

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 461

*An Act to amend and reenact §§ 10.1-1302, 10.1-1401, and 62.1-44.9 of the Code of Virginia, relating to the qualifications for membership on certain boards.*

[H 558]

Approved April 8, 1994

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 10.1-1302, 10.1-1401, and 62.1-44.9 of the Code of Virginia are amended and reenacted as follows:**

§ 10.1-1302. Qualifications of members of Board.

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. At least a majority of members appointed to the Board shall represent the public interest and not derive any significant portion of their income from persons subject to permits or enforcement orders of the Board. *Notwithstanding any other provision of this section relating to Board membership, the qualifications for Board membership shall not be more strict than those which may be required by federal statute or regulations of the United States Environmental Protection Agency.* The provisions of this section shall be in addition to the requirements of the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.).

§ 10.1-1401. Virginia Waste Management Board continued.

A. The Virginia Waste Management Board is continued and shall consist of seven Virginia residents appointed by the Governor. *Notwithstanding any other provision of this section relating to Board membership, the qualifications for Board membership shall not be more strict than those which may be required by federal statute or regulations of the United States Environmental Protection Agency.* Upon initial appointment, three members shall be appointed for four-year terms, two for three-year terms, and two for two-year terms. Thereafter, all members shall be appointed for terms of four years each. Vacancies occurring other than by expiration of a term shall be filled by the Governor for the unexpired portion of the term.

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

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

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

§ 62.1-44.9. Qualifications of members.

A. Members of the Board shall be citizens of the Commonwealth; shall be selected from the Commonwealth at large for merit without regard to political affiliation; and shall, by character and reputation, reasonably be expected to inspire the highest degree of cooperation and confidence in the work of the Board. ~~No officer, employee or representative of any certificate-holder or of any industry, municipal corporation or county which may become a certificate-holder shall be appointed to the Board. No person shall become a member of the Board who receives, or during the previous two years has received, a significant portion of his income directly or indirectly from certificate or permit holders or applicants for a certificate or permit.~~

*For the purposes of this section, "significant portion of income" means ten percent or more of gross personal income for a calendar year, except that it means fifty percent or more of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving that portion under retirement, pension, or similar arrangement. Income includes retirement benefits, consultant fees, and stock dividends. Income is not received directly or indirectly from certificate or permit holders or applicants for certificates or permits when it is derived from mutual fund payments, or from other diversified investments for which the recipient does not know the identity of the primary sources of income.*

B. *Notwithstanding any other provision of this section relating to Board membership, the qualifications for Board membership shall not be more strict than those which may be required by federal statute or regulations of the United States Environmental Protection Agency.*