

Representative Kay J. Christofferson proposes the following substitute bill:

FREE MARKET PROTECTION AND PRIVATIZATION

BOARD REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Free Market Protection and Privatization Board Act.

Highlighted Provisions:

This bill:

- ▶ changes the size and membership of the Free Market Protection and Privatization Board; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to Governor's Office - Governor's Office of Management and Budget - Operational Excellence, as an ongoing appropriation:
 - from the General Fund, \$70,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-4a-202, as last amended by Laws of Utah 2014, Chapters 189 and 387



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

Section 1. Section **63I-4a-202** is amended to read:

**63I-4a-202. Free Market Protection and Privatization Board -- Created --
Membership -- Operations -- Expenses.**

(1) (a) There is created the Free Market Protection and Privatization Board composed of ~~[17]~~ 11 members.

(b) The governor shall appoint board members as follows:

~~[(i) two senators, one each from the majority and minority political parties, from names recommended by the president of the Senate;]~~

~~[(ii) two representatives, one each from the majority and minority political parties, from names recommended by the speaker of the House of Representatives;]~~

(i) three members of the Legislature, from names recommended by the president of the Senate and the speaker of the House of Representatives, no more than two of whom may be from the same house of the Legislature and no more than two of whom may be from the same political party;

~~[(iii) two members]~~

(ii) one member representing public employees, from names recommended by the largest public employees' association in the state;

~~[(iv)]~~ (iii) one member from state management;

~~[(v) seven]~~

(iv) four members from the private business community; and

~~[(vi) one member representing the Utah League of Cities and Towns from names recommended by the Utah League of Cities and Towns;]~~

~~[(vii) one member representing the Utah Association of Counties from names recommended by the Utah Association of Counties; and]~~

~~[(viii) one member representing the Utah Association of Special Districts, from names recommended by the Utah Association of Special Districts.]~~

(v) two members representing local entities, from names recommended by the Utah League of Cities and Towns, the Utah Association of Counties, and the Utah Association of Special Districts.

57 (2) (a) Except as provided in Subsection (2)(b), a board member shall serve a two-year
58 term.

59 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, before
60 July 1, 2019, and at the time of appointment or reappointment, adjust the length of terms to
61 ensure that the terms of board members are staggered so that approximately half of the board is
62 appointed every year.

63 (3) (a) A board member shall hold office until the board member's successor is
64 appointed and qualified.

65 (b) When a vacancy occurs in the membership for any reason, the governor shall
66 appoint a replacement [~~shall be appointed~~] for the unexpired term.

67 (c) [~~Nine~~] Six members of the board constitute a quorum.

68 (d) The vote of a majority of board members voting when a quorum is present is
69 necessary for the board to act.

70 (4) (a) The board shall select one of the members to serve as chair of the board.

71 (b) A chair shall serve as chair for a term of one-year, and may be selected as chair for
72 more than one term.

73 (5) The Governor's Office of Management and Budget shall staff the board. The board
74 may contract for additional staff from the private sector under Section [63I-4a-204](#).

75 (6) The board shall meet:

76 (a) at least quarterly; and

77 (b) as necessary to conduct [~~its~~] the board's business, as called by the chair.

78 (7) (a) A member who is not a legislator may not receive compensation or benefits for
79 the member's service, but may receive per diem and travel expenses as allowed in:

80 (i) Section [63A-3-106](#);

81 (ii) Section [63A-3-107](#); and

82 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
83 [63A-3-107](#).

84 (b) Compensation and expenses of a member who is a legislator are governed by
85 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

86 Section 2. **Appropriation.**

87 The following sums of money are appropriated for the fiscal year beginning July 1,

88 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
89 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
90 Act, the Legislature appropriates the following sums of money from the funds or accounts
91 indicated for the use and support of the government of the state of Utah.

92 ITEM 1

93 To Governor's Office - Governor's Office of Management and Budget

94 From General Fund \$70,000

95 Schedule of Programs:

96 Operational Excellence \$70,000

97 The Legislature intends that the Governor's Office of Management and Budget use the
98 appropriation under this item to fund a half full-time equivalent employee to provide staff
99 support to the Free Market Protection and Privatization Board created in Section [63I-4a-202](#).