

**AIR QUALITY BOARD MEMBERSHIP AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jim Dabakis**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the membership of the Air Quality Board.

**Highlighted Provisions:**

This bill:

- ▶ modifies the membership of the Air Quality Board; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-2-103**, as last amended by Laws of Utah 2015, Chapter 154

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

Section 1. Section **19-2-103** is amended to read:

**19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem and expenses.**

(1) The board consists of the following [~~nine~~] seven 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) is an expert in air quality matters; and]~~  
36 ~~[(C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist~~  
37 ~~with relevant training and experience;]~~  
38 ~~[(ii) two government representatives who do not represent the federal government;]~~  
39 ~~[(iii) one representative from the mining industry;]~~  
40 ~~[(iv) one representative from the fuels industry;]~~  
41 ~~[(v) one representative from the manufacturing industry;]~~  
42 ~~[(vi) one representative from the public who represents:]~~  
43 ~~[(A) an environmental nongovernmental organization; or]~~  
44 ~~[(B) a nongovernmental organization that represents community interests and does not~~  
45 ~~represent industry interests; and]~~  
46 ~~[(vii) one representative from the public who is trained and experienced in public~~  
47 ~~health:]~~  
48     (a) the following three members, appointed by the governor and confirmed by the  
49 Senate:  
50     (i) one representative of the mining, fuels, or manufacturing industry;  
51     (ii) one licensed physician; and  
52     (iii) one scientist with relevant training and experience;  
53     (b) the following two members, appointed by the minority leader of the Senate and  
54 confirmed by the Senate:  
55     (i) one scientist with relevant training and experience; and  
56     (ii) one representative of an environmental organization who has no ties to government  
57 or industry; and  
58     (c) the following two members, appointed by the speaker of the House and confirmed

59 by the Senate:

60 (i) one government representative; and

61 (ii) one representative of the public who is trained and experienced in public health.

62 (2) A member of the board shall:

63 (a) be knowledgeable about air pollution matters, as evidenced by a professional  
64 degree, a professional accreditation, or documented experience;

65 (b) be a resident of Utah;

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

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

70 (3) No more than five of the appointed members of the board shall belong to the same  
71 political party.

72 (4) A majority of the members of the board may not derive any significant portion of  
73 their income from persons subject to permits or orders under this chapter.

74 (5) (a) Members shall be appointed for a term of four years.

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

78 (6) A member may serve more than one term.

79 (7) A member shall hold office until the expiration of the member's term and until the  
80 member's successor is appointed, but not more than 90 days after the expiration of the  
81 member's term.

82 (8) When a vacancy occurs in the membership for any reason, the replacement shall be  
83 appointed for the unexpired term.

84 (9) The board shall elect annually a chair and a vice chair from its members.

85 (10) (a) The board shall meet at least quarterly.

86 (b) Special meetings may be called by the chair upon the chair's own initiative, upon  
87 the request of the director, or upon the request of three members of the board.

88 (c) Three days' notice shall be given to each member of the board before a meeting.

89 (11) Five members constitute a quorum at a meeting, and the action of a majority of

90 members present is the action of the board.

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

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

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

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

96 [63A-3-107](#).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**