

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 496

BY STATE AFFAIRS COMMITTEE

AN ACT

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

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

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

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

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

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

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

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

40-505. DIRECTOR -- DUTIES AND POWERS. The director shall be the technical and administrative officer of the board and ~~under the board's control, supervision and direction,~~ shall have general supervision and control of all activities, functions and employees of the department. He shall enforce all provisions of the laws of the state relating to the department, the rules and regulations of the board, and shall exercise all necessary incidental powers.

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

67-4222. POWERS AND DUTIES OF BOARD -- APPOINTMENT OF DIRECTOR -- EMPLOYEES -- MERIT SYSTEM -- SALARIES. (a~~1~~) The park and recreation board shall administer, conduct and supervise the department of parks and recreation and shall have the powers and privileges of a corporation, including the right to sue and be sued in its own name.

(b~~2~~) The ~~board~~ governor shall appoint a director to serve at ~~its discretion~~ the pleasure of the governor. When appointed, the director shall be an ex officio member of the board and its secretary and administrative officer. He shall be bonded as required by the board and shall perform such duties as are in this act presented and as are delegated by the board. The director shall be selected upon the basis of executive ability, experience and training in park and recreational matters.

(e~~3~~) The board shall authorize the employment of whatever staff it deems necessary for sound and economical administration of the department. The board shall adopt a merit system for all employees of the department. The director shall hire said persons who shall hold their respective positions subject to the rules of the merit system of the department. If a merit system is adopted for state employees, then the employees of the department shall be subject to the rules of such state merit system. The salaries and compensation of all persons employed by the department shall be fixed by the board 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.