

ENVIRONMENTAL QUALITY BOARDS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

This bill changes the membership of the Water Quality Board.

Highlighted Provisions:

This bill:

- ▶ amends the membership of the Water Quality Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-5-103, as last amended by Laws of Utah 2012, Chapter 360

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-5-103** is amended to read:

19-5-103. Water Quality Board -- Members of board -- Appointment -- Terms --

Organization -- Meetings -- Per diem and expenses.

(1) The board consists of the following nine members:

(a) the following non-voting member, except that the member may vote to break a tie



28 vote between the voting members:

29 (i) the executive director; or

30 (ii) an employee of the department designated by the executive director; and

31 (b) the following eight voting members, who shall be appointed by the governor with

32 the consent of the Senate:

33 (i) one representative who:

34 [~~(A) is not connected with industry;~~]

35 [~~(B)~~] (A) is an expert and has relevant training and experience in water quality matters;

36 [and]

37 [~~(C)~~] (B) is a Utah-licensed physician, a Utah-licensed professional engineer, or a

38 scientist with relevant training and experience; and

39 (C) is recommended by an organization that represents local and special service

40 districts in the state;

41 (ii) two government representatives who do not represent the federal government;

42 (iii) one representative from the mineral industry;

43 (iv) one representative from the manufacturing industry;

44 (v) one representative who represents agricultural and livestock interests;

45 (vi) one representative from the public who represents:

46 (A) an environmental nongovernmental organization; or

47 (B) a nongovernmental organization that represents community interests and does not

48 represent industry interests; and

49 (vii) one representative from the public who is trained and experienced in public

50 health.

51 (2) A member of the board shall:

52 (a) be knowledgeable about water quality matters, as evidenced by a professional
53 degree, a professional accreditation, or documented experience;

54 (b) be a resident of Utah;

55 (c) attend board meetings in accordance with the attendance rules made by the
56 department under Subsection 19-1-201(1)(d)(i)(A); and

57 (d) comply with all applicable statutes, rules, and policies, including the conflict of
58 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

59 (3) No more than five of the appointed members may be from the same political party.

60 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
61 appointed for the unexpired term with the consent of the Senate.

62 (5) (a) A member shall be appointed for a term of four years and is eligible for
63 reappointment.

64 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
65 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
66 board members are staggered so that half of the appointed board is appointed every two years.

67 (c) (i) Notwithstanding Subsection (5)(a), the term of a board member who is
68 appointed before March 1, 2013, shall expire on February 28, 2013.

69 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in
70 accordance with this section.

71 (6) A member shall hold office until the expiration of the member's term and until the
72 member's successor is appointed, not to exceed 90 days after the formal expiration of the term.

73 (7) The board shall:

74 (a) organize and annually select one of its members as chair and one of its members as
75 vice chair;

76 (b) hold at least four regular meetings each calendar year; and

77 (c) keep minutes of its proceedings which are open to the public for inspection.

78 (8) The chair may call a special meeting upon the request of three or more members of
79 the board.

80 (9) Each member of the board and the director shall be notified of the time and place of
81 each meeting.

82 (10) Five members of the board constitute a quorum for the transaction of business,
83 and the action of a majority of members present is the action of the board.

84 (11) A member may not receive compensation or benefits for the member's service, but
85 may receive per diem and travel expenses in accordance with:

86 (a) Section [63A-3-106](#);

87 (b) Section [63A-3-107](#); and

88 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
89 [63A-3-107](#).

Legislative Review Note
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Office of Legislative Research and General Counsel