

IN THE SENATE

SENATE BILL NO. 1160

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE DIRECTOR OF THE IDAHO TRANSPORTATION DEPARTMENT;
 2 AMENDING SECTION 40-503, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR
 3 OF THE IDAHO TRANSPORTATION DEPARTMENT SHALL BE APPOINTED BY
 4 AND SERVE AT THE PLEASURE OF THE GOVERNOR WITH THE ADVICE
 5 AND CONSENT OF THE SENATE AND TO CORRECT A CODIFIER'S ERROR;
 6 AMENDING SECTION 40-505, IDAHO CODE, TO CLARIFY APPLICATION
 7 AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION
 8 59-904, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE IDAHO
 9 TRANSPORTATION DEPARTMENT SHALL BE APPOINTED BY AND SERVE AT
 10 THE PLEASURE OF THE GOVERNOR WITH THE ADVICE AND CONSENT OF
 11 THE SENATE AND TO MAKE A TECHNICAL CORRECTION.
 12

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

14 SECTION 1. That Section 40-503, Idaho Code, be, and the same is hereby amended to
 15 read as follows:

16 40-503. OFFICES – APPOINTMENT – QUALIFICATIONS – COMPENSATION. (1)
 17 An office of the director of the Idaho transportation department is established, ~~and the board~~
 18 ~~shall appoint a director having knowledge and experience in transportation matters and the~~
 19 director thereof shall be appointed by and serve at the pleasure of the governor, with the advice
 20 and consent of the senate. ~~The director shall serve at the pleasure of the board and may be~~
 21 ~~removed by the board for inefficiency, neglect of duty, malfeasance or nonfeasance in office.~~
 22 The director shall not hold any other public office, nor any office in any political committee or
 23 organization, and shall devote full time to the performance of his official duties. The director
 24 shall receive compensation as the board may determine and shall be reimbursed for all actual
 25 and necessary travel and expenses incurred by him in the discharge of his official duties, not to
 26 exceed a sum approved by the board. ~~s~~Subject to the approval of the board, the director shall
 27 appoint a chief engineer of the department who shall serve at the pleasure of the director and
 28 the board, and who shall be exempt from the provisions of chapter 53, title 67, Idaho Code.

29 (2) An office of the chief engineer of the department is established, and the chief
 30 engineer shall be a registered professional engineer, holding a current certificate of registration
 31 in accordance with the laws of this state, or who, having those qualifications shall within
 32 nine (9) months after his appointment, qualify as a registered professional engineer in
 33 accordance with the laws of Idaho. The chief engineer shall also have had five (5) years of
 34 actual experience in highway engineering, at least three (3) of which shall have been in an
 35 administrative capacity involving the direction of a substantial technical engineering staff. The
 36 chief engineer shall not hold any other public office, nor any office in any political committee
 37 or organization, and shall devote full time to the performance of his official duties under

1 the control and direction of the director. The chief engineer shall receive compensation and
2 reimbursement for travel and expenses as may be established by the director.

3 SECTION 2. That Section 40-505, Idaho Code, be, and the same is hereby amended to
4 read as follows:

5 40-505. DIRECTOR – DUTIES AND POWERS. The director shall be the technical
6 and administrative officer of the board and, unless otherwise provided pursuant to section
7 40-503, Idaho Code, under the board's control, supervision and direction, shall have general
8 supervision and control of all activities, functions and employees of the department. He
9 shall enforce all provisions of the laws of the state relating to the department, the rules ~~and~~
10 ~~regulations~~ of the board, and shall exercise all necessary incidental powers.

11 SECTION 3. That Section 59-904, Idaho Code, be, and the same is hereby amended to
12 read as follows:

13 59-904. STATE OFFICES – VACANCIES, HOW FILLED AND CONFIRMED. (a) All
14 vacancies in any state office, and in the supreme and district courts, unless otherwise provided
15 for by law, shall be filled by appointment by the governor. Appointments to fill vacancies
16 pursuant to this section shall be made as provided in subsections (b), (c), (d), (e), and (f) of this
17 section, subject to the limitations prescribed in those subsections.

18 (b) Nominations and appointments to fill vacancies occurring in the office of lieutenant
19 governor, state controller, state treasurer, superintendent of public instruction, attorney general
20 and secretary of state shall be made by the governor, subject to the advice and consent of the
21 senate, for the balance of the term of office to which the predecessor of the person appointed
22 was elected.

23 (c) Nominations and appointments to and vacancies in the following listed offices shall
24 be made or filled by the governor subject to the advice and consent of the senate for the terms
25 prescribed by law, or in case such terms are not prescribed by law, then to serve at the pleasure
26 of the governor:

27 Director of the department of administration,
28 Director of the department of finance,
29 Director of the department of insurance,
30 Director, department of agriculture,
31 Director of the department of water resources,
32 Director of the Idaho state police,
33 Director of the department of commerce,
34 Director of the department of labor,
35 Director of the department of environmental quality,
36 Director of the department of juvenile corrections,
37 Director of the Idaho transportation department,
38 Executive director of the commission of pardons and parole,
39 The state historic preservation officer,
40 The administrator of the division of human resources,
41 Member of the state tax commission,
42 Members of the board of regents of the university of Idaho and the state board of
43 education,

1 Members of the Idaho water resources board,
2 Members of the state fish and game commission,
3 Members of the Idaho transportation board,
4 Members of the state board of health and welfare,
5 Members of the board of environmental quality,
6 Members of the board of directors of state parks and recreation,
7 Members of the board of correction,
8 Members of the industrial commission,
9 Members of the Idaho public utilities commission,
10 Members of the Idaho personnel commission,
11 Members of the board of directors of the Idaho state retirement system,
12 Members of the board of directors of the state insurance fund,
13 Members of the commission of pardons and parole.

14 (d) Appointments made by the state board of land commissioners to the office of director,
15 department of lands, and appointments to fill vacancies occurring in those offices shall be
16 submitted by the president of the state board of land commissioners to the senate for the advice
17 and consent of the senate in accordance with the procedure prescribed in this section.

18 (e) Appointments made pursuant to this section while the senate is in session shall be
19 submitted to the senate forthwith for the advice and consent of that body. The appointment so
20 made and submitted shall not be effective until the approval of the senate has been recorded in
21 the journal of the senate. Appointments made pursuant to this section while the senate is not in
22 session shall be effective until the appointment has been submitted to the senate for the advice
23 and consent of the senate. Should the senate adjourn without granting its consent to such an
24 interim appointment the appointment shall thereupon become void and a vacancy in the office
25 to which the appointment was made shall exist.

26 All appointments made pursuant to subsection (c) of this section, except those
27 appointments for which a term of office is fixed by law, shall terminate at the expiration of
28 any gubernatorial term. Appointments to fill the vacancies thus created by the expiration of
29 the term of office of the governor shall be forthwith submitted to the senate for the advice and
30 consent of that body, and when so submitted shall be as expeditiously considered as possible.

31 Upon receipt of an appointment in the senate for the purpose of securing the advice
32 and consent of the senate, the appointment shall be referred by the presiding officer to the
33 appropriate committee of the senate for consideration and report prior to action thereon by the
34 full senate.

35 (f) It is the intent of the legislature that the provisions of this section as amended by this
36 chapter shall not apply to appointments which have been made prior to the effective date of this
37 chapter. It is the further intent of the legislature that the provisions of this section shall apply
38 to the offices listed in this section and to any office created by law or executive order which
39 succeeds to the powers, duties, responsibilities and authorities of any of the offices listed in
40 subsections (c) and (d) of this section.