

1st Sub. S.B. 21

DEPARTMENT OF ENVIRONMENTAL QUALITY BOARDS REVISIONS

Representative **Joel K. Briscoe** proposes the following amendments:

1. Page 10, Lines 277 through 295:

- 277 (4) The executive director shall appoint an administrative law judge who:
- 278 (a) is a member in good standing of the Utah State Bar;
- 279 (b) has a minimum of:
- 280 (i) 10 years of experience practicing law; and
- 281 (ii) five years of experience practicing in the field of:
- 282 (A) environmental compliance;
- 283 (B) natural resources;
- 284 (C) regulation by an administrative agency; or
- 285 (D) a field related to a field listed in Subsections (4)(b)(ii)(A) through (C); ~~{and}~~
- 286 (c) has a working knowledge of the federal laws and regulations and state statutes and
- 287 rules applicable to a request for agency action ~~{-}~~ ;

(d) has not been employed by state government for at least one year; and
(e) is appointed with the consent of all parties to the adjudicative proceeding.

- 288 ~~{ (5) In appointing an administrative law judge who meets the qualifications listed in~~
- 289 ~~Subsection (4), the executive director may:~~
- 290 ~~— (a) compile a list of persons who may be engaged as an administrative law judge pro~~
- 291 ~~tempore by mutual consent of the parties to an adjudicative proceeding;~~
- 292 ~~— (b) appoint an assistant attorney general as an administrative law judge pro tempore; or~~
- 293 ~~— (c) (i) appoint an administrative law judge as an employee of the department; and~~
- 294 ~~— (ii) assign the administrative law judge responsibilities in addition to conducting an~~
- 295 ~~adjudicative proceeding. }~~

2. Page 10, Line 296:

- 296 ~~{(6)}~~ (5) (a) An administrative law judge ~~[shall]~~:

3. Page 11, Line 317:

- 317 ~~{(7)}~~ (6) To conduct an adjudicative proceeding, an administrative law judge may:

4. Page 11, Line 324:

- 324 ~~{(8)}~~ (7) A party may appear before an administrative law judge in person, through an agent

5. Page 11, Line 326:

326 {~~(9)~~} (8) (a) An administrative law judge [~~or board member~~] or the executive director may

6. Page 11, Line 334:

334 {~~(10)~~} (9) Nothing in this section limits a party's right to an adjudicative proceeding under