

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 591

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE INDUSTRIAL COMMISSION; AMENDING SECTION 1-2102, IDAHO CODE,  
2 TO PROVIDE FOR THE JUDICIAL COUNCIL TO NAME CERTAIN CANDIDATES FOR THE  
3 INDUSTRIAL COMMISSION; AMENDING SECTION 72-501, IDAHO CODE, TO PROVIDE  
4 FOR THE JUDICIAL COUNCIL TO NAME CANDIDATES FOR THE INDUSTRIAL COMMIS-  
5 SION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND  
6 PROVIDING AN EFFECTIVE DATE.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 1-2102, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 1-2102. DUTIES OF COUNCIL. The judicial council shall:  
12 (1) Conduct studies for the improvement of the administration of jus-  
13 tice;  
14 (2) Make reports to the supreme court and legislature at intervals of  
15 not more than two (2) years;  
16 (3) Submit to the governor the names of not less than two (2) nor more  
17 than four (4) qualified persons for each vacancy in the office of justice of  
18 the supreme court, judge of the court of appeals, ~~or~~ district judge, or mem-  
19 ber of the industrial commission, one (1) of whom shall be appointed by the  
20 governor; provided, that the council shall submit only the names of those  
21 qualified persons who are eligible to stand for election or to be appointed  
22 pursuant to section 1-2404, 34-615, ~~or~~ 34-616, or 72-501, Idaho Code;  
23 (4) Recommend the removal, discipline and retirement of judicial offi-  
24 cers, including magistrates;  
25 (5) Prepare an annual budget request in the form prescribed in section  
26 67-3502, Idaho Code, and submit such request to the supreme court, which  
27 shall include such request as submitted by the judicial council in the annual  
28 budget request of the judicial department; and  
29 (6) Such other duties as may be assigned by law.

30 SECTION 2. That Section 72-501, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 72-501. CREATION OF COMMISSION -- APPOINTMENT, TERM OF OFFICE -- QUAL-  
33 IFICATIONS -- AFFILIATIONS -- EFFECT OF ACCEPTING APPOINTMENT -- VACANCIES  
34 -- REMOVAL OF MEMBER FOR CAUSE. (1) A commission is hereby created to be  
35 known as the industrial commission consisting of three (3) members, to be ap-  
36 pointed by the governor, with the approval of the senate. A member who is an  
37 attorney at law pursuant to subsection (4) of this section shall be appointed  
38 pursuant to section 1-2102(3), Idaho Code. The industrial commission shall  
39 be, for the purposes of section 20, article IV, of the constitution of the

1 state of Idaho Constitution, an executive department of the state govern-  
2 ment.

3 (2) The term of each member of the commission shall be six (6) years,  
4 except that the members first appointed shall be those serving as members of  
5 the industrial accident board on the date this law becomes effective, each to  
6 hold office for the balance of his term for which appointed, to-wit, one (1)  
7 until the second Monday of January, 1973, one (1) until the second Monday of  
8 January, 1975, and one (1) until the second Monday of January, 1977. On the  
9 expiration of his term, an incumbent member may continue in tenure until his  
10 successor is appointed and qualified.

11 (3) No person shall be eligible to appointment as a member of the com-  
12 mission unless he shall be at least thirty (30) years of age, a qualified  
13 elector and a resident of this state not less than three (3) years consecu-  
14 tively next preceding his appointment, of good moral character and of pre-  
15 vious experience and training to qualify him efficiently and justly to dis-  
16 charge the duties of his office.

17 (4) Not more than one (1) of the appointees to the commission shall be a  
18 person who, on account of his previous vocations, employment or affiliations  
19 can be classed as a representative of employers, and not more than one (1) of  
20 the appointees shall be a person who on account of his previous vocation, em-  
21 ployment or affiliations can be classed as a representative of workmen. The  
22 third appointee shall be an attorney at law duly licensed to practice in this  
23 state. Not more than two (2) of the members of the commission shall belong to  
24 the same political party.

25 (5) During his tenure in office a member shall devote full time to his  
26 duties as a member of the commission. As an official exercising judicial  
27 functions, he shall not engage in partisan political activities and shall  
28 conform his conduct to commonly acceptable standards of judicial ethics.

29 (6) Any vacancy during a term may be filled by the governor with the ap-  
30 proval of the senate. A member who is an attorney at law pursuant to subsec-  
31 tion (4) of this section shall be appointed pursuant to section 1-2102(3),  
32 Idaho Code. If any appointment is made during the recess of the legislature  
33 it shall be subject to confirmation by the senate during its next ensuing  
34 session.

35 (7) A member may be disciplined or removed or retired from office by  
36 the judicial council in accordance with the procedure prescribed in section  
37 1-2103, Idaho Code, for any cause set forth therein, subject to the review  
38 procedure and disposition of such a proceeding by the ~~S~~supreme ~~C~~court as in  
39 said section provided.

40 SECTION 3. An emergency existing therefor, which emergency is hereby  
41 declared to exist, this act shall be in full force and effect on and after  
42 July 1, 2022.