

LAWS OF ARIZONA

CHAPTER 163

Senate Bill 1138

AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES; PRESCRIBING PROCEDURES FOR THE NOMINATION AND APPOINTMENT OF STATE OFFICERS REQUIRING CONSENT OF THE SENATE; ELIMINATING THE REQUIREMENT OF SENATE CONSENT FOR THE APPOINTMENT OF CERTAIN STATE OFFICERS; AMENDING SECTIONS 38-211, 38-291, 2-121, 3-101, 3-602, 3-709, 4-111, 5-102, 5-223, 6-111, 15-101.01, 15-656, 15-721, 17-201, 18-102, 20-141, 23-101, 23-641, 24-102, 24-151, 26-305, 27-514, 30-105, 30-653, AS AMENDED BY LAWS 1970, CHAPTER 70, SECTION 3, 31-401, 32-1302, 32-1702, 32-1902, 32-2002, 32-2062, 32-2104, 32-2304, 36-102, 36-122, 36-203, 36-553, 36-1704, 37-213, 38-742, 38-847, 38-848, 38-902, 41-502, 41-511, 41-591, 41-602, 41-971, 41-1401, 41-1603, 41-1711, 41-1821, 42-122, 42-141, 42-1504, 44-2111, 45-502, 46-111, 46-261.09 AND 46-501, ARIZONA REVISED STATUTES, AND REPEALING SECTION 30-653, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1970, CHAPTER 204, SECTION 87.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 38-211, Arizona Revised Statutes, is amended to read:

38-211. Nominations by governor; consent of senate; appointment

A. WHEN IT IS PROVIDED BY LAW THAT A STATE OFFICER SHALL BE APPOINTED PURSUANT TO THIS SECTION, THE GOVERNOR SHALL NOMINATE AND WITH THE CONSENT OF THE SENATE APPOINT SUCH OFFICER AS PRESCRIBED IN THIS SECTION.

B. IF THE TERM OF ANY STATE OFFICE WHICH IS APPOINTIVE PURSUANT TO THIS SECTION EXPIRES, BEGINS OR BECOMES VACANT DURING A REGULAR LEGISLATIVE SESSION, THE GOVERNOR SHALL DURING SUCH SESSION NOMINATE A PERSON WHO MEETS THE REQUIREMENTS OF LAW FOR SUCH OFFICE, AND SHALL TRANSMIT HIS NOMINATION TO THE PRESIDENT OF THE SENATE FORTHWITH. IF THE SENATE CONSENTS TO THE NOMINATION, THE GOVERNOR SHALL THEN APPOINT THE

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NOMINEE TO SERVE FOR THE TERM, OR, IN THE CASE OF A VACANCY, FOR THE UNEXPIRED TERM IN WHICH THE VACANCY OCCURRED. IF THE SENATE REJECTS THE NOMINATION THE NOMINEE SHALL NOT BE APPOINTED AND THE GOVERNOR SHALL NOMINATE ANOTHER PERSON WHO MEETS THE REQUIREMENTS FOR SUCH OFFICE AS SOON THEREAFTER AS IS PRACTICABLE. IF THE SENATE TAKES NO FORMAL ACTION ON THE NOMINATION DURING SUCH LEGISLATIVE SESSION THE GOVERNOR MAY AFTER THE CLOSE OF SUCH LEGISLATIVE SESSION APPOINT THE NOMINEE TO SERVE FOR THE TERM, OR, IN CASE OF A VACANCY, FOR THE UNEXPIRED TERM IN WHICH THE VACANCY OCCURRED.

C. IF THE TERM OF ANY STATE OFFICE WHICH IS APPOINTIVE PURSUANT TO THIS SECTION EXPIRES, BEGINS OR BECOMES VACANT DURING A TIME IN WHICH THE LEGISLATURE IS NOT IN REGULAR SESSION, THE GOVERNOR SHALL NOMINATE A PERSON WHO MEETS THE REQUIREMENTS OF LAW FOR SUCH OFFICE AND SHALL TRANSMIT HIS NOMINATION TO THE PRESIDENT OF THE SENATE DURING THE FIRST WEEK OF THE NEXT REGULAR SESSION. THEREAFTER THE PROCEDURES SHALL BE THE SAME AS PROVIDED IN SUBSECTION B OF THIS SECTION FOR NOMINATION, CONSENT, REJECTION, FAILURE OF THE SENATE TO TAKE FORMAL ACTION AND APPOINTMENT.

D. A NOMINEE FOR AN OFFICE FOR WHICH THE TERM OF THE LAWFULLY APPOINTED INCUMBENT OFFICER HAS EXPIRED MAY NOT SERVE IN SUCH OFFICE PRIOR TO THE CONSENT OF THE SENATE AND SUBSEQUENT APPOINTMENT BY THE GOVERNOR, SO LONG AS THE INCUMBENT SHALL CONTINUE TO HOLD OFFICE AND SERVE PURSUANT TO SECTION 38-295. IN ALL OTHER CASES A NOMINEE FOR OFFICE SHALL HAVE THE FULL AUTHORITY TO PERFORM AND SHALL BEGIN TO DISCHARGE THE DUTIES OF SUCH OFFICE IMMEDIATELY UPON BEING NOMINATED BY THE GOVERNOR AND SUBJECT TO TERMINATION OF SUCH AUTHORITY IN THE EVENT OF REJECTION OF THE NOMINATION BY THE SENATE.

~~A.~~ E. Nominations made by the governor shall be in writing, designating the residence of the nominee and the office for which he is ~~appointed~~ NOMINATED.

~~B.~~ F. When the senate ~~concurs in~~ CONSENTS TO a nomination, its secretary shall deliver a copy of the resolution of ~~concurrence~~ CONSENT, certified by the president of the senate, to the secretary of state, who shall

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notify the governor thereof. WHEN THE SENATE REJECTS A NOMINATION, ITS SECRETARY SHALL INFORM THE GOVERNOR FORTHWITH.

Sec. 2. Section 38-291, Arizona Revised Statutes, is amended to read:

38-291. Vacancy defined

An office shall be deemed vacant from and after the occurrence of any of the following events before the expiration of a term of office:

1. Death.
2. Insanity, when judicially determined.
3. Resignation and the lawful acceptance thereof.
4. Removal from office.
5. Ceasing to be a resident of the state, or, if the office is local, of the district, county, city, town or precinct for which he was elected or appointed, or within which the duties of his office are required to be discharged.
6. Absence from the state, without permission of the legislature, beyond the period of three consecutive months.
7. Ceasing to discharge the duties of office for the period of three consecutive months. ~~—except when prevented by sickness or when absent from the state by permission of the legislature.—~~
8. Conviction of a felony or an offense involving a violation of his official duties.
9. Failure of the person elected or appointed to such office to file his official oath or bond within the time prescribed by law.
10. Decision of a competent tribunal declaring void his election or appointment.

Sec. 3. Section 2-121, Arizona Revised Statutes, is amended to read:

2-121. Aeronautics board; members; appointment; terms; chairman; compensation

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A. The aeronautics board shall be composed of seven persons appointed by the governor, ~~with the advice and consent of the senate.~~ PURSUANT TO SECTION 38-211. The members shall be selected on the basis of experience and interest in aviation, with not more than two members of the board being residents of any one county.

~~B. Appointments to fill vacancies on the board shall be filled by the governor only with persons qualified pursuant to subsection A of this section and such appointments shall be for a term of five years. In the event of a vacancy caused other than by expiration of term, the appointment shall be for the unexpired term only.~~

B. APPOINTMENTS MADE PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE FOR A TERM OF FIVE YEARS AND SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

C. The board shall elect a chairman from its membership. The chairman shall preside at meetings of the board and shall be responsible for keeping a complete record of meetings of the board.

D. Each member of the board shall receive compensation as determined pursuant to section 38-611 for each day that he is necessarily employed in the discharge of his duties.

Sec. 4. Section 3-101, Arizona Revised Statutes, is amended to read:

3-101. Commission; members; qualifications; terms; oath and bond; compensation

A. There shall be an Arizona commission of agriculture and horticulture consisting of three members appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211 for terms of six years. The term of one member shall expire ~~June 30~~ ON THE THIRD MONDAY IN JANUARY each even-numbered year. Each member shall be a qualified elector, the owner of either a commercial orchard or otherwise improved agricultural land within the state and his principal occupation and business shall be fruit growing or farming. One member shall be identified with the cotton-growing industry. If a member ceases to possess any of such qualifications ~~his~~ THE office shall be automatically vacated. A commissioner may be removed by the governor for cause. ~~Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion thereof.~~

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B. The chairman of the commission shall receive a salary as determined pursuant to section 38-611. For attendance at meetings, the other members shall receive compensation as determined pursuant to section 38-611, but they shall not be paid for more than sixty days attendance per annum.

Sec. 5. Section 3-602, Arizona Revised Statutes, is amended to read:

3-602. State dairy commissioner; terms; qualifications; salary; chief deputy and deputies

A. A state dairy commissioner shall be appointed by the governor PURSUANT TO SECTION 38-211. ~~with the advice and consent of the senate.~~ The term of office of the commissioner shall be for two years and shall expire on February 1 of every odd-numbered year. The commissioner shall be a person experienced in the dairy industry and possessed of technical and educational qualifications or practical experience in the production, handling and testing of milk, and in other matters relating to the dairy industry. The commissioner shall qualify by taking and filing the official oath of office. He shall devote full time to the duties of the office and shall receive compensation in an amount as determined pursuant to section 38-611.

B. The commissioner may appoint a chief deputy who shall receive a salary as determined pursuant to section 38-611, and such additional deputies as he deems necessary who shall receive a salary as determined pursuant to section 38-611. Each deputy shall qualify by taking and filing the oath of office.

Sec. 6. Section 3-709, Arizona Revised Statutes, is amended to read:

3-709. State egg inspection board; appointment; qualifications; appointment of state egg inspector; qualifications; salary; employees and deputies; duties; reports

A. There is established a state egg inspection board composed of five members APPOINTED BY THE GOVERNOR. The Arizona poultry federation board of directors shall recommend a list of qualified persons for SUCH APPOINTMENT. ~~each vacancy and one shall be appointed by the governor with the advice and consent of the senate.~~ Members shall be residents of this state. They shall be selected on the basis of their knowledge, technical or educational qualifications, or practical experience in the production or distribution of eggs or egg products and shall at the time of their appointment be actually engaged in the production or wholesale distribution of egg or egg products.

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B. Of the members first appointed one shall serve for a term to expire February 1, 1969, and one each for terms expiring one, two, three and four years thereafter. Succeeding members shall be appointed for terms of five years. The member having the shortest term remaining shall act as chairman. A vacancy caused by other than expiration of a term shall be filled in the same manner as described in subsection A of this section, by the governor for the unexpired term. ~~subject to confirmation by the senate.~~

C. Regular meetings shall be held at least quarterly at such place as the chairman shall determine. Special meetings may be called by the chairman or by a majority of the board. A majority of the members shall constitute a quorum to transact business. Members of the board shall receive no salary and are not eligible to claim reimbursement for travel or any other expenses.

D. The board shall appoint the state egg inspector. The inspector shall qualify by taking and filing the official oath of office. He shall be possessed of not less than three years' experience in the production, sale and determining of standards and grades of eggs. He shall be possessed of technical and educational qualifications or practical experience in the handling and inspection of eggs, and in all matters relating to the egg industry. He shall provide administrative, secretarial and office services required. He shall devote full time to the duties of the office and shall receive an annual salary as determined pursuant to section 38-611.

E. The inspector with the approval of the board may appoint one chief deputy and such additional deputies as he deems necessary within the limitation of funds authorized therefor. Each deputy shall qualify by taking and filing the oath of office.

F. The duties of inspectors shall be to inspect, weigh and examine dried eggs, frozen eggs and eggs in the shell being advertised or offered for sale to determine the condition, quality, grade and weight thereof. They may examine records of a person advertising or offering for sale eggs or egg products. They shall enforce the provisions of this article and other laws relating to the sale of eggs under the supervision and direction of the board.

G. The board shall keep a record of all activities, receipts and expenditures of the office. Not later than September 1 each year it shall make a written report to the governor of business transacted by the office during the preceding fiscal year.

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Sec. 7. Section 4-111, Arizona Revised Statutes, is amended to read:

4-111. State liquor board; department of liquor licenses and control; members of board; superintendent; appointment and removal

A. There is created the department of liquor licenses and control which shall consist of the state liquor board and the office of superintendent of the department.

B. The board shall consist of three members to be appointed by the governor ~~by and with the consent of the senate~~ PURSUANT TO SECTION 38-211. Of the members first appointed, one shall serve for three years, one for two years, and one for one year. Thereafter, the term of members shall be for three years. ~~Any vacancy on the board shall be filled by appointment by the governor by and with the consent of the senate.~~ THE TERM OF ONE MEMBER SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY EACH YEAR. The governor may remove any member of the board for cause.

C. The member whose term next expires shall act as chairman and the member whose term next expires after that of the chairman shall act as vice-chairman. A majority of the board shall constitute a quorum, but no decision of the board on any matter shall be valid unless made upon the concurrence of a majority of the members.

D. Members of the board shall receive compensation as determined pursuant to section 38-611 for each day while engaged in the business of the board.

E. No person shall be appointed to serve on the board unless he shall have been a resident of this state for not less than five years prior to his appointment. No more than two members shall be of the same political party and no ~~more than~~ two members shall be appointed from the same county. No member of the board or any employee thereof shall serve on a committee of a political party nor engage in any political activity other than voting.

F. The governor shall appoint the superintendent who shall be a qualified elector of the state and experienced in administrative matters and enforcement procedures. He shall serve concurrently with the governor but may be removed by the governor for the following causes: fraud in securing appointment, incompetency, inefficiency, inexcusable neglect of duty, insubordination, dishonesty, drunkenness on duty, addiction to the use of narcotics or habit-forming drugs, inexcusable absence without leave,

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final conviction of a felony or a misdemeanor involving moral turpitude, discourteous treatment of the public, improper political activity, wilful disobedience or misuse of state property. He shall be paid a salary as determined pursuant to section 38-611.

Sec. 8. Section 5-102, Arizona Revised Statutes, is amended to read:

5-102. Arizona racing commission; members; appointment; terms

There shall be an Arizona racing commission consisting of five members, who shall be appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. Of the members first appointed one shall serve for a term of two years and two each for four and six years respectively. Thereafter appointment shall be for a term of six years WHICH SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. ~~Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired term.~~

Sec. 9. Section 5-223, Arizona Revised Statutes, is amended to read:

5-223. Arizona state athletic commission; appointment; terms; compensation

A. There is created the Arizona state athletic commission consisting of three members appointed by the governor. ~~with the consent of the senate.~~ Of the members first appointed, one shall serve for a term expiring on January 1, 1959, and one each for terms expiring one and two years thereafter. Their successors shall be appointed for terms of three years.

B. The commissioners shall receive compensation as determined pursuant to section 38-611 for each day they act in their official capacity, not to exceed one hundred days each year.

Sec. 10. Section 6-111, Arizona Revised Statutes, is amended to read:

6-111. State banking department; superintendent of banks; appointment; term; qualifications; salary; oath

A. There shall be a state banking department which shall have charge of the execution of the laws of this state relating to banks and other financial institutions and relating to the businesses conducted by each.

B. The chief officer of the state banking department shall be the superintendent of banks who may also be called the state bank examiner or examiner.

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C. The superintendent of banks shall be appointed by the governor, ~~by and with the consent of the senate,~~ PURSUANT TO SECTION 38-211, for a term of four years WHICH SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. The superintendent shall be a citizen of the United States and of the state, and shall be chosen solely for his qualifications and fitness to perform the duties of his office under the laws of the state.

D. The annual salary of the superintendent shall be as determined pursuant to section 38-611. Before entering upon the duties of his office, the superintendent shall take and subscribe to the oath of office as prescribed by law.

Sec. 11. Section 15-101.01, Arizona Revised Statutes, is amended to read:

15-101.01. State board of education; members; appointment; terms

A. The state board of education shall be composed of ~~the following members-~~ the superintendent of public instruction, the president of a state university or a state college, three lay members, a member of the state junior college board, a superintendent of a high school district, a classroom teacher and a county school superintendent. A member who is a president of a state university or a state college shall not succeed himself.

B. Each member, other than the superintendent of public instruction, shall be appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. ~~An appointment to fill a vacancy caused other than by expiration of term, shall be for the unexpired portion of the term only.~~

C. The initial members of the state board of education shall be appointed by the governor with the advice and consent of the senate for the following terms and thereafter each term shall be four years:

1. The president of a state university or a state college and one lay member shall be appointed for a term ending on the first Monday in January, 1966.
2. The superintendent of a high school district and a classroom teacher shall be appointed for a term ending on the first Monday in January, 1967.
3. The member of the state junior college board and one lay member shall be appointed for a term ending on the first Monday in January, 1968.
4. The county school superintendent and a lay member shall be appointed for a term ending on the first Monday in January, 1969.

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THEREAFTER, EACH TERM SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

Sec. 12. Section 15-656, Arizona Revised Statutes, is amended to read:

15-656. Members; appointment; terms; oath

A. There shall be a state board of directors for ~~junior~~ COMMUNITY colleges which shall consist of fourteen members, one from each county, appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211, AND a representative of the board of regents, the superintendent of public instruction, and the director of the division of vocational education.

B. The term of each appointive member shall be seven years, to begin and end on the ~~first~~ THIRD Monday in January. The terms of two members shall expire each year. Of the members first appointed, two shall be appointed for a term expiring on the first Monday of January, 1962, and two each for terms expiring on the first Monday of January for each year to 1968, inclusive. Subsequent appointive members resulting from expiration of term shall be appointed for the full term of seven years.

~~C. When a vacancy occurs among the appointive membership, other than from expiration of term, the governor shall appoint a member to fill the vacancy. The appointee shall serve until his successor qualifies or the end of the session of the senate next following his appointment. During such session a member shall be appointed and confirmed to serve for the unexpired term in which the vacancy occurred.~~

~~D. C.~~ Each appointive member of the commission shall, before entering upon the duties of his office, take ~~an~~ THE oath of office.

Sec. 13. Section 15-721, Arizona Revised Statutes, is amended to read:

15-721. Members; appointment; terms; oath

A. The Arizona board of regents shall consist of eight appointive members, the governor, and the state superintendent of public instruction as ex officio members.

B. Appointive members shall be appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. The term of each appointive member shall be eight years, to begin and end on

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the ~~first~~ THIRD Monday in January of an odd numbered year. The terms of two members shall expire every odd numbered year.

~~C. If a vacancy among the appointive membership occurs other than from expiration of term, the governor shall appoint a member to fill such vacancy. The appointee shall serve until the end of the session of the senate next following his appointment. During such session a member shall be appointed and confirmed to serve for the unexpired term in which the vacancy occurred.~~

~~D~~ C. Each appointive member of the board shall take the oath of office before entering upon the duties of his office.

Sec. 14. Section 17-201, Arizona Revised Statutes, is amended to read:

17-201. Game and fish department and game and fish commission members; appointment; removal; meetings

A. The laws of the state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor ~~with the advise and consent of the senate~~ PURSUANT TO SECTION 38-211. Not more than three members shall be members of the same political party, and ~~all members shall~~ NO TWO MEMBERS MAY be residents of ~~different counties~~ THE SAME COUNTY. Members shall be well informed on the subject of wildlife and requirements for its conservation. Appointments shall be for a term of five years, ~~but an appointment to fill a vacancy shall be for the unexpired portion of a term.~~ AND SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

B. The governor may, after public hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive compensation as determined pursuant to section 38-611. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

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D. The commission shall have its principal office at the state capitol but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.

Sec. 15. Section 18-102, Arizona Revised Statutes, is amended to read:

18-102. Highway department and highway commission; highway districts; members; qualifications; compensation

A. The highways of the state shall be administered by the highway department. Control of the department is vested in the highway commission.

B. The highway commission shall consist of five members, one from each of the five highway districts into which the state is divided, as follows:

1. First district, Maricopa and Yuma counties.
2. Second district, Pima, Pinal and Santa Cruz counties.
3. Third district, Cochise, Graham and Greenlee counties.
4. Fourth district, Apache, Gila and Navajo counties.
5. Fifth district, Coconino, Mohave and Yavapai counties.

C. The governor shall appoint a member of the commission, ~~with the advice and consent of the senate,~~ PURSUANT TO SECTION 38-211 for a term of five years upon the expiration of a term of office of a member. THE TERMS SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. ~~An appointment to fill a vacancy in office other than by expiration of term shall be for the unexpired term of the office in which the vacancy occurs.~~

D. A person shall not be qualified to be a member of the commission who has not been a resident and taxpayer of the state and county from which he is chosen for at least five years immediately prior to his appointment.

E. A member shall not be appointed from the same county two terms in succession. If a highway district includes two or more counties the

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appointment of members for the district shall be rotated so that no county will have a successive appointment.

F. If a member removes to another county in the same district which is not entitled to have a member at the time, or to another district, his office shall become vacant.

G. Each member shall receive compensation as determined pursuant to section 38-611 for not to exceed two hundred days in any year.

Sec. 16. Section 20-141, Arizona Revised Statutes, is amended to read:

20-141. Director of insurance; appointment; term; qualifications; compensation

A. There shall be a director of insurance who shall be appointed by the governor, ~~subject to approval by the senate.~~ PURSUANT TO SECTION 38-211.

B. The term of the director shall be six years AND SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR, but he may be removed by the governor for cause.

C. The director shall be a person well versed in insurance matters who has been a resident of the state for at least three years prior to appointment.

D. The director shall receive compensation as determined pursuant to section 38-611.

Sec. 17. Section 23-101, Arizona Revised Statutes, is amended to read:

23-101. Industrial commission; members; qualifications; appointment; terms; compensation; removal

A. There shall be an industrial commission of Arizona.

B. The commission shall be composed of five members appointed by the governor ~~with the consent of the senate~~ PURSUANT TO SECTION 38-211. Each member shall be appointed for a term of five years. The terms of the members serving on the commission on the effective date of this section shall terminate January 8, 1969. Of the members of the commission first appointed, one shall serve for a term ending January 8, 1970, and one each for terms ending one, two, three, and four years

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thereafter. ~~Appointment to fill a vacancy caused other than expiration of term shall be for the unexpired portion of the term.~~ THEREAFTER ONE TERM SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF EACH YEAR. Not more than three members of the commission shall belong to the same political party. The chairman of the commission shall be appointed by and serve at the pleasure of the governor. The members of the commission shall have been residents of the state for five years immediately preceding their original appointment.

C. Each commissioner shall receive a salary of fifty dollars per day for each day in which he performs his duties as a commissioner.

D. The governor may remove a member of the commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office.

Sec. 18. Section 23-641, Arizona Revised Statutes, is amended to read:

23-641. Employment security commission; organization; quorum; effect of vacancy

A. The employment security commission of this state shall be composed of three members. The members of the commission shall be appointed by the governor PURSUANT TO SECTION 38-211 and shall hold office coterminously with the term of the governor. The commissioners shall be paid from the employment security administration fund created by section 23-707. The chairman shall be paid a fixed monthly salary of two hundred fifty dollars per month, and each of the other two commissioners shall be paid a fixed monthly salary of two hundred dollars per month.

B. The commissioners shall select from their membership a chairman. Two members of the commission constitute a quorum. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

Sec. 19. Section 24-102, Arizona Revised Statutes, is amended to read:

24-102. Livestock sanitary board; members; appointment; term; reports; limitation on sessions; compensation

A. There shall be a livestock sanitary board composed of seven members all of whom are qualified electors, provided that no more than three members from any one county shall be represented on the board at any time. The members shall represent the following categories:

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1. Two members from the range cattle growing industry.
2. One member from the cattle feeding industry.
3. One member shall be a producing dairy man.
4. One member shall be a packing house operator.
5. One member from the sheep and goat industries.
6. One member from the swine producing industry.

All members of the board shall be actively engaged operating owners of the type of business they represent on the board. If a member acquires his representation through his affiliation with a corporation, such member shall be actively engaged in managing the corporation and his primary source of income shall be derived from the corporation. In addition, the member shall be the owner or principal stockholder of the corporation. Members shall be appointed by the governor PURSUANT TO SECTION 38-211 ~~with the advice and consent of the senate,~~ for terms of office of five years each. ~~such terms to expire on June 30. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term only.~~

B. The board shall keep a complete record of its proceedings, make reports to the governor as required by him, and make annual reports to the legislature.

C. Each member shall receive compensation as determined pursuant to section 38-611 for the time necessarily employed in discharging his duties, but in no year shall the board be in session more than sixty days, except upon call of the governor.

Sec. 20. Section 24-151, Arizona Revised Statutes, is amended to read:

24-151. State veterinarian; appointment; qualifications; compensation

A. There shall be a state veterinarian, who shall be appointed by the governor ~~with the advice and consent of the senate,~~ and shall hold office at the pleasure of the ~~livestock sanitary board~~ GOVERNOR.

B. The person appointed shall be a skilled veterinarian who is a graduate of a recognized school of veterinary medicine and licensed to practice veterinary medicine in this state.

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C. The veterinarian shall receive compensation as determined pursuant to section 38-611.

Sec. 21. Section 26-305, Arizona Revised Statutes, is amended to read:

26-305. Division of emergency services; duties; director; term; qualifications; compensation

A. There is created in the office of the governor the division of emergency services.

B. The division shall prepare for and coordinate those emergency services which may be required to reduce the impact of disaster on persons or property.

C. Through the powers vested in the governor, the division shall coordinate the cooperative effort of all governmental agencies including the federal government, the state, and its political subdivisions and provide the necessary direction and control of state personnel and equipment to alleviate suffering and loss resulting from disaster.

D. The director of the division of emergency services shall be appointed by the governor, ~~with the advice and consent of the senate,~~ to serve at the pleasure of the governor. The director shall be selected on the basis of demonstrated ability in governmental functions or business administration and shall have general knowledge of contingency planning and disaster preparedness. He shall devote full time to the office and shall hold no other office.

E. The compensation of the director of the division of emergency services shall be as determined pursuant to section 38-611.

F. Employees other than the director shall be employees as defined by section 38-901.

G. The director of the department of civil defense on the effective date of this chapter shall be the director of the division of emergency services until a successor is appointed and qualifies.

Sec. 22. Section 27-514, Arizona Revised Statutes, is amended to read:

27-514. Commission; appointment; terms; compensation

A. There is created an oil and gas conservation commission.

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B. The commission shall consist of the state land commissioner ex officio who shall have no vote, and five members to be appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211, no more than three of whom shall be of the same political party. The appointive members shall be United States citizens and shall have been residents of Arizona for not less than the five years immediately preceding their appointment. Three members of the commission shall constitute a quorum for the transaction of business.

C. Of the members first appointed, one shall be appointed for a term ending December 31, 1960, and one each for terms ending one, two, three and four years thereafter. Subsequent appointments shall be for a full term of five years, ~~but appointment to fill a vacancy arising from a cause other than expiration of term shall be for the unexpired portion of the term only, subject to senate confirmation~~ WHICH SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY IN THE APPROPRIATE YEAR. ~~Such appointee shall be entitled to serve in the interim pending confirmation. If the senate fails to confirm, another person shall be appointed and his name submitted for senate confirmation. The initial appointments shall be made by the governor on or before July 1, 1959, and the names of those members initially appointed shall be submitted by the governor not later than January 31, 1960, to the senate for confirmation.~~

D. Appointive members of the commission shall receive compensation as determined pursuant to section 38-611 for each day actually spent in the performance of official duties.

Sec. 23. Section 30-105, Arizona Revised Statutes, is amended to read:

30-105. Arizona power authority commission

A. The purposes of the authority shall be effectuated by and through the Arizona power authority commission and other necessary personnel. The powers and authority vested in the commission shall be exercised by a majority of the members then in office.

B. The commission shall consist of five electors appointed by the governor ~~with the approval of the senate~~ PURSUANT TO SECTION 38-211. The members shall be electors qualified by administrative and business experience. No member shall hold any other salaried public office or be associated with any public service corporation engaged in generating, distributing or selling power to the public generally in this state for profit, nor shall any member have any interest in any business that may be adversely affected by the operation of the authority in the discharge of its duties.

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C. The term of office of each member shall be six years. The terms of two members shall expire on ~~March 1~~ THE THIRD MONDAY IN JANUARY of each odd-numbered year, except that on ~~March 1~~ THE THIRD MONDAY IN JANUARY of each sixth year the term of one member shall expire. Members of the commission may be removed by the governor for cause. ~~Any member appointed to fill a vacancy occurring other than by expiration of a term shall serve only for the unexpired term of the member he succeeds. Members appointed shall be competent to act between the time of their appointment and the time of confirmation or rejection by the senate.~~

Sec. 24. Section 30-653, Arizona Revised Statutes, as amended by Laws 1970, chapter 70, section 3, is amended to read:

30-653. Arizona atomic energy commission; qualifications; terms

A. There shall be an Arizona atomic energy commission which shall consist of the executive director of the department of economic planning and development, the commissioner of the state department of health and ten additional members who shall be appointed by the governor. ~~with the advice and consent of the senate.~~ The ten additional members shall be appointed from among persons possessing not less than four years of education or experience in the use or control of atomic energy or radiation. Such members shall also be associated with one or more of the following fields: Medicine including radiology, radiation protection, higher education, nuclear services, manufacturing, electric power generation, agriculture, mining or other commerce. No more than two members shall be appointed as representatives of any one of the fields named in this subsection.

B. The term of office of each appointed member shall be five years. Of the members first appointed two shall serve for terms ending January 1, 1965, and two each for terms ending one, two, three and four years thereafter. A vacancy caused other than by expiration of the terms shall be filled in the same manner as the original appointments, but shall be only for the balance of the unexpired term.

C. Members of the commission shall receive compensation for subsistence and travel as allowed by law for other state officers, while attending meetings or performing their powers or duties under the provisions of this chapter. The executive director of the department of economic planning and development and the commissioner of the state department of health shall receive no compensation for their service under this chapter, but shall be reimbursed for travel and other necessary

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expenses incurred in the performance of official duties as provided by law for other state officers.

D. A majority of the membership of the commission shall constitute a quorum for the transaction of business. The commission shall elect from among its membership a chairman and such other officers it deems necessary, to serve for such terms as the commission determines.

Sec. 25. Section 31-401, Arizona Revised Statutes, is amended to read:

31-401. Board of pardons and paroles; qualifications; appointment; officers

A. There shall be a board of pardons and paroles which shall consist of three members to be appointed by the governor ~~by and with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211.

B. The members of the board shall serve on a full-time basis and the compensation of members shall be as determined pursuant to section 38-611. Each member shall be appointed on the basis of broad professional or educational qualifications and experience and shall have demonstrated an interest in the state's correctional program. No more than one member from the same professional discipline shall be a member of the board at the same time.

C. Of the members of the board first appointed, one shall be appointed for a term expiring January 1, 1970, and one each for terms expiring one and two years thereafter. Upon the expiration of any of the terms, the appointee or successor shall be appointed for a term of three years AND ONE TERM SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF EACH YEAR. ~~Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term.~~

D. A member of the board may be removed by the governor for cause.

E. Members of the board shall select from among its members a chairman and such other officers as it deems advisable. The board may make rules and regulations, not inconsistent with law, as it deems proper for the conduct of its business. The board may from time to time amend or change the rules and regulations and shall cause them to be published and distributed as provided by the administrative procedures act.

Sec. 26. Section 32-1302, Arizona Revised Statutes, is amended to read:

32-1302. Board of funeral directors and embalmers

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A. There shall be a state board of funeral directors and embalmers which shall consist of three members appointed by the governor ~~with the advice and consent of the senate~~, for terms of two years each, to begin and end on July 1.

B. The members shall be residents of the state, and two of the members shall be qualified practicing funeral directors and embalmers and one a qualified employed embalmer.

C. An appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term. The governor may remove a member for incompetence or improper conduct. Revocation of the certificate of qualification of a member shall automatically remove the member from office.

D. Before entering upon the duties of the office, each appointee shall take an oath before an officer competent to administer oaths that he is legally qualified to hold the office and will faithfully perform the duties thereof.

E. Members of the board shall receive compensation as determined pursuant to section 38-611 for attendance upon meetings.

Sec. 27. Section 32-1702, Arizona Revised Statutes, is amended to read:

32-1702. Board of optometry

A. There shall be a board of optometry which shall consist of three members appointed by the governor, ~~with the advice and consent of the senate~~, for terms of four years. Each member shall have been engaged in the actual practice of optometry in this state for at least three years immediately prior to appointment.

B. The term of one member of the board shall expire July 1, 1956 and every fourth year thereafter, the term of one member shall expire July 1, 1958 and every fourth year thereafter, and the term of one member shall expire July 1, 1959 and every fourth year thereafter.

C. The governor may remove any member for neglect of duty, incompetency, improper or unprofessional conduct, or when his certificate or license has been revoked or suspended. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term.

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Sec. 28. Section 32-1902, Arizona Revised Statutes, is amended to read:

32-1902. Arizona state board of pharmacy

A. There shall be an Arizona state board of pharmacy which shall consist of five members appointed by the governor. ~~with the advice and consent of the senate.~~ No person shall be appointed to the board unless he has been registered as a pharmacist in this state or any other jurisdiction for a period of ten years and registered as a pharmacist and a resident in this state for a period of at least five years immediately prior to the date of appointment. Each member shall serve for a term of five years, one term to expire each year on January 31, except that a member shall serve until his successor is appointed and has qualified. Vacancies occurring on the board other than by expiration of term of office shall be filled for the unexpired portion of the term only.

B. On or before January 15 of each year the secretary of the Arizona pharmaceutical association may submit to the governor a list of the names of at least seven of its members who have been nominated by the association, and who meet the requirements as provided in this section for the next occurring vacancy on the board. The governor may make his appointments of registered pharmacists to the board from the nominees on the list or from others having the necessary qualifications.

C. Appointees to the board shall, within thirty days after their appointment, take and subscribe to an oath or affirmation, before a properly qualified officer, that they will faithfully and impartially perform the duties of their office and such oath or affirmation shall be filed with the secretary of state.

Sec. 29. Section 32-2002, Arizona Revised Statutes, is amended to read:

32-2002. Board of physical therapy examiners; members; qualifications; terms; compensation

A. There shall be a board of physical therapy examiners. The board shall be composed of three members who shall be appointed by the governor. ~~with the advice and consent of the senate.~~ A board member shall be a resident of the state chosen from a list of three physical therapists certified under this chapter, submitted by the Arizona physical therapy association, inc.

B. The term of office of each member shall be three years. The term of one member shall expire February 1 each year. Appointment to fill a

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vacancy arising other than from expiration of term shall be for the unexpired portion of the term only.

C. Board members shall receive compensation as determined pursuant to section 38-611 for each day actually spent in board meetings.

Sec. 30. Section 32-2062, Arizona Revised Statutes, is amended to read:

32-2062. Board of examiners; qualifications; appointment; terms; compensation

A. The state board of psychologist examiners shall consist of five members who shall be appointed by the governor. ~~and confirmed by the senate.~~

B. Each member of the board shall be a citizen of the United States, a resident of this state at the time of appointment and certified under the provisions of this chapter, except for the members of the board first appointed, who shall be persons who have been engaged in rendering services, teaching, or researching in psychology for a period of at least five years. The board shall at all times, except for the period when a vacancy exists, have at least two members representing the departments of psychology in the state universities. The composition of the board shall represent the diverse fields of psychology, with two members representing general-experimental psychology and three members representing the fields of applied psychology.

C. Each member shall serve for a term of five years. Of the members of the board first appointed, one shall be appointed for a term ending June 30, 1966, and one each for terms one, two, three and four years thereafter.

D. A vacancy on the board occurring other than by the expiration of term shall be filled by appointment by the governor for the unexpired term. The governor, after a hearing, may remove any member of the board for misconduct, incompetency or neglect of duty.

E. Members of the board shall receive compensation as determined pursuant to section 38-611 for each day actually and necessarily spent in the performance of their duties.

F. The board shall hold a regular annual meeting at which it shall select from its members a chairman and a secretary and other meetings shall be held at such times as the rules of the board may provide. Notice of such meetings shall be given in such manner as provided in the rules.

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Sec. 31. Section 32-2104, Arizona Revised Statutes, is amended to read:

32-2104. Real estate commission; members; terms; qualifications; compensation

A. There shall be a real estate ~~board~~ COMMISSION composed of seven members who shall be appointed by the governor. ~~with the advice and consent of the senate.~~ The term of office of each member shall be six years, the terms of two members to expire January 31 each odd numbered year except that each third odd numbered year the terms of three members shall expire. Appointment to fill a vacancy occurring other than by expiration of term shall be filled by appointment for the unexpired portion of the term only.

~~B. To be eligible for appointment as a member of the board a person shall be a real estate broker and actively engaged as such in the state for five years.~~ THE MEMBERSHIP OF THE COMMISSION SHALL CONSIST OF:

- 1. FIVE MEMBERS WHO HAVE EACH BEEN, FOR FIVE YEARS, A REAL ESTATE BROKER ACTIVELY ENGAGED IN BUSINESS AS SUCH IN ARIZONA. Not more than two members shall be appointed from any one county.
- 2. ONE MEMBER WHO SHALL BE PRIMARILY ENGAGED IN SUBDIVIDING REAL PROPERTY.
- 3. ONE PUBLIC MEMBER.

C. THE TWO VACANCIES ON THE REAL ESTATE COMMISSION WHICH OCCUR BY EXPIRATION OF TERMS IN JANUARY 1973 SHALL BE FILLED BY THE APPOINTMENT OF BOTH A MEMBER WHO QUALIFIES AS A PERSON PRIMARILY ENGAGED IN SUBDIVIDING REAL PROPERTY AND A PUBLIC MEMBER.

~~C. D.~~ Members of the ~~board~~ COMMISSION shall receive compensation as determined pursuant to section 38-611 for each day spend in attending regular or special meetings of the ~~board~~ COMMISSION.

Sec. 32. Section 32-2304. Arizona Revised Statutes, is amended to read:

32-2304. Structural pest control board

A. The structural pest control board is created to consist of five members appointed by the governor, ~~with the consent of the senate,~~ as follows:

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1. Two members who shall represent public interest and shall be versed in the field of public health, pesticides, entomology, or structural pest control practices.
2. Three members whose principal business for not less than five preceeding years has been the practice of structural pest control within the state of Arizona.
 - B. Each member shall serve for a term of five years. Of the members of the board first appointed, one shall be appointed for a term ending June 30, 1966, and one each for terms one, two, three and four years thereafter.
 - C. No person shall serve as a member of the board for more than two consecutive terms.
 - D. Vacancies that occur for whatever reason other than expiration of term, shall be filled for the unexpired portion of the term by the governor.

Sec. 33. Section 36-102, Arizona Revised Statutes, is amended to read:

36-102. State board of health; appointment; qualifications; terms; compensation

- A. The state board of health shall consist of five members who shall be appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. Two members of the board shall be licensed practitioners of medicine and surgery who have been engaged in the practice of medicine in the state and who have proved themselves vitally concerned with public health, to be chosen from a list of five persons submitted by the Arizona medical association. One member of the board shall be a registered professional nurse with a public health background, to be chosen from a list of three nurses submitted by the Arizona state nurses association. Two members of the board shall be persons selected for their interest in public health, one of whom may be a lay person. The governor shall be an ex officio member of the board without voting privilege.
- B. The term of each appointive member shall be five years, one term to expire ~~February 1~~ ON THE THIRD MONDAY OF JANUARY each year. Upon expiration of the term of a member a successor shall be appointed for a full term of five years. ~~Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired portion of the term.~~

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C. Members of the board shall receive compensation as determined pursuant to section 38-611.

Sec. 34. Section 36-122, Arizona Revised Statutes, is amended to read:

36-122. Arizona health planning authority; appointment; qualifications; terms; compensation

A. There shall be an Arizona health planning authority. The authority shall consist of eleven members who shall be appointed by the governor. ~~with the advice and consent of the senate.~~ One member of the authority shall be a licensed practitioner of medicine and surgery who is engaged in the practice of medicine in the state and who is particularly concerned with public health, to be chosen from a list of three persons, submitted by the Arizona medical association. One member of the authority shall be a licensed practitioner of medicine and surgery who is engaged in the practice of medicine in the state, to be chosen from a list of three persons submitted by the Arizona osteopathic association. One member of the authority shall be a licensed practitioner of medicine and surgery who is engaged in the practice of medicine in the state and who is certified as a specialist in psychiatry by the American board of psychiatry, to be chosen from a list of three persons to be submitted by the Arizona medical association, who shall be representative of mental health interests. One member of the authority shall be a licensed practitioner of pharmacy in the state, to be chosen from a list of three persons submitted by the Arizona state pharmaceutical association. One member of the authority shall be a registered professional nurse with training and experience in public health nursing, to be chosen from a list of three persons, submitted by the Arizona state nurses association. One member of the authority shall be an administrator of a licensed Arizona hospital, to be chosen from a list of three persons submitted by the Arizona hospital association. One member of the authority shall be the dean of the college of medicine at the university of Arizona, who shall be representative of the education of health services personnel. One member of the authority shall be a licensed practitioner of dentistry in the state, to be chosen from a list of three persons submitted by the Arizona dental association. One member of the authority shall have specialized knowledge of the care of mental retardates, to be chosen from a list of three persons submitted by the Arizona association for retarded children. One member of the authority shall be an engineer registered in Arizona. One member of the authority shall be a lay person who is particularly concerned with public health. The governor shall be an ~~ex officio~~ EX OFFICIO member of the authority without voting privilege. The governor may request from such ~~association~~ ASSOCIATIONS such additional lists of names of persons proposed for appointment to the authority as he may need.

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B. Of the members first appointed, the psychiatrist, the osteopathic physician and the dentist shall be appointed for terms expiring February 1, 1969; the physician, the nurse and the engineer shall be appointed for terms expiring February 1, 1970, and the remaining members shall be appointed for terms expiring February 1, 1971, except that the dean of the college of medicine shall continue to serve by virtue of his office. Upon expiration of the term of a member, a successor shall be appointed for a full term of three years. A member other than the dean of the college of medicine may be reappointed for a period not to exceed two successive full terms. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired portion of the term.

C. Members of the authority not otherwise paid by the state or a political subdivision of the state shall receive compensation as determined pursuant to section 38-611 in lieu of subsistence when actively engaged in the business of the authority.

Sec. 35. Section 36-203, Arizona Revised Statutes, is amended to read:

36-203. State hospital board; membership; terms; compensation; secretary

A. The state hospital shall be under the charge and control of the state hospital board, subject to the provisions of this article.

B. The state hospital board shall consist of five members who shall be appointed by the governor PURSUANT TO SECTION 38-211. The members shall be persons identified with and interested in social welfare and the care and treatment of the mentally ill.

C. The term of each member shall be five years, one term to expire ~~February 1~~ ON THE THIRD MONDAY IN JANUARY each year. Upon the expiration of a term a successor shall be appointed for a full term of five years. ~~Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired portion of the term.~~

D. Members of the board shall receive no compensation for their services as such. The board shall select a secretary from among its members or employ a secretary and in either case the compensation for the secretary shall be as determined pursuant to section 38-611.

Sec. 36. Section 36-553, Arizona Revised Statutes, is amended to read:

36-553. Arizona board of mental retardation

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A. The board shall consist of seven members who have demonstrated a conscientious interest in community problems related to mental retardation. Each member shall be appointed by the governor, ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. At least one member shall be the parent or guardian of a mentally retarded person. There shall be no more than two members appointed from one county. There shall be no more than four members from the same political party. Of the members first appointed, terms shall be staggered so that not more than one term expires on ~~February 1~~ THE THIRD MONDAY IN JANUARY each year. Thereafter, all members shall serve for a term of seven years. No member shall serve more than one complete seven-year term. ~~An appointment to fill a vacancy other than for expiration of term shall be for the unexpired portion of the term.~~ The board shall elect a chairman, a vice chairman, and a secretary annually, and shall meet at least monthly. A record of all proceedings shall be maintained.

B. Notwithstanding the provisions of subsection A OF THIS SECTION, the membership of the initial board shall consist of the present members of the Arizona children's colony board who shall be appointed to the Arizona board of mental retardation on the effective date of this chapter to serve for the duration of the term each is serving. In addition, a sixth member shall serve for a term ending ~~February 1~~, ON THE THIRD MONDAY IN JANUARY, 1976, and a seventh member for a term ending one year thereafter.

C. Each board member shall receive twenty dollars for each day spent in attending meetings of the board and shall be reimbursed for travel and subsistence expenses incurred in the performance of his duties as provided for other state officers.

~~D. If any board member fails to attend, without cause, three consecutive regular monthly board meetings his office may be deemed vacated and the governor may appoint a successor.~~

Sec. 37. Section 36-1704, Arizona Revised Statutes, is amended to read:

36-1704. Hearing board

A. There shall be an air pollution control hearing board appointed by the governor ~~and with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211.

B. The hearing board shall consist of five members. The five members shall be knowledgeable in the field of air pollution. Each board member

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shall serve for a term of three years. Of the members first appointed, two shall be appointed for terms of one year each, two shall be appointed for terms of two years each, and one shall be appointed for the full term of three years. THEREAFTER THE TERMS SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

C. The hearing board shall select a chairman and vice chairman and such other officers as it deems necessary.

D. Hearing board members shall serve with compensation as prescribed by law for the board of health.

Sec. 38. Section 37-213, Arizona Revised Statutes, is amended to read:

37-213. Board of appeals; membership; appointment; term; salary

A. There shall be a board of appeals which shall consist of three members, one of whom shall be appointed from each of three districts into which the state is divided as follows:

1. First district: Pima, Santa Cruz, Cochise, Graham and Greenlee counties.
2. Second district: Maricopa, Yuma, Pinal and Gila counties.
3. Third district: Mohave, Yavapai, Coconino, Apache and Navajo counties.

B. To be eligible for appointment as a member of the board a person shall be experienced in the classification and appraisal of all types of real estate.

C. The members of the board shall be appointed by the governor. ~~with the advice and consent of the senate.~~ The term of office of each member shall be six years, to end January 31 of the sixth year after his appointment. The term of one member shall expire on January 31 each even numbered year. Appointments to fill vacancies resulting other than from expiration of term shall be for the unexpired portion of the term only.

D. Each member of the board shall receive compensation as determined pursuant to section 38-611.

Sec. 39. Section 38-742, Arizona Revised Statutes, is amended to read:

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38-742. State retirement system board; qualifications; term

A. There shall be a state retirement system board consisting of five members appointed by the governor ~~subject to confirmation by the senate.~~ PURSUANT TO SECTION 38-211. One member shall be appointed from among the employees of the system or the participants of the plan to represent the employee members of the system and one member shall be appointed to represent the employees of employer participants of the system or plan and three lay members shall be appointed to represent the public, except that one of the members shall also be a member of the investment advisory council. Each member shall have not less than five years of administrative management experience. Of the members first appointed, two shall be appointed for a term of one year and three members each for a term of two years. A member may be reappointed. Upon the expiration of any term, a successor shall be appointed for a full term of two years WHICH SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. ~~Appointment to fill a vacancy resulting otherwise than from expiration of term shall be made in the same manner as the initial appointments for the unexpired portion of the term only.~~

B. Board members shall receive necessary traveling expenses and subsistence as provided by law for other state officers while away from home on business of the board.

~~C. A member may be removed from the board by the governor for a violation of any provision of this article or if a member is absent from three consecutive meetings.~~

Sec. 40. Section 38-847, Arizona Revised Statutes, is amended to read:

38-847. Administration of system; local boards; powers and duties; rules and regulations

A. The administration of the system and responsibility for making effective the provisions thereof for each employer are vested in a retirement board, which in the case of employees of the state, other than the department of public safety, shall be the Arizona state retirement system board. The department of public safety, each county, each municipal fire department, and municipal police department shall have a local board. Each local board shall be constituted as follows:

1. The mayor or chief elected official as chairman, two members elected by secret ballot by members employed by the appropriate employer and

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two citizens, one of whom shall be the head of the merit system if it exists for the group of members, appointed by the mayor or chief elected official and with the approval of the city council or governing body of the employer. The three appointed members of the department of public safety local board shall be appointed by the governor. ~~with the approval of the senate.~~

2. The appointed two citizens shall serve on both local boards in a city where both fire and police department employees are members.

B. Upon the taking effect of this system for an employer, the appointments and elections of board members shall take place with one elective and appointive board member serving a term ending two years after the effective date for the employer and one elective and appointive board member serving a term ending four years after the effective date. Thereafter, every second year, and as a vacancy occurs, an office shall be filled for a term of four years in the same manner as previously provided.

C. Each member of a board shall, within ten days after his appointment or election, take an oath of office that, so far as it devolves upon him, he shall diligently and honestly administer the affairs of the board and that he shall not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the system.

D. A board shall have such powers as may be necessary to discharge the following duties:

1. To construe and interpret the system, decide all questions of eligibility and service credits, and determine the amount, manner and time of payment of any benefits under the system.
2. To prescribe procedures to be followed by members and their beneficiaries in filing applications for benefits.
3. To make a determination as to the right of any person to a benefit and to afford any person dissatisfied with such determination the right to a hearing thereon.
4. To receive from the employers and from members such information as shall be necessary for the proper administration of the system and to forward such information to the fund manager.
5. To distribute, in such manner as the board determines to be appropriate, information explaining the system received from the fund manager.

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6. To furnish the employer, the fund manager, and the legislature, upon request, such annual reports with respect to the administration of the system as are reasonable and appropriate.

7. To receive and review the actuarial valuation of the system for their group of members.

8. To receive and review reports of the financial condition and of the receipts and disbursements of the fund from the fund manager.

9. To appoint a medical board, which shall be composed of a designated physician or a clinic other than the employer's regular employee or contractee. If required, other physicians may be employed to report on special cases.

E. A board shall have no power to add to, subtract from or modify any of the terms of the system, nor to change or add to any benefits provided by the system, nor to waive or fail to apply any requirement of eligibility for benefits under the system.

F. A board shall, from time to time, establish and adopt such rules and regulations as it deems necessary or desirable. All rules and decisions of a board shall be uniformly and consistently applied to all members in similar circumstances.

G. Any rule or decision which is not inconsistent with the provisions of the system shall be conclusive and binding upon all persons affected by it. If any person is granted a hearing upon his appeal from any ruling or decision by the board and the board's original determination is affirmed, the applicant may file an appeal with the superior court within thirty days from the receipt by registered mail of the affirmation of such ruling or decision. The superior court shall be in the county where the board is located and the proceedings on the appeal shall be a trial de novo.

H. When making a ruling, determination or calculation, the board shall be entitled to rely upon information furnished by the employer, the fund manager, independent legal counsel, or the actuary for the system.

I. Each member of a board shall be entitled to one vote. A majority shall be necessary for a decision by the members of a board at any meeting of the board.

J. The board shall adopt such bylaws as it deems desirable. The board shall elect a secretary who may, but need not, be a member of the board.

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The secretary of the board shall keep a record of all meetings and forward all necessary communications to the fund manager and the actuary.

K. The fees of the medical board and of local legal counsel and all other expenses of the board necessary for the administration of the system shall be paid by the fund manager at such rates and in such amounts from the expense account as the board shall approve. Such expenses shall be reimbursed to the expense account from the employer's account in the fund.

L. The board shall issue directions to the fund manager concerning all benefits which are to be paid from the employer's account pursuant to the provisions of the fund. The board shall keep on file, in such manner as it may deem convenient or proper, all reports from the fund manager and the actuary.

M. The local board and the individual members thereof shall be indemnified from the assets of the fund against any and all liabilities arising by reason of any act, or failure to act, made in good faith pursuant to the provisions of the system, including expenses reasonably incurred in the defense of any claim relating thereto.

Sec. 41. Section 38-848, Arizona Revised Statutes, is amended to read:

38-848. Fund manager

A. The funds of the system, shall constitute a special fund in the state treasury to be used for the payment of benefits provided under the system. The special fund shall be operated and managed by the fund manager. The fund manager shall consist of three members appointed by the governor PURSUANT TO SECTION 38-211 ~~and approved by the senate~~ and shall have such rights, powers and duties as are set forth hereunder. The governor shall appoint one elected member from a local board to represent the employees, one member to represent the state as an employer of public safety personnel, and one member to represent the cities as employers of public safety personnel. The terms of the members shall be limited to three years, and commencing with the first day of January, 1971, the governor shall appoint one member to serve for one year, one member to serve for two years, and one member to serve for three years, and thereafter all members shall be appointed for a term of three years TO EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. Notwithstanding any provision in this article to the contrary, all monies in the fund shall be deposited, held and disbursed in the same manner and under the same conditions and

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requirements as provided by law for other special funds in the state treasury, except that monies in the fund shall not be commingled with other state funds but shall be maintained in a separate account on the books of the depository. Such monies shall be secured by the depository in which they are held to the same extent and in the same manner as required by the general depository law of the state. Any balance in the fund shall not lapse at any time but shall be continuously available to the board for expenditure consistent with this article.

B. All contributions under this system shall be forwarded to the fund manager and shall be held, invested and reinvested by the fund manager. All property and funds of the fund, including income from investments and from all other sources, shall be retained for the exclusive benefit of members, as provided in the system, and shall be used to pay benefits to members or their beneficiaries, or to pay expenses of operation and administration of the system and fund.

C. The fund manager shall have the full power, in his sole discretion to invest and reinvest, alter and change the funds accumulated under the system. The fund manager may commingle securities and monies of the fund subject to the crediting of receipts and earnings and charging of payments to the account of the appropriate employer. In making each and all of such investments, the fund manager shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital, provided:

1. That not more than fifty per cent of the pension fund shall be invested at any given time in corporate stocks, based on cost value of such stocks irrespective of capital appreciation.
2. That no more than five per cent of the pension fund shall be invested in securities issued by any one institution, agency or corporation, other than securities issued as direct obligations of and fully guaranteed by the United States government.
3. That not more than five per cent of the voting stock of any one corporation shall be owned.
4. That stocks eligible for purchase shall be restricted to stocks which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the federal securities and exchange commission or its successors.

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D. The fund manager shall not be held liable for the exercise of more than ordinary care and prudence in the selection of investments and shall not be limited to so-called "legal investments for trustees," but all funds of the system shall be invested subject to all of the conditions, limitations and restrictions imposed by law.

E. Except as provided in subsection C, ~~of this section,~~ the fund manager may:

1. Invest and reinvest the principal and income of the pension fund without distinction between principal and income.
2. Sell, exchange, convey, transfer, or otherwise dispose of any investments of the fund held in the name of the system by private contract or at public auction.
3. Also:
 - (a) Vote upon any stocks, bonds, or other securities.
 - (b) Give general or special proxies or powers of attorney with or without power of substitution.
 - (c) Exercise any conversion privileges, subscription rights or other options and to make any payments incidental thereto.
 - (d) Consent to or otherwise participate in corporate reorganizations or other changes affecting corporate securities and to delegate discretionary powers and to pay any assessments or charges in connection therewith.
 - (e) Generally exercise any of the powers of an owner with respect to stocks, bonds, securities, or other investments held in the fund.
4. Make, execute, acknowledge, and deliver any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.
5. Register any investment held in the fund in the name of the fund or in the name of a nominee.
6. At the expense of the system, may enter into an agreement with any bank or banks for the safekeeping and handling of securities and other investments coming into the possession of the fund manager. The agreement shall be entered into under such terms and conditions as shall secure the proper safeguarding, inventory, withdrawal and handling of the

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securities and other investments. No access to and no deposit or withdrawal of the securities from any place of deposit selected by the fund manager shall be permitted or made except as the terms of the agreement may provide.

7. Do all acts whether or not expressly authorized which may be deemed necessary or proper for the protection of the investments held in the fund.

F. An expense account shall be maintained for the system by the fund manager. The account shall be credited with all contributions of employers for the purpose of meeting their respective proportion of the total operation and administrative expenses of the system during each fiscal year, and it shall be charged with all disbursements for operation and administrative expenses incurred by the system. The surplus or deficiency of this account at the end of the year shall be used in determining the expense rate applicable for the following fiscal year. Investment expenses shall be accounted for separately and allocated against investment income.

G. The fund manager, as soon as possible following the close of each fiscal year, and in any event within a period of six months following the close of any year, shall cause to be transmitted to the governor or the legislature an annual statement on the operation of the system, containing, among other things:

1. A balance sheet.
2. A statement of income and expenditures for the year.
3. A report on an actuarial valuation of its assets and liabilities.
4. A detailed statement of the investments acquired and disposed of during the year.
5. A list of investments owned.
6. Any other statistical and financial data which may be necessary for the proper understanding of the financial condition of the system and the results of its operations. A synopsis of such annual report shall be published for the information of members of the system.

H. The fund manager shall:

1. Maintain the accounts of the system, and issue statements to each employer annually and to each member who may request it.

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2. Prescribe the rate of interest that shall be credited to the accumulated contributions each year.
 3. Report the results of the actuarial valuations to the local boards and employers.
 4. Contract on a fee basis, with an independent investment counsel to advise it in the investment management of the fund and with an independent auditing firm to audit its accounting.
 5. Permit the auditor general to make an annual audit the results of which shall be transmitted to the governor and the legislature.
 6. Contract on a fee basis with an actuary, who is a member of the society of actuaries, and who shall make actuarial valuations of the system, be the technical adviser of the fund manager on matters regarding the operation of the funds created by the provisions of the system, and shall perform such other duties as are required in connection therewith.
 7. Employ, as administrator, a person, state department, or other body to establish and maintain an adequate system of accounts and records for the system, which shall be integrated with the accounts, records, and procedures of the employers to the end that the same shall operate most effectively and at minimum expense, and that duplication of records and accounts may be avoided.
- I. The attorney general shall be the attorney for the fund manager and shall represent him in any legal proceeding.
- J. As of the date of the establishment of the retirement system, the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as the fund manager shall authorize, and on the basis of such investigation he shall recommend for adoption by the fund manager such tables as are required for the appropriate actuarial valuation of the system. As soon as practicable after the adoption of the actuarial tables, the actuary shall make a valuation based on such tables, of the assets and liabilities of the funds created by the system, and prepare a report to each employer showing the contributions sufficient to meet both the normal cost on a level cost method and the prescribed interest on the past service cost for its members. An employer shall have the option of making contributions greater than the contributions specified in this section, in order to reduce the past service cost for its members.

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K. At least once in each five-year period after the effective date, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the system and shall make a special valuation of the assets and liabilities of the funds of the system. Taking into account the results of such investigation and special valuation, the fund manager shall adopt for the system such mortality, service and other tables as shall be deemed necessary.

L. On the basis of such tables as the fund manager shall adopt, the actuary shall make a valuation of the assets and liabilities of the funds of the system not less frequently than each two years. The actuary's report shall stipulate the contributions requirement of each employer participating in the system, provided that during fiscal years 1968-1969, and 1969-1970, employers shall not be required to contribute a percentage which would exceed the percentage which would have been contributed if the same percentage of payroll as contributed to existing pension systems by such employers in 1967-1968 were applied to the payrolls in 1968-1969 and 1969-1970.

M. Neither the fund manager nor any of its members or employee thereof shall directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the fund except to make such current and necessary payments as are authorized by the local boards, nor shall the fund manager or any member or employee become an endorser or surety or in any manner an obligor for monies loaned by or borrowed from the fund.

Sec. 42. Section 38-902, Arizona Revised Statutes, is amended to read:

38-902. State personnel commission; members; appointment; term; meetings; compensation

A. There shall be a state personnel commission which shall consist of five members appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. No more than three members shall belong to the same political party. Of the members appointed two shall be persons interested in personnel administration, one shall be a professional personnel administrator, one a state employee and one a person active in business management. A member may be removed by the governor for cause. The chairman of the state personnel commission shall serve as ~~ex-officio~~ EX OFFICIO member of the law enforcement merit system council without voting privileges.

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~~B.~~ The term of each member shall be five years, one term to expire ~~June 30 ON THE THIRD MONDAY IN JANUARY~~ each year. ~~except that a member shall continue to serve until his successor is duly appointed and qualified.~~ Upon the expiration of the term of a member a successor shall be appointed for a full term of five years. ~~Of the members of the commission first appointed, one shall be appointed for a term ending June 30, 1969, and one each for terms ending one, two, three and four years thereafter. The two persons appointed who have an interest in personnel administration shall initially be appointed for the terms ending June 30, 1969, and June 30, 1970. The governor shall appoint the members within thirty days after the effective date of this chapter and such members shall serve until confirmed or denied at the next regular session of the legislature.~~

~~C.~~ Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only. An appointee to an unexpired term shall be a member in good standing until the senate convenes and confirms, or denies confirmation of, the appointment. If the appointment is confirmed, the appointee shall serve the remainder of the unexpired term. If confirmation is denied, a new member shall be appointed by the governor, with the advice and consent of the senate, to serve the unexpired term.

~~D.~~ C. The commission shall hold regular quarterly meetings and, in addition, may hold special meetings the commission deems necessary. A chairman and vice-chairman shall be elected by the members of the first meeting of each even-numbered year and the chairman shall not be permitted to succeed himself. Meetings of the commission shall be open to the public and executive sessions may be held as provided by law.

~~E.~~ D. Any one of the following shall constitute the resignation of a commissioner and authorize the governor to appoint a new member to fill the unexpired term so vacated:

~~1.~~ Absence from three consecutive quarterly meetings, or

~~2.~~ 1. Becoming a candidate for any elective public office, or

~~3.~~ 2. Accepting any appointive office or employment in the state service, except the state employee who is designated to serve on the state personnel commission as prescribed by subsection A of this section.

~~F.~~ E. Members of the commission, except the person designated as the state employee, shall be compensated pursuant to section 38-611 for each

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day actually spent for meetings of the commission. The member of the commission designated as the state employee shall be paid his regular compensation for meetings of the commission.

Sec. 43. Section 41-502, Arizona Revised Statutes, is amended to read:

**41-502. Governor's advisory economic planning and development board;
executive director**

A. ~~There shall be an~~ THE GOVERNOR SHALL APPOINT AN ADVISORY economic planning and development board which shall be composed of ~~the following:~~ AT LEAST FOURTEEN AND NO MORE THAN TWENTY MEMBERS WHO SHALL SERVE WITHOUT COMPENSATION. AT LEAST ONE MEMBER SHALL BE A BONA FIDE RESIDENT OF EACH COUNTY OF THIS STATE.

~~1. Members of the Arizona development board serving thereon prior to the effective date of this article, consisting of fourteen members, each of whom shall be a bona fide resident of a different county in the state, appointed by the governor with the advice and consent of the senate. Such members shall continue to serve until expiration of their respective terms.~~

~~2. Five members appointed at large by the governor with the consent of the senate shall serve for a term concurrent with the term of the governor, except that such additional members shall serve only until June 30, 1971.~~

~~B. Upon expiration of a term of a member serving pursuant to the provisions of paragraph 1, subsection A, thereafter the members appointed or reappointed shall serve for a term of five years. The terms of four members of the board shall expire on July 10 each year, except that on July 10 of each fourth year, the term of two members shall expire. Any vacancy occurring during a term of office shall be filled in the same manner and from the same county as the original appointment, but shall be only for the balance of the unexpired term.~~

~~C. Members of the board shall serve without compensation.~~

~~D. After June 30, 1971, the economic planning and development board shall become the governor's advisory board.~~

~~E. B. The executive director of the department of economic planning and development shall be appointed by the economic planning and development board as constituted and prescribed by the terms of subsection A, with the consent of the governor. The executive director~~

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~~shall have responsible professional experience in economic planning or development. The executive director shall serve for a term expiring on June 30, 1971 and thereafter shall be an appointee of the governor serving at the pleasure of the governor.~~ GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF ECONOMIC PLANNING AND DEVELOPMENT SHALL SERVE AS EXECUTIVE SECRETARY OF THE ECONOMIC PLANNING AND DEVELOPMENT BOARD.

Sec. 44. Section 41-511, Arizona Revised Statutes, is amended to read:

41-511. Arizona state parks board; membership; appointment; terms

A. There shall be an Arizona state parks board, which shall consist of seven members. The state land commissioner shall be a member and the remaining members, each of whom shall be a bona fide resident of the state, shall be appointed by the governor ~~and their appointment confirmed by the senate.~~ PURSUANT TO SECTION 38-211. ~~When the legislature is not in session, interim appointments may be made by the governor, and such appointments shall be subject to confirmation by the senate at the next regular or special session of the legislature.~~ The appointive members shall be selected because of their knowledge of and interest in outdoor activities, multiple use of lands, archaeology, natural resources and the value of the historical aspects of Arizona, and because of their interest in the conservation of natural resources. Not less than two of the appointive members shall be representative of the livestock industry, and one appointive member shall be professionally engaged in general recreation work.

B. Of the members first appointed, one shall serve for a term expiring the first Monday in January following the effective date of this article, and one each for terms expiring one, two, three, four and five years thereafter. Thereafter, all appointments shall be for a full term of six years AND SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. ~~Appointment to fill a vacancy created other than by expiration of term shall be for the balance of the unexpired term.~~

Sec. 45. Section 41-591, Arizona Revised Statutes, is amended to read:

41-591 Commission on uniform laws; terms; compensation

A. There shall be a commission on uniform state laws which shall consist of three members appointed by the governor. ~~with the consent of the senate.~~ Immediately upon expiration of the terms of the members serving

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on the date this section takes effect, the governor shall appoint three members, ~~with the advice and consent of the senate,~~ one for a term of two years, one for a term of four years, and one for a term of six years. Thereafter, appointment shall be made for a full term of six years. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired term.

B. Members shall receive compensation as determined pursuant to section 38-611 for each day spent in performance of their duties while attending meetings.

Sec. 46. Section 41-602, Arizona Revised Statutes, is amended to read:

41-602. Arizona veterans' service commission; terms compensation

A. There shall be an Arizona veterans' service commission which shall consist of five members appointed by the governor. ~~with the advice and consent of the senate.~~ The terms of the members shall be for five years, the term of one member to expire June 26 each year.

B. Members shall be veterans. ~~and shall be appointed from a list of three names submitted by each veterans' organization in the state holding a charter granted by congress. Not more than two members shall be appointed from any list so submitted.~~

C. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired term.

D. Members of the commission shall serve without compensation.

E. The member serving the last year of his term shall be chairman of the commission.

Sec. 47. Section 41-971, Arizona Revised Statutes, is amended to read:

41-971. State department of public buildings maintenance; superintendent; appointment; term; dismissal; vacancy; compensation

A. There shall be a state department of public buildings maintenance under the direction of a superintendent appointed by the governor, ~~with the consent of the senate,~~ for a term of five years. The person first appointed as superintendent shall serve for a term expiring on February 1, 1964.

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B. The superintendent shall have qualifications which consist of substantial administrative experience in responsible public or private business and, in addition, wide experience in the field of building management. The governor may remove the superintendent for incompetency, disability, immorality or for any abuse of his official powers or duties.

C. The compensation of the superintendent shall be as determined pursuant to section 38-611.

D. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only. ~~An appointee to the position of superintendent to an unexpired term shall hold office until the senate convenes and confirms or denies confirmation of the appointment. If the appointment is confirmed, the appointee shall serve the remainder of the unexpired term. If confirmation is denied, a new superintendent shall be appointed by the governor, with the consent of the senate, to serve the unexpired term.~~

Sec. 48. Section 41-1401, Arizona Revised Statutes, is amended to read:

41-1401. Civil rights commission; terms; vacancies; oorganization; quorum; compensation

A. There is created the Arizona civil rights commission. The commission shall be composed of seven members who shall be appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. Not more than four of the members shall at any one time be of the same political party. Each member shall serve for a term of three years. Of the members of the commission first appointed, two shall be appointed for terms ending January 31, 1966, two for terms ending January 31, 1967, and three for terms ending January 31, 1968. THEREAFTER, THE TERMS SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.

~~B. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only. An appointee to an unexpired term shall be a member in good standing until the senate convenes and confirms or denies confirmation of the appointment. If the appointment is confirmed, the appointee shall serve the remainder of the unexpired term. If confirmation is denied, a new member shall be appointed by the governor, with the advice and consent of the senate, to serve the unexpired term. An appointment to fill a vacancy shall be subject to the same limitation with respect to party affiliations as the original appointment.~~

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C. The commission shall elect from its membership a chairman and vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman, or in the event of a vacancy in that office.

D. Four members of the commission shall constitute a quorum, except that if the chairman appoints a subcommittee of the commission a majority of the members of the subcommittee shall constitute a quorum. The concurrence of four of the members when in session as a board shall be the act of the commission.

E. Each member shall receive compensation as determined pursuant to section 38-611 for each day in which he participates in meetings, but not to exceed one thousand dollars in any fiscal year.

F. For the purposes of this chapter, "commission" means the Arizona civil rights commission.

Sec. 49. Section 41-1603, Arizona Revised Statutes, is amended to read:

41-1603. Director; appointment; qualifications; compensation

A. The director of the department shall be appointed by the governor ~~with the consent of the senate~~ PURSUANT TO SECTION 38-211, AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. ~~The term of the director first appointed shall expire on February 1, 1975. Thereafter the director shall serve a term of six years.~~

B. The director, as minimum qualifications, shall have a master's degree or its equivalent in credits from an accredited college or university and at least ten years of experience in working in a correctional program, including five years of progressively increasing responsibilities in an administrative capacity.

C. The compensation of the director shall be as determined pursuant to section 38-611.

~~D. The director may be removed for cause by the governor prior to the expiration of the term of the director.~~

Sec. 50. Section 41-1711, Arizona Revised Statutes, is amended to read:

41-1711. Department of public safety; purpose; location; qualifications of director; responsibility

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A. There shall be a department of public safety which is responsible for creating and coordinating services for use by local law enforcement agencies in protecting the public safety. The principal office and headquarters of the department shall be in the city in which the capitol is located.

B. The department shall formulate plans with a view to establishing modern services for prevention of crime, apprehension of violators, training of law enforcement personnel, and the promotion of public safety. The department shall in no way preempt the authority and jurisdiction of established agencies of political subdivisions of the state.

C. The director shall be selected on the basis of training and experience with a minimum of five years' experience in the administration of law enforcement and shall have at least a bachelor's degree issued to him by an accredited college or university.

D. The director shall be appointed by the governor, ~~subject to confirmation by the senate,~~ PURSUANT TO SECTION 38-211 to serve for a term of five years and shall be subject to removal for cause, including but not limited to malfeasance, misfeasance and nonfeasance in office. **THE TERM SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR.** The director shall receive an annual compensation as determined pursuant to section 38-611.

E. The director shall be directly responsible to the governor for the conduct and the administration of the department. If the director is unable to act, the governor shall direct the activities of the department during the period in which the director is unable to act.

F. The director shall prescribe procedures for use of department personnel, facilities, equipment, supplies and other resources in assisting search or rescue operations on request of the state director of emergency services.

Sec. 51. Section 41-1821, Arizona Revised Statutes, is amended to read:

41-1821. Council; membership; appointment; term; vacancies; meetings; compensation; acceptance of grants

A. There shall be an Arizona law enforcement officer advisory council which shall consist of nine members appointed by the governor. ~~with the advice and consent of the senate.~~ Members shall be persons with qualifications of experience or education in the field of law enforcement.

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The membership shall include as members, two sheriffs, two chiefs of city police, a college faculty member in public administration or related field, the attorney general, the superintendent of the patrol until such time as the director of the department is appointed and thereafter the director of the department, and two public members. The governor shall appoint a chairman from among the members at its first meeting and every year thereafter, except that the director and the superintendent of the highway patrol shall not be appointed chairman. Meetings shall be held at least quarterly or upon call of the chairman or by the written request of five members of the council or by the governor.

B. The term of each regular member shall be three years unless a member vacates the public office, which qualified him for this appointment.

C. No compensation shall be paid for serving on the council.

D. The council may accept contributions, grants, gifts, donations, services or other financial assistance from any individual, association, corporation or other organization having an interest in police training, and from the United States of America and any of its agencies or instrumentalities, corporate or otherwise. Such monies shall be deposited in the fund created by section 41-1825.

E. Membership on the council shall not constitute the holding of an office, and members of the council shall not be required to take and file oaths of office before serving on the council. No member of the council shall be disqualified from holding any public office or employment, nor shall he forfeit any such office or employment by reason of his appointment, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

Sec. 52. Section 42-122, Arizona Revised Statutes, is amended to read:

42-122. Employment of director; qualifications; compensation

A. The director of the division of appraisal and assessment standards shall be the director of the department of property valuation until the expiration of the term for which he was appointed which expires on January 31, 1968. Thereafter, the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211 shall appoint a director to serve for a term of five years WHICH SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY OF THE APPROPRIATE YEAR. The director shall be a person of proven administrative ability.

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B. The director shall receive a salary as determined pursuant to section 38-611.

C. ~~In the event of a vacancy caused other than by expiration of a term, the director shall be appointed by the governor with the advice and consent of the senate for the unexpired term.~~ A director may be discharged REMOVED for cause by the governor.

Sec. 53. Section 42-141, Arizona Revised Statutes, is amended to read:

42-141. State board of property tax appeals

A. There is established a state board of property tax appeals as an independent agency which shall not in any way be subject to the supervision or control of the state tax commission or the state department of property valuation, and the board shall have full power to equalize the valuation of all property throughout the state.

B. The state board shall consist of three members appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. Members shall be residents of this state. They shall be selected on the basis of their knowledge of and experience in the use of property valuation and appraisal procedures and shall have a minimum of five years' professional experience as a certified public accountant, a public accountant, a licensed real estate broker, an attorney, a property appraiser accredited by a nationally recognized professional organization, or other experience related to the use of property valuation and appraisal procedures. Not more than two members shall be members of the same political party. No member of the board shall hold any other public office under the laws of this state or any of its political subdivisions, nor be a candidate for an elective office under the laws of this state, nor of any other state. No member of the board shall hold any position of trust nor provide or engage in any occupation or business which would corruptly conflict with his duties as a member of the board, nor take part directly or indirectly in any election campaign in the interest of any political party or other organization or any candidate or measure to be voted on by the people. Nothing in this subsection shall prohibit a person from properly and lawfully engaging in his business or profession.

C. Of the members first appointed, one shall be appointed to serve for a term to expire on February 1, 1970, and one each for terms expiring ON THE THIRD MONDAY IN JANUARY two and four years thereafter. The member having the shortest term remaining shall act as chairman provided he has served on the board at least two years. If the member having the shortest term remaining does not qualify to act as chairman, the board shall elect its own chairman. Succeeding members shall be appointed for

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terms of six years, but no member shall be appointed for more than two terms. ~~A vacancy caused other than by expiration of a term shall be filled by the governor for the unexpired term subject to confirmation by the senate.~~ The first board shall meet within thirty days after its appointment and shall organize and adopt rules and regulations.

D. Each member of the board shall receive fifty dollars per day for time spent in the performance of his duties. He shall also receive such travel and other expenses as provided by law for other state officers.

E. The governor may remove any member for cause.

Sec. 54. Section 42-1504, Arizona Revised Statutes, is amended to read:

42-1504. Estate tax commissioner; appointment and removal; assistant estate tax commissioner; powers; compensation

A. ~~The governor, with the advice and consent of the senate, shall appoint an estate tax commissioner for a term of six years who shall be subject to removal by the governor for cause. The commissioner shall have the right of appeal to the superior court of Maricopa county from the order of removal.~~

B. The commissioner shall be paid compensation as determined pursuant to section 38-611.

C. The commissioner may appoint an assistant estate tax commissioner and appraiser who shall hold office at the discretion of the commissioner. The assistant commissioner shall be paid compensation as determined pursuant to section 38-611.

D. The assistant commissioner shall exercise all the powers and duties conferred upon the estate tax commissioner in the administration, enforcement and collection of taxes imposed by this article.

E. The estate tax commissioner may appoint such additional assistants necessary for collection of the taxes imposed by this article. The compensation of all such additional assistants shall be as determined pursuant to section 38-611.

Sec. 55. Section 44-2111, Arizona Revised Statutes, is amended to read:

44-2111. State inspector of weights and measures; appointment; term; compensation

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There shall be a state inspector of weights and measures who shall be appointed by the governor, ~~with the consent of the senate,~~ for a term of two years, the term to begin and end February 1 each odd-numbered year. The inspector shall receive compensation as determined pursuant to section 38-611.

Sec. 56. Section 45-502, Arizona Revised Statutes, is amended to read:

45-502. Arizona water commission; terms; qualifications; bond; compensation

A. There shall be an Arizona water commission which shall consist of seven members, no more than four of whom shall be members of any one major political party, and who, notwithstanding the provisions of any law to the contrary now existing or hereafter enacted, are bona fide residents of not less than five separate counties of the state, appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. The members shall be subject to removal for cause by the governor.

B. The term of office of each member shall be six years, the terms of two members to expire on the third Monday of January each odd numbered year except that each fourth odd numbered year the term of one member shall expire. ~~Appointment to fill a vacancy created otherwise than by expiration of term shall be for the unexpired term, and shall be subject to confirmation by the senate at the next following regular or special session of the legislature.~~

C. Notwithstanding the provisions of any law to the contrary now existing or hereafter enacted, no person shall be appointed as a member of the commission unless he is a qualified elector of the state.

D. Members shall attend all meetings of the commission unless excused for good and sufficient reason, and shall devote to the affairs of the commission such time and attention as may be necessary to execute the powers, perform the duties and effectuate the purposes of this article. ~~Absence of a member, otherwise than on official business, from three meetings of the commission in succession, shall automatically terminate his membership on the commission and the governor, on due notification of the absences, shall appoint a successor.~~

E. Members of the commission shall each receive compensation as determined pursuant to section 38-611, not to exceed three thousand dollars in any calendar year.

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Sec. 57. Section 46-111, Arizona Revised Statutes, is amended to read:

46-111. State board of public welfare; members; appointment; term; meetings

A. There shall be a state board of public welfare which shall consist of five members appointed by the governor ~~with the advice and consent of the senate~~ PURSUANT TO SECTION 38-211. Members shall be appointed without regard to political affiliation, and shall be persons of recognized interest in and knowledge of public welfare.

B. The term of each member shall be five years, one term to expire ~~January 31~~ ON THE THIRD MONDAY IN JANUARY each year. ~~except that a member shall continue to serve until his successor is duly appointed and qualified. Upon the expiration of the term of a member a successor shall be appointed for a full term of five years.~~

~~C. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only. An appointee to an unexpired term shall be a member in good standing until the senate convenes and confirms or denies confirmation of the appointment. If the appointment is confirmed, the appointee shall serve the remainder of the unexpired term. If confirmation is denied, a new member shall be appointed by the governor, with the advice and consent of the senate, to serve the unexpired term.~~

~~D. Absence from six regular monthly meetings by a board member during any twelve month period shall constitute a resignation, and any member who becomes a candidate for public office is automatically disqualified from membership on the board, in which event a new member shall be appointed to fill the unexpired term so vacated.~~

~~E. C.~~ The board shall hold regular monthly meetings and, in addition, may hold special meetings the board deems necessary.

Sec. 58. Section 46-261.09, Arizona Revised Statutes, is amended to read:

46-261.09. Medical advisory committee; membership

A. A medical advisory committee shall be established for the purpose of advising the welfare department and the health department in the administration and operation of the program provided for by this article.

B. The medical advisory committee shall consist of nine members. The commissioner of the health department and the commissioner of the

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welfare department shall be ex officio members. The other seven members of the committee shall be appointed by the governor ~~with the advice and consent of the senate~~ and shall hold office for a term of four years or until their successors are appointed. ~~and qualify.~~ Of the members first appointed one member shall serve for one year, one member for two years, two members for three years, and three members for four years. The respective terms of the first members shall be designated by the governor at the time of their appointments.

C. The regular membership of the committee shall at all times include three licensed physicians, one hospital administrator, one nursing home administrator and two other nonmedical members.

D. Each appointive member of the committee shall serve without compensation.

E. Vacancies shall be filled for unexpired terms in the same manner as original appointments, maintaining original representation.

F. The committee shall elect a chairman, a vice chairman and a secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The committee shall hold a meeting at least once every six months and such other special and regular meetings as may be deemed necessary.

Sec. 59. Section 46-501, Arizona Revised Statutes, is amended to read:

46-501. State board of crippled children's services; members; appointment; term; meetings

A. There shall be an Arizona state board of crippled children's services which shall consist of five members appointed by the governor ~~with the consent of the senate~~ PURSUANT TO SECTION 38-211. Members shall be appointed without regard to political affiliation. The membership shall include two physicians licensed to practice in the state of Arizona who reside in different ~~communities~~ COUNTIES.

B. The term of each member shall be five years. ~~except that a member shall continue to serve until his successor is duly appointed and qualified.~~ Upon the expiration of the term of a member a successor shall be appointed for a full term of five years. Of the members of the board first appointed, one shall be appointed for a term ending January 31, 1962, and one each for terms ending one, two, three and four years thereafter. THEREAFTER, ONE TERM SHALL EXPIRE ON THE THIRD MONDAY IN JANUARY EACH YEAR.

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~~C. Appointment to fill a vacancy resulting other than from expiration of term shall be for the unexpired term only. An appointee to an unexpired term shall be a member in good standing until the Senate convenes and confirms or denies confirmation of the appointment. If the appointment is confirmed, the appointee shall serve the remainder of the unexpired term. If confirmation is denied, a new member shall be appointed by the governor, with the advice and consent of the senate, to serve the unexpired term.~~

~~D. Absence from three consecutive meetings by a board member shall constitute a resignation, and any member who becomes a candidate for public office is automatically disqualified from membership on the board, in which event a new member shall be appointed to fill the unexpired term so vacated.~~

~~E. C. The board shall meet a minimum of once each calendar month and may hold special meetings the board deems necessary.~~

Sec. 60. Repeal

Section 30-653, Arizona Revised Statutes, as amended by Laws 1970, chapter 204, section 87, is repealed.

Sec. 61. Expiration of terms of office

A. Notwithstanding any provision of law to the contrary all terms of state officers appointed pursuant to section 38-211 which are in effect on the effective date of this act shall expire on the third Monday in January next following the year in which such term would otherwise have expired.

B. The terms of state officers appointed pursuant to section 38-211 which are for a term of a specific number of years shall thereafter begin and expire on the third Monday in January of the appropriate year based on the length of the term provided by law.

C. The terms of state officers appointed pursuant to section 38-211 which are for a term coterminous with the governor shall expire on the third Monday in January next following the year in which such term would otherwise have expired. Thereafter the terms of such appointive officers shall begin and expire on the third Monday in January of the year in which the governor's term begins and expires.

Approved by the Governor - May 22, 1972

Filed in the Office of the Secretary of State - May 22, 1972