

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 496

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE APPOINTMENT OF AGENCY DIRECTORS; AMENDING SECTION 20-217A,
2 IDAHO CODE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT THE DIRECTOR OF
3 CORRECTION, WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING
4 SECTION 40-503, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT
5 THE DIRECTOR OF THE IDAHO TRANSPORTATION DEPARTMENT, WHO SHALL SERVE
6 AT THE PLEASURE OF THE GOVERNOR AND TO MAKE TECHNICAL CORRECTIONS;
7 AMENDING SECTION 40-505, IDAHO CODE, TO REMOVE REFERENCE TO THE BOARD
8 OF TRANSPORTATION'S CONTROL, SUPERVISION AND DIRECTION AS IT REGARDS
9 THE DIRECTOR; AMENDING SECTION 67-4222, IDAHO CODE, TO PROVIDE THAT
10 THE GOVERNOR SHALL APPOINT THE DIRECTOR OF THE DEPARTMENT OF PARKS AND
11 RECREATION, WHO SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND TO MAKE
12 TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.
13

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

15 SECTION 1. That Section 20-217A, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 20-217A. APPOINTMENT OF DIRECTOR -- SALARY -- POWERS AND DUTIES. The
18 ~~board~~ governor shall appoint a director of correction, referred to in this
19 chapter as the director, ~~of the Idaho state penitentiary, who shall serve at~~
20 the pleasure of the governor and whose salary shall be determined and set by
21 the board. The director shall be the chief administrative officer for the
22 board and business manager of the penitentiary and the properties used in
23 connection therewith. The director shall assume all the authority, powers,
24 functions and duties as may be delegated to him by the board.

25 SECTION 2. That Section 40-503, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 40-503. OFFICES -- APPOINTMENT -- QUALIFICATIONS -- COMPENSATION. (1)
28 An office of the director of the Idaho transportation department is estab-
29 lished, and the ~~board~~ governor shall appoint a director having knowledge
30 and experience in transportation matters. The director shall serve at the
31 pleasure of the ~~board~~ governor. The director shall not hold any other pub-
32 lic office, nor any office in any political committee or organization, and
33 shall devote full time to the performance of his official duties. The di-
34 rector shall receive compensation as the board may determine and shall be
35 reimbursed for all actual and necessary travel and expenses incurred by him
36 in the discharge of his official duties, not to exceed a sum approved by the
37 board. Subject to the approval of the board, the director shall appoint a
38 chief engineer of the department who shall serve at the pleasure of the di-
39 rector and the board, and who shall be exempt from the provisions of chapter
40 53, title 67, Idaho Code.

1 (2) An office of the chief engineer of the department is established,
 2 and the chief engineer shall be a registered professional engineer, hold-
 3 ing a current certificate of registration in accordance with the laws of this
 4 state, or ~~who~~, having those qualifications, shall within nine (9) months af-
 5 ter his appointment, qualify as a registered professional engineer in accor-
 6 dance with the laws of Idaho. The chief engineer shall also have had five
 7 (5) years of actual experience in highway engineering, at least three (3) of
 8 which shall have been in an administrative capacity involving the direction
 9 of a substantial technical engineering staff. The chief engineer shall not
 10 hold any other public office, nor any office in any political committee or
 11 organization, and shall devote full time to the performance of his official
 12 duties under the control and direction of the director. The chief engineer
 13 shall receive compensation and reimbursement for travel and expenses as may
 14 be established by the director.

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

17 40-505. DIRECTOR -- DUTIES AND POWERS. The director shall be the tech-
 18 nical and administrative officer of the board and ~~under the board's control,~~
 19 ~~supervision and direction,~~ shall have general supervision and control of all
 20 activities, functions and employees of the department. He shall enforce all
 21 provisions of the laws of the state relating to the department, the rules and
 22 regulations of the board, and shall exercise all necessary incidental pow-
 23 ers.

24 SECTION 4. That Section 67-4222, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 67-4222. POWERS AND DUTIES OF BOARD -- APPOINTMENT OF DIRECTOR -- EM-
 27 PLOYEES -- MERIT SYSTEM -- SALARIES. (a¹) The park and recreation board shall
 28 administer, conduct and supervise the department of parks and recreation and
 29 shall have the powers and privileges of a corporation, including the right to
 30 sue and be sued in its own name.

31 (b²) ~~The board~~ governor shall appoint a director to serve at ~~its discre-~~
 32 ~~tion~~ the pleasure of the governor. When appointed, the director shall be an
 33 ex officio member of the board and its secretary and administrative officer.
 34 He shall be bonded as required by the board and shall perform such duties as
 35 are in this act presented and as are delegated by the board. The director
 36 shall be selected upon the basis of executive ability, experience and train-
 37 ing in park and recreational matters.

38 (e³) The board shall authorize the employment of whatever staff it
 39 deems necessary for sound and economical administration of the department.
 40 The board shall adopt a merit system for all employees of the department. The
 41 director shall hire said persons who shall hold their respective positions
 42 subject to the rules of the merit system of the department. If a merit system
 43 is adopted for state employees, then the employees of the department shall
 44 be subject to the rules of such state merit system. The salaries and compen-
 45 sation of all persons employed by the department shall be fixed by the board
 46 and as otherwise provided by law.

1 SECTION 5. This act shall be in full force and effect on and after Jan-
2 uary 1, 2019.