

IN THE SENATE

SENATE BILL NO. 1078

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO STATE GOVERNMENT; AMENDING SECTION 59-904, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING VACANCIES IN STATE OFFICES; AMENDING SEC-
3 TION 20-217A, IDAHO CODE, TO PROVIDE FOR APPOINTMENT BY THE GOVERNOR
4 OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF CORRECTION, TO PROVIDE FOR
5 FOUR-YEAR TERMS FOR THE DIRECTOR, AND TO MAKE TECHNICAL CORRECTIONS;
6 AMENDING SECTION 36-106, IDAHO CODE, TO PROVIDE FOR APPOINTMENT BY THE
7 GOVERNOR OF THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME AND TO PRO-
8 VIDE FOR FOUR-YEAR TERMS FOR THE DIRECTOR; AMENDING SECTION 40-503,
9 IDAHO CODE, TO PROVIDE FOR APPOINTMENT BY THE GOVERNOR OF THE DIRECTOR
10 OF THE IDAHO TRANSPORTATION DEPARTMENT AND TO PROVIDE FOR FOUR-YEAR
11 TERMS FOR THE DIRECTOR; AMENDING SECTION 58-105, IDAHO CODE, TO PRO-
12 VIDE FOR FOUR-YEAR TERMS FOR THE DIRECTOR OF THE DEPARTMENT OF LANDS;
13 AMENDING SECTION 67-4222, IDAHO CODE, TO PROVIDE FOR APPOINTMENT BY THE
14 GOVERNOR OF THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION AND
15 TO PROVIDE FOR FOUR-YEAR TERMS FOR THE DIRECTOR; AND DECLARING AN EMER-
16 GENCY AND PROVIDING AN EFFECTIVE DATE.
17

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

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

21 59-904. STATE OFFICES -- VACANCIES, HOW FILLED AND CONFIRMED. (a) All
22 vacancies in any state office, and in the supreme and district courts, unless
23 otherwise provided for by law, shall be filled by appointment by the gover-
24 nor. Appointments to fill vacancies pursuant to this section shall be made
25 as provided in subsections (b), (c), (d), (e), (f) and (g) of this section,
26 subject to the limitations prescribed in those subsections.

27 (b) Nominations and appointments to fill vacancies occurring in the of-
28 fice of lieutenant governor, state controller, state treasurer, superinten-
29 dent of public instruction, attorney general and secretary of state shall be
30 made by the governor, subject to the advice and consent of the senate, for
31 the balance of the term of office to which the predecessor of the person ap-
32 pointed was elected.

33 (c) Nominations and appointments to and vacancies in the following
34 listed offices shall be made or filled by the governor subject to the advice
35 and consent of the senate for the terms prescribed by law, or in case such
36 terms are not prescribed by law, then to serve at the pleasure of the gover-
37 nor:

38 Director of the department of administration,
39 Director of the department of finance,
40 Director of the department of insurance,
41 Director, department of agriculture,
42 Director of the department of water resources,

1 Director of the Idaho state police,
2 Director of the Idaho transportation department,
3 Director of the department of commerce,
4 Director of the department of fish and game,
5 Director of the department of labor,
6 Director of the department of environmental quality,
7 Director of the department of juvenile corrections,
8 Director of the department of parks and recreation,
9 Director of the Idaho department of correction,
10 Executive director of the commission of pardons and parole,
11 The state historic preservation officer,
12 The administrator of the division of human resources,
13 Member of the state tax commission,
14 Members of the board of regents of the university of Idaho and the state
15 board of education,
16 Members of the Idaho water resource board,
17 Members of the state fish and game commission,
18 Members of the Idaho transportation board,
19 Voting members of the state board of health and welfare,
20 Members of the board of environmental quality,
21 Members of the board of directors of state parks and recreation,
22 Members of the board of correction,
23 Members of the industrial commission,
24 Members of the Idaho public utilities commission,
25 Members of the Idaho personnel commission,
26 Members of the board of directors of the Idaho state retirement system,
27 Members of the board of directors of the state insurance fund,
28 Members of the commission of pardons and parole.

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

34 (e) Appointments made pursuant to this section while the senate is in
35 session shall be submitted along with the letter of appointment to the sen-
36 ate forthwith for the advice and consent of that body. Appointments made
37 pursuant to this section while the senate is not in session shall be submit-
38 ted along with the letter of appointment to the senate pursuant to section
39 67-803, Idaho Code. Should the senate adjourn without granting its consent
40 to an appointment the appointment shall thereupon become void and a vacancy
41 in the office to which the appointment was made shall exist, and the office
42 shall be deemed vacant upon the date of adjournment. It is the duty of the ap-
43 pointing authority to supply the senate with the letter of appointment. The
44 appointee shall supply the senate with the documentation it requests.

45 All appointments made pursuant to subsection (c) of this section, ex-
46 cept those appointments for which a term of office is fixed by law, shall ter-
47minate at the expiration of any gubernatorial term. Appointments to fill the
48 vacancies thus created by the expiration of the term of office of the gover-
49nor shall be forthwith submitted to the senate for the advice and consent of

1 that body, and when so submitted shall be as expeditiously considered as possible.
2

3 Upon receipt of an appointment along with the letter of appointment in
4 the senate for the purpose of securing the advice and consent of the senate,
5 the appointment shall be referred by the presiding officer to the appropriate
6 committee of the senate for consideration and report prior to action
7 thereon by the full senate.

8 (f) Excepting the appointments made pursuant to subsection (c) of this
9 section, whenever an appointee's term has expired as prescribed by law,
10 the governor or the authorized appointing authority must fill the position
11 within twelve (12) months of the expiration of the term. However, an office
12 will be vacant if the governor or the authorized appointing authority:
13 (i) fails to timely appoint a qualified person at the earlier of the time
14 required by law or required in this subsection; or (ii) fails to provide
15 the senate with an appropriate letter or document of appointment by the
16 thirty-sixth legislative day of the subsequent legislative session. All
17 letters or documents of appointment must, as reasonably possible, accompany
18 the additional documentation required by the senate. At the request of the
19 secretary of the senate, the governor or the authorized appointing authority
20 must provide the additional documentation.

21 (g) It is the intent of the legislature that the provisions of this section
22 as amended by this chapter shall not apply to appointments which have
23 been made prior to the effective date of this chapter. It is the further intent
24 of the legislature that the provisions of this section shall apply to
25 the offices listed in this section and to any office created by law or executive
26 order which succeeds to the powers, duties, responsibilities and authorities
27 of any of the offices listed in subsections (c) and (d) of this section.
28

29 SECTION 2. That Section 20-217A, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 20-217A. APPOINTMENT OF DIRECTOR -- SALARY -- TERM -- POWERS AND DUTIES.
32 The board Pursuant to the provisions of section 59-904, Idaho Code, the
33 governor shall appoint a director of correction, referred to in this chapter
34 as the director, of the Idaho state penitentiary whose salary shall be determined
35 and set by the board. The director shall be appointed for a term of
36 four (4) years. A director appointed on or before July 1, 2025, shall be considered
37 for confirmation by the senate at the second regular session of the
38 sixty-eighth Idaho legislature. The director shall be the chief administrative
39 officer for the board and business manager of the penitentiary and the
40 properties used in connection therewith. The director shall assume all the
41 authority, powers, functions, and duties as may be delegated to ~~him~~ the director
42 by the board.

43 SECTION 3. That Section 36-106, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Director
46 Created. The ~~commission~~ governor shall appoint a director of the
47 department of fish and game, hereinafter referred to as the director, ~~who~~

1 pursuant to the provisions of section 59-904, Idaho Code. The director shall
2 be appointed to a four (4) year term. A director appointed on or before July
3 1, 2025, shall be considered for confirmation by the senate at the second
4 regular session of the sixty-eighth Idaho legislature. The director shall
5 be a person with knowledge of, and experience in, the requirements for the
6 protection, conservation, restoration, and management of the wildlife re-
7 sources of the state. The director shall not hold any other public office,
8 nor any office in any political party organization, and shall devote his en-
9 tire time to the service of the state in the discharge of his official duties,
10 under the direction of the commission.

11 (b) Secretary to Commission. The director or his designee shall serve
12 as secretary to the commission.

13 (c) Compensation and Expenses. The director shall receive such compen-
14 sation as the commission, with the concurrence and approval of the governor,
15 may determine and shall be reimbursed at the rate provided by law for state
16 employees for all actual and necessary traveling and other expenses incurred
17 by him in the discharge of his official duties.

18 (d) Oath and Bond. Before entering upon the duties of his office, the
19 director shall take and subscribe to the official oath of office, as provided
20 by section 59-401, Idaho Code, and shall, in addition thereto, swear and af-
21 firm that he holds no other public office, nor any position under any polit-
22 ical committee or party. Such oath, or affirmation, shall be signed in the
23 office of the secretary of state.

24 The director shall be bonded to the state of Idaho in the time, form and
25 manner prescribed by chapter 8, title 59, Idaho Code.

26 (e) Duties and Powers of Director.

27 1. The director shall have general supervision and control of all
28 activities, functions, and employees of the department of fish and
29 game, under the supervision and direction of the commission, and shall
30 enforce all the provisions of the laws of the state, and rules and
31 proclamations of the commission relating to wild animals, birds, and
32 fish and, further, shall perform all the duties prescribed by section
33 67-2405, Idaho Code, and other laws of the state not inconsistent with
34 this act, and shall exercise all necessary powers incident thereto not
35 specifically conferred on the commission.

36 2. The director is hereby authorized to appoint as many classified em-
37 ployees as the commission may deem necessary to perform administrative
38 duties, to enforce the laws and to properly implement management, prop-
39 agation, and protection programs established for carrying out the pur-
40 poses of the Idaho fish and game code.

41 3. The appointment of such employees shall be made by the director in
42 accordance with chapter 53, title 67, Idaho Code, and rules promulgated
43 pursuant thereto, and they shall be compensated as provided therein.
44 Said employees shall be bonded to the state of Idaho in the time, form,
45 and manner prescribed by chapter 8, title 59, Idaho Code.

46 4. The director is hereby authorized to establish and maintain fish
47 hatcheries for the purpose of hatching, propagating, and distributing
48 all kinds of fish.

49 5. (A) The director, or any person appointed by him in writing to
50 do so, may take wildlife of any kind, dead or alive, or import the

1 same, subject to such conditions, restrictions and rules as he may
2 provide, for the purpose of inspection, cultivation, propagation,
3 distribution, scientific or other purposes deemed by him to be of
4 interest to the fish and game resources of the state.

5 (B) The director shall have supervision over all of the matters
6 pertaining to the inspection, cultivation, propagation and dis-
7 tribution of the wildlife propagated under the provisions of ti-
8 tle 36, Idaho Code. He shall also have the power and authority to
9 obtain, by purchase or otherwise, wildlife of any kind or variety
10 which he may deem most suitable for distribution in the state and
11 may have the same properly cared for and distributed throughout
12 the state of Idaho as he may deem necessary.

13 (C) The director is hereby authorized to issue a license/tag/per-
14 mit to a nonresident landowner who resides in a contiguous state
15 for the purpose of taking one (1) animal during an emergency depre-
16 dation hunt which includes the landowner's Idaho property subject
17 to such conditions, restrictions or rules as the director may pro-
18 vide. The fee for this license/tag/permit shall be equal to the
19 costs of a resident hunting license, a resident tag fee and a resi-
20 dent depredation permit.

21 (D) Unless relocation is required pursuant to subparagraph (E)
22 herein, notwithstanding the provisions of section 36-408, Idaho
23 Code, to the contrary, the director shall not expend any funds, or
24 take any action, or authorize any employee or agent of the depart-
25 ment or other person to take any action, to undertake actual trans-
26 plants of bighorn sheep into areas they do not now inhabit for the
27 purpose of augmenting existing populations until:

28 (i) The boards of county commissioners of the counties in
29 which the release is proposed to take place have been given
30 reasonable notice of the proposed release.

31 (ii) The affected federal and state land grazing permittees
32 and owners or leaseholders of private land in or contiguous
33 to the proposed release site have been given reasonable no-
34 tice of the proposed release.

35 (iii) The president pro tempore of the senate and the speaker
36 of the house of representatives have received from the di-
37 rector a plan for the forthcoming year that details, to the
38 best of the department's ability, the proposed transplants
39 which shall include the estimated numbers of bighorn sheep
40 to be transplanted and a description of the areas the pro-
41 posed transplant or transplants are planned for.

42 Upon request, the department shall grant one (1) hearing per
43 transplant or relocation if any affected individual or entity
44 expresses written concern within ten (10) days of notification re-
45 garding any transplants or relocations of bighorn sheep and shall
46 take into consideration these concerns in approving, modifying or
47 canceling any proposed bighorn sheep transplant or relocation.
48 Any such hearing shall be held within thirty (30) days of the re-
49 quest. It is the policy of the state of Idaho that existing sheep
50 or livestock operations in the area of any bighorn sheep trans-

1 plant or relocation are recognized and that the potential risk,
2 if any, of disease transmission and loss of bighorn sheep when the
3 same invade domestic livestock or sheep operations is accepted.
4 Prior to any transplant or relocation of bighorn sheep into ar-
5 eas they do not now inhabit or a transplant or relocation for the
6 purpose of augmenting existing populations, the department shall
7 provide for any affected federal or state land grazing permittees
8 or owners or leaseholders of private land a written agreement
9 signed by all federal, state and private entities responsible for
10 the transplant or relocation stating that the existing sheep or
11 livestock operations in the area of any such bighorn sheep trans-
12 plant or relocation are recognized and that the potential risk,
13 if any, of disease transmission and loss of bighorn sheep when the
14 same invade domestic livestock or sheep operations is accepted.

15 (E) The Idaho department of fish and game: (1) shall develop a
16 state management plan to maintain a viable, self-sustaining pop-
17 ulation of bighorn sheep in Idaho which shall consider as part
18 of the plan the current federal or state domestic sheep grazing
19 allotment(s) that currently have any bighorn sheep upon or in
20 proximity to the allotment(s); (2) within ninety (90) days of the
21 effective date of this act will cooperatively develop best manage-
22 ment practices with the permittee(s) on the allotment(s). Upon
23 commencement of the implementation of best management practices,
24 the director shall certify that the risk of disease transmission,
25 if any, between bighorn and domestic sheep is acceptable for the
26 viability of the bighorn sheep. The director's certification
27 shall continue for as long as the best management practices are
28 implemented. The director may also certify that the risk of dis-
29 ease transmission, if any, between bighorn and domestic sheep
30 is acceptable for the viability of the bighorn sheep based upon
31 a finding that other factors exist, including but not limited
32 to previous exposure to pathogens that make separation between
33 bighorn and domestic sheep unnecessary.

34 6.(A) The director shall have the power, at any time when it is
35 desired to introduce any new species, or if at any time any species
36 of wildlife of the state of Idaho shall be threatened with exces-
37 sive shooting, trapping, or angling or otherwise, to close any
38 open season or to reduce the bag limit or possession limit for such
39 species for such time as he may designate; in the event an emer-
40 gency is declared to exist, such closure shall become effective
41 forthwith upon written order of the director; in all other cases,
42 upon publication and posting as provided in section 36-105, Idaho
43 Code.

44 (B) (i) In order to protect property from damage by wildlife,
45 including bear and turkey, the fish and game commission
46 may delegate to the director or his designee the authority
47 to declare an open season upon that particular species of
48 wildlife to reduce its population. The director or his de-
49 signee shall make an order embodying his findings in respect
50 to when, under what circumstances, in which localities, by

1 what means, and in what amounts, numbers and sex the wildlife
2 subject to the hunt may be taken. In the event an emergency
3 is declared to exist, such open season shall become effec-
4 tive forthwith upon written order of the director or his
5 designee; in all other cases, upon publication and posting
6 as provided in section 36-105, Idaho Code.

7 (ii) In the event a kill permit is issued by the director
8 or his designee, the individual or landowner with the kill
9 permit, in conjunction with their responsibility for field
10 dressing the animals taken, may keep one (1) animal for their
11 personal use. In the event the director or his designee
12 issues a subsequent kill permit for the same individual or
13 landowner due to continued depredation, the director or his
14 designee may authorize the individual or landowner to keep a
15 second subsequently taken animal for their personal use.

16 (C) Any season closure order issued under authority hereof shall
17 be published in at least one (1) newspaper of general circulation
18 in the area affected by the order for at least once a week for two
19 (2) consecutive weeks, and such order shall be posted in public
20 places in each county as the director may direct.

21 (D) During the closure of any open season or the opening of any
22 special depredation season by the director, all provisions of laws
23 relating to the closed season or the special depredation season
24 on such wildlife shall be in force and whoever violates any of the
25 provisions shall be subject to the penalties prescribed therefor.

26 (E) Prior to the opening of any special depredation hunt, the di-
27 rector or his designee shall be authorized to provide up to a max-
28 imum of fifty percent (50%) of the available permits for such big
29 game to the landholder(s) of privately owned land within the hunt
30 area or his designees. If the landholder(s) chooses to designate
31 hunters, he must provide a written list of the names of designated
32 individuals to the department. If the landholder(s) fails to des-
33 ignate licensed hunters, then the department will issue the total
34 available permits in the manner set by rule. All hunters must have
35 a current hunting license and shall have equal access to both pub-
36 lic and private lands within the hunt boundaries. It shall be un-
37 lawful for any landholder(s) to receive any form of compensation
38 from a person who obtains or uses a depredation controlled hunt
39 permit.

40 7. The director shall make an annual report to the governor, the legis-
41 lature, and the secretary of state of the doings and conditions of his
42 office.

43 8. The director may sell or cause to be sold publications and materials
44 in accordance with section 59-1012, Idaho Code.

45 9. Any deer, elk, antelope, moose, bighorn sheep or bison imported or
46 transported by the department of fish and game shall be tested for the
47 presence of certain communicable diseases that can be transmitted to
48 domestic livestock. Those communicable diseases to be tested for shall
49 be arrived at by mutual agreement between the department of fish and
50 game and the department of agriculture. Any moneys expended by the de-

1 department of fish and game on wildlife disease research shall be mutually
2 agreed upon by the department of fish and game and the department of
3 agriculture.

4 In addition, a comprehensive animal health program for all deer, elk,
5 antelope, moose, bighorn sheep, or bison imported into, transported, or
6 resident within the state of Idaho shall be implemented after said pro-
7 gram is mutually agreed upon by the department of fish and game and the
8 department of agriculture.

9 10. In order to monitor and evaluate the disease status of wildlife and
10 to protect Idaho's livestock resources, any suspicion by fish and game
11 personnel of a potential communicable disease process in wildlife shall
12 be reported within twenty-four (24) hours to the department of agricul-
13 ture. All samples collected for disease monitoring or disease evalu-
14 ation of wildlife shall be submitted to the division of animal indus-
15 tries, department of agriculture.

16 11. (A) The director is authorized to enter into an agreement with
17 an independent contractor for the purpose of providing a telephone
18 order and credit card payment service for controlled hunt permits,
19 licenses, tags, and permits.

20 (B) The contractor may collect a fee for its service in an amount
21 to be set by contract.

22 (C) All moneys collected for the telephone orders of such li-
23 censes, tags, and permits shall be and remain the property of the
24 state, and such moneys shall be directly deposited by the con-
25 tractor into the state treasurer's account in accordance with the
26 provisions of section 59-1014, Idaho Code. The contractor shall
27 furnish a good and sufficient surety bond to the state of Idaho in
28 an amount sufficient to cover the amount of the telephone orders
29 and potential refunds.

30 (D) The refund of moneys for unsuccessful controlled hunt permit
31 applications and licenses, tags, and permits approved by the de-
32 partment may be made by the contractor crediting the applicant's
33 or licensee's credit card account.

34 12. The director may define activities or facilities that primarily
35 provide a benefit: to the department; to a person; for personal use; to
36 a commercial enterprise; or for a commercial purpose.

37 13. The director shall consult with other agencies to identify eligible
38 land suitable for the location or relocation of shooting ranges.

39 SECTION 4. That Section 40-503, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 40-503. OFFICES -- APPOINTMENT -- TERM -- QUALIFICATIONS -- COMPENSA-
42 TION. (1) An office of the director of the Idaho transportation department is
43 established, and, pursuant to the provisions of section 59-904, Idaho Code,
44 the ~~board~~ governor shall appoint a director having knowledge and experience
45 in transportation matters. ~~The director shall serve at the pleasure of the~~
46 ~~board.~~ A director appointed on or before July 1, 2025, shall be considered
47 for confirmation by the senate at the second regular session of the sixty-
48 eighth Idaho legislature. The director shall be appointed for a term of four
49 (4) years. The director shall not hold any other public office, nor any of-

1 fice in any political committee or organization, and shall devote full time
 2 to the performance of his official duties. The director shall receive com-
 3 pensation as the board may determine and shall be reimbursed for all actual
 4 and necessary travel and expenses incurred by him in the discharge of his of-
 5 ficial duties, not to exceed a sum approved by the board. Subject to the ap-
 6 proval of the board, the director shall appoint a chief engineer of the de-
 7 partment who shall serve at the pleasure of the director and the board, and
 8 who shall be exempt from the provisions of chapter 53, title 67, Idaho Code.

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

23 SECTION 5. That Section 58-105, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 58-105. DIRECTOR. The department of lands shall have an officer at its
 26 head who shall be known as the director, ~~who shall,~~ and who shall be appointed
 27 to a term of four (4) years. A director appointed on or before July 1, 2025,
 28 shall be considered for confirmation by the senate at the second regular ses-
 29 sion of the sixty-eighth Idaho legislature. The director shall be subject
 30 to the general regulation and control of the state board of land commission-
 31 ers, exercise the powers and discharge the duties vested by law in him or in
 32 his department. The director may administer and certify oaths. With the
 33 approval of the state board of land commissioners, the director shall pro-
 34 vide for the organization of the department, its subordinate divisions and
 35 the administrators thereof, the hiring of assistants, clerks or other pro-
 36 fessional personnel pursuant to chapter 53, title 67, Idaho Code, and shall
 37 apportion the duties between such divisions or personnel as he may deem nec-
 38 essary to the conduct of the business of the department. The director shall
 39 promulgate such rules and regulations, subject to the approval of the board
 40 of land commissioners, as will assure the effective administration of the
 41 department and implementation of the directives of the state board of land
 42 commissioners.

43 SECTION 6. That Section 67-4222, Idaho Code, be, and the same is hereby
 44 amended to read as follows:

45 67-4222. POWERS AND DUTIES OF BOARD -- APPOINTMENT OF DIRECTOR -- TERM
 46 -- EMPLOYEES -- MERIT SYSTEM -- SALARIES. (a) The park and recreation board
 47 shall administer, conduct and supervise the department of parks and recre-

1 ation and shall have the powers and privileges of a corporation, including
2 the right to sue and be sued in its own name.

3 (b) ~~The board~~ Pursuant to the provisions of section 59-904, Idaho Code,
4 the governor shall appoint a director to serve at its discretion. for a term
5 of four (4) years. A director appointed on or before July 1, 2025, shall be
6 considered for confirmation by the senate at the second regular session of
7 the sixty-eighth Idaho legislature. When appointed, the director shall be
8 an ex officio member of the board and its secretary and administrative offi-
9 cer. He shall be bonded as required by the board and shall perform such du-
10 ties as are in this act presented and as are delegated by the board. The di-
11 rector shall be selected upon the basis of executive ability, experience and
12 training in park and recreational matters.

13 (c) The board shall authorize the employment of whatever staff it deems
14 necessary for sound and economical administration of the department. The
15 board shall adopt a merit system for all employees of the department. The
16 director shall hire said persons who shall hold their respective positions
17 subject to the rules of the merit system of the department. If a merit system
18 is adopted for state employees, then the employees of the department shall be
19 subject to the rules of such state merit system. The salaries and compensa-
20 tion of all persons employed by the department shall be fixed by the board and
21 as otherwise provided by law.

22 SECTION 7. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2025.