

1 Senate.

2 (1) ~~Not~~ No more than three members ~~of the board shall~~ may be
3 of the same political party. ~~Each appointed member of the board~~
4 ~~who is serving in such capacity on the effective date of this~~
5 ~~article shall continue to serve on the board until his or her term~~
6 ~~ends or he or she resigns or is otherwise unable to serve.~~

7 (2) As each member's term ends, ~~or that member is unable to~~
8 ~~serve,~~ a qualified successor shall be appointed by the Governor
9 with the advice and consent of the Senate.

10 (3) Individuals appointed to the board shall be persons who by
11 reason of previous training and experience are knowledgeable in the
12 husbandry of the state's water resources. ~~and with~~

13 (4) At least one member ~~with~~ shall have experience in
14 industrial pollution control.

15 (c) (1) No member of the board shall receive or, during the
16 two years next preceding the member of the board's appointment,
17 ~~shall~~ may have received a significant portion of ~~the member of the~~
18 ~~board's~~ his or her income directly or indirectly from a national
19 pollutant discharge elimination system permit holder or an
20 applicant for a permit issued under ~~any of the provisions of~~
21 article eleven, chapter twenty-two of this code.

22 (2) For the purposes of this subsection:

23 ~~(1)~~ (A) The term "significant portion of the member of the
24 board's income" means ten percent of gross personal income for a
25 calendar year, except that it means fifty percent of gross personal
26 income for a calendar year if the recipient is over sixty years of

1 age and is receiving such portion pursuant to retirement, a pension
2 or similar arrangement;

3 ~~(2)~~ (B) The term "income" includes retirement benefits,
4 consultant fees and stock dividends;

5 ~~(3)~~ (C) Income is not received "directly or indirectly" from
6 "permit holders" or "applicants for a permit" where it is derived
7 from mutual-fund payments or from other diversified investments
8 with respect to which the recipient does not know the identity of
9 the primary sources of income; and

10 ~~(4)~~ (D) The terms "permit holders" and "applicants for a
11 permit" do not include any university or college operated by this
12 state or political subdivision of this state or any department or
13 agency of this state, other than the Department of Environmental
14 Protection.

15 (d) (1) The members of the board shall ~~be appointed for~~
16 ~~overlapping terms of five years, except that the original~~
17 ~~appointments shall be for terms of one, two, three, four and five~~
18 ~~years, respectively.~~ serve five year terms, staggered in
19 accordance with prior enactments of this section.

20 (2) Any member whose term expires may be reappointed by the
21 Governor.

22 (3) Members may serve until their successors are appointed and
23 qualified.

24 ~~(4)~~ In the event If a board member is unable to complete the
25 term, the Governor shall appoint a person with similar
26 qualification to complete the term.

1 (5) The successor of any board member appointed pursuant to
2 this ~~article~~ section must possess the qualification as prescribed
3 herein in this section.

4 (6) Each vacancy occurring in the office of a member of the
5 board shall be filled by appointment within sixty days after ~~such~~
6 the vacancy occurs.