manner of selection of members of boards and commissions is by election by the General Assembly, or as provided in Title 3.2 or § 10.1-1301, 10.1-1401, 62.1-44.8, or 54.1-901, but notwithstanding any other provision of law to the contrary, the Governor shall appoint all members of boards, commissions, councils or other collegial bodies created by the General Assembly in the executive branch of state government to terms of office as prescribed by law. Each member appointed pursuant to this section shall be subject to confirmation by the General Assembly and shall have the professional qualifications prescribed by law.

As part of the confirmation process for each gubernatorial appointee, the Secretary of the Commonwealth shall provide copies of the resume and statement of economic interests filed pursuant to § 2.2-3117 or 2.2-3118, as appropriate, to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For the purposes of this section and § 2.2-106, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this paragraph pertaining to the confirmation process.

B. The resumes and applications for appointment submitted by persons who are appointed by the Governor pursuant to this section shall be available to the public upon request.

§ 10.1-1301. State Air Pollution Control Board; membership; terms; vacancies.

The State Air Pollution Control Board shall be composed of seven members appointed *as follows: three members appointed by the Governor for four-year terms; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and two members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. Members shall be appointed for terms of four years.* Vacancies other than by expiration of term shall be filled by the Governor appointing authority by appointment for the unexpired term. *The Senate Committee on Rules and the Speaker of the House shall collect resumes and statements of economic interest from State Air Pollution Control Board applicants and shall make the applications and resumes of appointees available to the public upon request.*

§ 10.1-1401. Virginia Waste Management Board continued.

A. The Virginia Waste Management Board shall consist of seven Virginia residents appointed *as follows: three members appointed by the Governor for terms of four years; two members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation and Natural Resources; and two members appointed by the Speaker of the House from a list recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. Members shall be appointed for terms of four years.* The members of the Board shall be citizens of the Commonwealth and shall be selected from the Commonwealth at large on the basis of merit without regard to political affiliation. Members shall, by their education, training, or experience, be knowledgeable of waste management and shall be fairly representative of agriculture, conservation, industry, and public health. Vacancies occurring other than by expiration of a term shall be filled by the Governor appointing authority for the unexpired portion of the term. *The Senate Committee on Rules and the Speaker of the House shall collect resumes and statements of economic interest from Virginia Waste Management Board applicants and shall make the applications and resumes of appointees available to the public upon request.*

B. The Board shall adopt rules and procedures for the conduct of its business.

60 C. The Board shall elect a chairman from among its members.

61 D. A quorum shall consist of four members. The decision of a majority of those present and voting
62 shall constitute a decision of the Board; however, a vote of the majority of the Board membership is
63 required to constitute a final decision on certification of site approval. Meetings may be held at any time
64 or place determined by the Board or upon call of the chairman or upon written request of any two
65 members. All members shall be notified of the time and place of any meeting at least five days in
66 advance of the meeting.

67 **§ 62.1-44.8. Number, appointment and terms of members.**

68 The Board shall consist of seven members appointed *as follows: three members appointed by the*
69 *Governor subject to confirmation by the General Assembly; two members appointed by the Senate*
70 *Committee on Rules from a list recommended by the Senate Committee on Agriculture, Conservation*
71 *and Natural Resources; and two members appointed by the Speaker of the House from a list*
72 *recommended by the House Committee on Agriculture, Chesapeake and Natural Resources. Members*
73 *shall be appointed for the terms of four years each. Vacancies other than by expiration of a term shall*
74 *be filled by the Governor appointing authority by appointment for the unexpired term. The Senate*
75 *Committee on Rules and the Speaker of the House shall collect resumes and statements of economic*
76 *interest from Board applicants and shall make the applications and resumes of appointees available to*
77 *the public upon request.*

78 **2. That, notwithstanding the provisions of this act, the current members of the State Air Pollution**
79 **Control Board, Virginia Waste Management Board, and the State Water Control Board shall**
80 **serve the remainder of the term for which they were appointed. If any current member is unable**
81 **to complete the term for which he was appointed, the Governor shall fill the vacancy by**
82 **appointment for the remainder of the unexpired term. Upon expiration of each such term, and for**
83 **each board subject to the provisions of this act, appointments shall be made as follows: the**
84 **Governor shall appoint members to the first, fourth, and seventh seats open for appointment; the**
85 **Senate Committee on Rules shall appoint members to the second and fifth seats open for**
86 **appointment; and the Speaker of the House shall appoint members to the third and sixth seats**
87 **open for appointment.**