

COMMITTEE ON GOVERNMENT
SENATE AMENDMENTS TO H.B. 2872
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 38-211, Arizona Revised Statutes, is amended to
3 read:

4 38-211. Nominations by governor; consent of senate;
5 appointment

6 A. When it is provided by law that a state officer shall be
7 appointed pursuant to this section, the governor shall nominate and with
8 the consent of the senate appoint such officer as prescribed in this
9 section.

10 B. If the term of any state office that is appointive pursuant to
11 this section expires, begins or becomes vacant during a regular legislative
12 session, the governor shall during such session nominate a person who meets
13 the requirements of law for such office and shall promptly transmit the
14 nomination to the president of the senate. If the incumbent is capable of
15 continuing to serve until ~~his~~ **THE INCUMBENT'S** successor has qualified, a
16 nominee to that position shall not assume and discharge the duties of the
17 office, pending senate confirmation. If the incumbent is unable to
18 continue to discharge the duties of office, the nominee shall assume and
19 discharge the duties of the office pending senate confirmation. If the
20 senate consents to the nomination, the governor shall then appoint the
21 nominee to serve for the term or, in the case of a vacancy, for the
22 unexpired term in which the vacancy occurred. If the senate rejects the
23 nomination, the nominee shall not be appointed and the governor shall
24 promptly nominate another person who meets the requirements for such
25 office. If the senate takes no formal action on the nomination during such
26 legislative session, or if a nomination other than one that is required to
27 be sent to the senate during the first week of the legislative session is
28 not received during the session, the governor, ~~shall~~ after the close of
29 such legislative session, **SHALL** appoint the nominee to serve, and the
30 nominee shall discharge the duties of office, subject to confirmation
31 during the next legislative session.

32 C. If the term of any state office that is appointive pursuant to
33 this section expires, begins or becomes vacant during a time in which the
34 legislature is not in regular session, the governor shall nominate a person
35 who meets the requirements of law for such office and shall transmit the
36 nomination to the president of the senate during the first week of the next
37 regular session. The nominee shall assume and discharge the duties of the
38 office until rejection of the nomination or inaction of the senate.

39 D. **SUBJECT TO SUBSECTION I OF THIS SECTION**, every officer who is
40 subject to confirmation as provided in this section and whose term is not
41 fixed by law shall hold office at the pleasure of the appointing power.

1 E. ~~In no event shall~~ A nominee MAY NOT serve longer than one year
2 after nomination without senate consent.

3 F. Nominations made by the governor shall be in writing, designating
4 the residence of the nominee and the office for which nominated.

5 G. When the senate consents to a nomination, its secretary shall
6 deliver a copy of the resolution of consent, certified by the president of
7 the senate, to the secretary of state, who shall notify the governor. When
8 the senate rejects a nomination, its secretary shall inform the governor
9 promptly.

10 H. Before nomination or appointment by the governor pursuant to this
11 section, the prospective nominee shall submit a full set of fingerprints to
12 the governor for the purpose of obtaining a state and federal criminal
13 records check pursuant to section 41-1750 and Public Law 92-544. The
14 department of public safety may exchange this fingerprint data with the
15 federal bureau of investigation.

16 I. BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
17 SECTION, ANY EXECUTIVE DIRECTOR OR DIRECTOR WHO SERVES AT THE PLEASURE OF
18 THE GOVERNOR, WHO IS SUBJECT TO CONFIRMATION PURSUANT TO THIS SECTION AND
19 WHO IS RETAINED FROM ANY PREVIOUS GOVERNOR'S ADMINISTRATION MUST BE
20 RENOMINATED BY THE CURRENT GOVERNOR WITH THE CONSENT OF THE SENATE.

21 Sec. 2. Section 41-1503, Arizona Revised Statutes, is amended to
22 read:

23 41-1503. Chief executive officer

24 ~~A. The board of directors shall employ a chief executive officer and~~
25 ~~prescribe the terms and conditions of the chief executive officer's~~
26 ~~employment. The chief executive officer serves at the pleasure of the~~
27 ~~board under the terms of a performance based contract. A. THE CHIEF~~
28 EXECUTIVE OFFICER SHALL BE APPOINTED BY THE GOVERNOR PURSUANT TO SECTION
29 38-211 AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

30 B. The chief executive officer is responsible for managing,
31 administering and supervising the activities of the authority.

32 C. The chief executive officer shall negotiate, make, execute,
33 acknowledge and perform contracts and other agreements in the interest of
34 the authority or to carry out or accomplish the purposes of this chapter."

35 Amend title to conform

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C: AH