

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2630**

Livingston Floor Amendment

Prescribes that a governor's nominee for state agency director but who fails Senate confirmation, is not eligible for any position within that same agency, including as an independent contractor.

Amendment explanation prepared by Diana Clay

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2/18/2025

LIVINGSTON FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2630
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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

1 close of such legislative session, appoint the nominee to serve, and the
2 nominee shall discharge the duties of office, subject to confirmation
3 during the next legislative session.

4 C. If the term of any state office that is appointive pursuant to
5 this section expires, begins or becomes vacant during a time in which the
6 legislature is not in regular session, the governor shall nominate a
7 person who meets the requirements of law for such office and shall
8 transmit the nomination to the president of the senate during the first
9 week of the next regular session. The nominee shall assume and discharge
10 the duties of the office until rejection of the nomination or inaction of
11 the senate.

12 D. Every officer who is subject to confirmation as provided in this
13 section and whose term is not fixed by law shall hold office at the
14 pleasure of the appointing power.

15 E. ~~In no event shall~~ A nominee SHALL NOT serve longer than one year
16 after nomination without senate consent.

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

20 G. When the senate consents to a nomination, its secretary shall
21 deliver a copy of the resolution of consent, certified by the president of
22 the senate, to the secretary of state, who shall notify the governor.
23 When the senate rejects a nomination, its secretary shall inform the
24 governor promptly.

25 H. Before nomination or appointment by the governor pursuant to
26 this section, the prospective nominee shall submit a full set of
27 fingerprints to the governor for the purpose of obtaining a state and
28 federal criminal records check pursuant to section 41-1750 and Public Law
29 92-544. The department of public safety may exchange this fingerprint
30 data with the federal bureau of investigation.

31 I. IF THE SENATE REJECTS THE NOMINATION OF A DIRECTOR MADE BY THE
32 GOVERNOR PURSUANT TO THIS SECTION, THE NOMINEE IS NOT ELIGIBLE FOR ANY
33 POSITION WITHIN THE SAME STATE AGENCY FOR WHICH THE NOMINEE WAS NOMINATED
34 [, INCLUDING AS AN INDEPENDENT CONTRACTOR].

35 Enroll and engross to conform

36 Amend title to conform

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