

IN THE SENATE

SENATE BILL NO. 1457

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO DUTIES OF THE GOVERNOR; AMENDING SECTION 67-802, IDAHO CODE, TO
2 PROVIDE THAT THE GOVERNOR SHALL MAKE APPOINTMENTS AND FILL VACANCIES
3 WITHIN A CERTAIN TIME AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
4 TION 67-303, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AND DECLARING AN
5 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

8 SECTION 1. That Section 67-802, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-802. OFFICE OF GOVERNOR -- DUTIES OF GOVERNOR. (1) The office of the
11 governor shall be composed of: the state liquor division, as provided by
12 chapter 2, title 23, Idaho Code; the military division, as provided by ti-
13 tle 46, Idaho Code; the division of financial management; and such other di-
14 visions and units as are established or assigned by law, or created through
15 administrative action of the governor.

16 (2) The governor shall appoint an administrator for each division, with
17 the advice and consent of the senate. Administrators shall serve at the
18 pleasure of the governor, and shall be exempt from the provisions of chapter
19 53, title 67, Idaho Code. Other subordinate staff necessary to accomplish a
20 division's mission shall be subject to the provisions of chapter 53, title
21 67, Idaho Code.

22 (3) When making an appointment or filling a vacancy, as provided by
23 law, the governor shall make the appointment or fill the vacancy within
24 ninety (90) days of when the term of such appointment ends or the position be-
25 comes vacant for any reason or by the start of the next legislative session,
26 whichever is sooner. If the appointment is not made within such time frame,
27 the position shall remain vacant until filled.

28 (4) The supreme executive power of the state is vested by section 5,
29 article IV, of the constitution of the state of Idaho, in the governor, who
30 is expressly charged with the duty of seeing that the laws are faithfully
31 executed. In order that he may exercise a portion of the authority so vested,
32 the governor is authorized and empowered to implement and exercise those
33 powers and perform those duties by issuing executive orders from time to time
34 which shall have the force and effect of law when issued in accordance with
35 this section and within the limits imposed by the constitution and laws of
36 this state. Such executive orders, when issued, shall be serially numbered
37 for each calendar year and may be referred to and cited by such numerical
38 designation and title. Each executive order issued hereunder shall be ef-
39 fective only after signature by the governor, attestation by and filing with
40 the secretary of state, who shall keep a permanent register and file of such
41 orders in the same manner as applies to acts of the legislature. In addition,
42 each executive order required by chapter 52, title 67, Idaho Code, to be pub-

1 lished in the administrative bulletin shall be filed with the administrative
 2 rules coordinator and published in the bulletin. Each such executive order
 3 issued by the governor must prescribe a date after which it shall cease to
 4 be effective, which shall be within four (4) calendar years of the effective
 5 date of such order, and if no date after which such order shall cease to be
 6 effective is contained in the order, then such order shall cease to be ef-
 7 fective four (4) calendar years from the issuance thereof, unless renewed by
 8 subsequent executive order. The governor may modify or repeal any executive
 9 order by issuance of a new executive order. The procedures expressly set
 10 forth in this section shall be sufficient to make an executive order effec-
 11 tive.

12 (5) In addition to those powers prescribed ~~above~~ in this section, and
 13 those prescribed by the constitution, the governor has the powers, and may
 14 perform the duties prescribed in this section and ~~the following sections~~ as
 15 follows:

16 ~~1.~~ (a) To supervise the official conduct of all executive and ministe-
 17 rial officers.

18 ~~2.~~ (b) To see that all offices are filled, and the duties thereof per-
 19 formed, or, in default thereof, apply such remedy as the law allows; and
 20 if the remedy is imperfect, acquaint the legislature therewith at its
 21 next session.

22 ~~3.~~ (c) To make the appointments and supply the vacancies provided by
 23 law.

24 ~~4.~~ (d) He is the sole official organ of communication between the gov-
 25 ernment of this state and the government of any other state or terri-
 26 tory, or of the United States.

27 ~~5.~~ (e) Whenever any suit or legal proceeding is pending in this state,
 28 or which may affect the title of this state to any property, or which may
 29 result in any claim against the state, he may direct the attorney gen-
 30 eral to appear on behalf of the state.

31 ~~6.~~ (f) He may require the attorney general or prosecuting attorney of
 32 any county to inquire into the affairs or management of any corporation
 33 existing under the laws of this state.

34 ~~7.~~ (g) He may require the attorney general to aid any prosecuting at-
 35 torney in the discharge of his duties.

36 ~~8.~~ (h) He may offer rewards not exceeding one thousand dollars (\$1,000)
 37 each, payable out of the state treasury, for the apprehension of any
 38 convict who has escaped from the state prison, or of any person who has
 39 committed, or is charged with the commission of, an offense punishable
 40 with death; and also offer like rewards, not exceeding five hundred
 41 dollars (\$500) each, in cases of felony, where the offense is not pun-
 42 ishable with death.

43 ~~9.~~ (i) To perform such duties respecting fugitives from justice as are
 44 prescribed by the penal code.

45 ~~10.~~ (j) To issue and transmit election proclamations as prescribed by
 46 law.

47 ~~11.~~ (k) He may require any officer to make special reports to him in
 48 writing on demand.

49 ~~12.~~ (l) He has such other powers and may perform such other duties as
 50 are devolved upon him by any law of this state.

1 SECTION 2. That Section 67-303, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-303. HOLDING OFFICE AFTER EXPIRATION OF TERM. Every Subject to the
4 provisions of section 67-802(3), Idaho Code, every officer elected or ap-
5 pointed for a fixed term shall hold office until his successor is elected
6 or appointed and qualified, unless the statute under which he is elected or
7 appointed expressly declares the contrary. This section shall not be con-
8 strued in any way to prevent the removal or suspension of such officer, dur-
9 ing or after his term, in cases provided by law.

10 SECTION 3. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after
12 July 1, 2024.