

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 15

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION 54-1716, IDAHO  
2 CODE, TO PROVIDE FOR THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION  
3 67-3519, IDAHO CODE, TO PROVIDE FOR CERTAIN PAY INCREASES AND TO PROVIDE  
4 FOR THE DIVISION OF HUMAN RESOURCES; AMENDING SECTION 67-5307, IDAHO  
5 CODE, TO REMOVE A PROVISION REGARDING HEARINGS BEFORE THE DIVISION OF  
6 HUMAN RESOURCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
7 DATE.  
8

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

10 SECTION 1. That Section 54-1716, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 54-1716. EMPLOYEES. (1) The board of pharmacy may, in its discretion,  
13 employ persons in addition to the executive director in such other positions  
14 or capacities as it deems necessary to the proper conduct of board business  
15 and to the fulfillment of the board's responsibilities as defined by this  
16 act.

17 (2) The employees of the board other than the executive director and  
18 the board's chief controlled substance investigator under chapter 27, ti-  
19 tle 37, Idaho Code, shall be classified employees and shall receive, as com-  
20 pensation, an annual salary payable on regular pay periods, the amount of  
21 which shall be determined by the ~~personnel commission~~ division of human re-  
22 sources classification and compensation plan set forth in section 67-5309,  
23 Idaho Code, and reimbursement for all expenses incurred in connection with  
24 performance of their official duties.

25 SECTION 2. That Section 67-3519, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 67-3519. EMPLOYEE POSITIONS -- PROCEDURE FOR FILLING. (1) In addition  
28 to any powers, duties, functions, and responsibilities of the division of  
29 financial management expressed elsewhere in this code, the division shall  
30 establish a list of employee positions for which moneys are available from  
31 the spending authority of appropriated moneys to each appointing authority.  
32 A position is defined as a specific job normally held by one (1) employee.  
33 This list shall contain the title of each position and the pay grade of the  
34 position. No appointing authority, except those in the legislative and ju-  
35 dicial departments, shall fill a new position without first obtaining the  
36 approval of the division of financial management and then obtaining proper  
37 classification from the ~~personnel commission~~ division of human resources  
38 for positions in the classified service. No appointing authority, except  
39 those in the legislative and judicial departments, may increase the pay or  
40 pay grade of a position by reclassification or any other means without the

1 approval of the ~~personnel commission~~ division of human resources for pay  
2 grade level and without the approval of the division of financial manage-  
3 ment for sufficiency of spending authority of the appointing authority to  
4 meet the proposed change. Appointing authorities in preparation of budget  
5 requests shall include exact position control numbers in justification of  
6 salaries and other compensation and must assign position control numbers  
7 to proposed new positions prior to budget submission. A list of additions,  
8 deletions and changes during the first six (6) months of the current fiscal  
9 year and projections for the second six (6) months of the current fiscal year  
10 of the positions so controlled shall be furnished by the department to the  
11 legislature and to the governor on January 1. Any authority vested in any  
12 appointing authority or agency, commission, department, board, office or  
13 institution is limited by the provisions of this section.

14 (2) Positions authorized by the division of financial management but  
15 not filled by the appointing authority within twelve (12) months of such au-  
16 thorization shall be declared null and void and shall not be filled except  
17 upon a new authorization by the division of financial management and the di-  
18 vision of human resources.

19 SECTION 3. That Section 67-5307, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 67-5307. ORGANIZATION OF COMMISSION. (1) The Idaho personnel commis-  
22 sion is hereby created in the office of the governor and shall consist of five  
23 (5) members, not more than three (3) of which at any time may belong to the  
24 same political party. The members of the commission shall be appointed by  
25 the governor on the basis of experience in personnel management, business or  
26 governmental management and their known sympathy with merit principles for  
27 the impartial selection of efficient state government employees; provided,  
28 however, that at least two (2) of the members shall have had at least five (5)  
29 years of personnel management experience.

30 (2) Members of the commission shall be appointed for overlapping terms  
31 of six (6) years, except that in the first instance one (1) member shall be  
32 appointed for two (2) years, one (1) member for four (4) years and one (1)  
33 member for six (6) years. Initial members shall be appointed to take office  
34 within thirty (30) days after the effective date of this chapter. The mem-  
35 bers of the personnel commission serving on the effective date of this chap-  
36 ter shall continue in office subject to the provisions of this chapter. The  
37 additional members of the commission shall be appointed one (1) for four (4)  
38 years and one (1) for six (6) years, the term of each to be designated by the  
39 governor. Their successors shall be appointed for terms of six (6) years.  
40 If, for any reason, a member should leave the commission before his term ex-  
41 pires, the governor shall appoint another member to fill out the unexpired  
42 term.

43 (3) No member of the commission shall hold political office or be an of-  
44 ficer of a political organization during his term, nor shall any member have  
45 held political office or have been an officer of a political organization  
46 during the twelve (12) months preceding his appointment. No member of the  
47 commission shall have been employed as an official or employee of the state  
48 of Idaho during the twelve (12) months preceding his appointment, nor be so

1 employed during his term. The chairman shall be appointed by the governor  
2 prior to the first meeting of each calendar year.

3 ~~(4) Any department aggrieved by any action or inaction of the division~~  
4 ~~of human resources shall be afforded an opportunity for a hearing before the~~  
5 ~~division upon request therefor in writing. Minutes or summary of the pro-~~  
6 ~~ceedings of all hearings shall be made and filed with the division, together~~  
7 ~~with findings of fact and conclusions of law made by the division.~~

8 ~~(5)~~ (4) The governor may remove a commissioner for inefficiency, ne-  
9 glect of duty or misconduct in office after first giving him a copy of charges  
10 against him and an opportunity to be heard publicly before the governor. A  
11 copy of the charges and a transcript of the record of the hearing shall be  
12 filed with the secretary of state.

13 ~~(6)~~ (5) The commission shall meet at regularly scheduled intervals or  
14 on call of the chairman. Three (3) members shall constitute a quorum for the  
15 transaction of business. Members shall each be compensated as provided by  
16 section 59-509(n), Idaho Code.

17 SECTION 4. An emergency existing therefor, which emergency is hereby  
18 declared to exist, this act shall be in full force and effect on and after  
19 July 1, 2023.