

IN THE SENATE

SENATE BILL NO. 1370

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE LEGISLATURE; AMENDING SECTION 59-917, IDAHO CODE, TO PROVIDE  
2 THAT CERTAIN PROVISIONS DO NOT APPLY TO MEMBERS OF THE IDAHO STATE LEG-  
3 ISLATURE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING CHAPTER 4, TI-  
4 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-412, IDAHO CODE,  
5 TO PROVIDE REQUIREMENTS RELATING TO DESIGNATING A QUALIFIED SUBSTITUTE  
6 WHEN A LEGISLATOR IS TEMPORARILY UNABLE TO PERFORM THE DUTIES OF OFFICE.  
7

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

9 SECTION 1. That Section 59-917, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 59-917. TEMPORARY INABILITY OF OFFICERS. Whenever for any reason any  
12 elective official of the state, except members of the Idaho state legisla-  
13 ture, is temporarily unable to perform the duties of his office, the governor  
14 may appoint a suitable person to perform such duties temporarily as an act-  
15 ing officer, until the incumbent of the office shall be able to resume the  
16 performance of his duties, or a vacancy occurs in such office. The gover-  
17 nor shall require such bonds for persons so appointed as may appear to him  
18 necessary for the protection of the state, not exceeding the bonds given by  
19 the officer in whose stead he acts. Such acting officer shall be nominated  
20 by the incumbent of the office: provided, that when the incumbent is unable  
21 or fails to so nominate, the governor may appoint without such nomination:  
22 provided further, that nothing in this section ~~contained~~ shall be construed  
23 to amend or repeal existing laws relating to filling vacancies in state of-  
24 fices. In any case involving an office, the appointment to which, at the time  
25 involved would, in case of vacancy, require the consent of the senate, the  
26 consent of the senate shall be requisite to the temporary service of the act-  
27 ing officer.

28 SECTION 2. That Chapter 4, Title 67, Idaho Code, be, and the same is  
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
30 ignated as Section 67-412, Idaho Code, and to read as follows:

31 67-412. DESIGNATING QUALIFIED SUBSTITUTE WHEN LEGISLATOR TEMPORARILY  
32 UNABLE TO PERFORM DUTIES. (1) In the event that a legislator is temporarily  
33 unable to perform the duties of his or her office, the legislator shall des-  
34 ignate a qualified person to succeed to the powers and duties, but not the  
35 office, of the legislator until the incumbent legislator is able to resume  
36 performance of his duties or a vacancy occurs in the office. No person may  
37 be designated or serve as a temporary substitute unless the person may, un-  
38 der the Idaho constitution and statutes, hold the office of the legislator to  
39 whose powers and duties the person is designated to succeed, which shall be  
40 verified by the legislator.

1           (2) In the event of an attack, as defined in section 67-415, Idaho Code,  
2 the provisions of the emergency interim legislative succession act shall ap-  
3 ply.