

IN THE SENATE

SENATE BILL NO. 1425

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO STATE OFFICES; AMENDING SECTION 59-904, IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES IN STATE OFFICES AND APPOINTMENTS TO THOSE OFFICES AND SENATE CONFIRMATION AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 59-904, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

- Director of the department of administration,
- Director of the department of finance,
- Director of the department of insurance,
- Director, department of agriculture,
- Director of the department of water resources,
- Director of the Idaho state police,
- Director of the department of commerce,
- Director of the department of labor,
- Director of the department of environmental quality,
- Director of the department of juvenile corrections,
- Executive director of the commission of pardons and parole,
- The state historic preservation officer,
- The administrator of the division of human resources,
- Member of the state tax commission,
- Members of the board of regents of the university of Idaho and the state board of education,
- Members of the Idaho water resources board,

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

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

18 (e) Appointments made pursuant to this section while the senate is in
 19 session shall be submitted along with the letter of appointment to the sen-
 20 ate forthwith for the advice and consent of that body. ~~The appointment so~~
 21 ~~made and submitted shall not be effective until the approval of the senate~~
 22 ~~has been recorded in the journal of the senate.~~ Appointments made pursuant
 23 to this section while the senate is not in session shall be ~~effective until~~
 24 ~~the appointment has been submitted to the senate for the advice and consent~~
 25 ~~of the senate~~ submitted along with the letter of appointment to the senate
 26 pursuant to section 67-803, Idaho Code. Should the senate adjourn without
 27 granting its consent to ~~such an interim~~ appointment the appointment shall
 28 thereupon become void and a vacancy in the office to which the appointment
 29 was made shall exist, and the office shall be deemed vacant upon the date of
 30 adjournment. It is the duty of the appointing authority to supply the senate
 31 with the letter of appointment. The appointee shall supply the senate with
 32 the documentation it requests.

33 All appointments made pursuant to subsection (c) of this section, ex-
 34 cept those appointments for which a term of office is fixed by law, shall ter-
 35minate at the expiration of any gubernatorial term. Appointments to fill the
 36 vacancies thus created by the expiration of the term of office of the gover-
 37 nor shall be forthwith submitted to the senate for the advice and consent of
 38 that body, and when so submitted shall be as expeditiously considered as pos-
 39 sible.

40 Upon receipt of an appointment along with the letter of appointment in
 41 the senate for the purpose of securing the advice and consent of the sen-
 42 ate, the appointment shall be referred by the presiding officer to the appro-
 43 priate committee of the senate for consideration and report prior to action
 44 thereon by the full senate.

45 (f) It is the intent of the legislature that the provisions of this sec-
 46 tion as amended by this chapter shall not apply to appointments which have
 47 been made prior to the effective date of this chapter. It is the further in-
 48 tent of the legislature that the provisions of this section shall apply to
 49 the offices listed in this section and to any office created by law or exec-
 50 utive order which succeeds to the powers, duties, responsibilities and au-

1 thorities of any of the offices listed in subsections (c) and (d) of this sec-
2 tion.

3 SECTION 2. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.