

HB 1552 -- VACANCIES IN PUBLIC OFFICE

SPONSOR: Houghton

This bill creates the Executive Branch Accountability Act of 2014. In its main provisions the bill:

(1) Specifies the appointment of department heads and division directors as well as administrative board and commission members to be subject to the advice and consent of the Senate;

(2) Specifies the Secretary of State to make gubernatorial appointments and commissions issued available in an electronic format on the website of his or her office;

(3) Creates a process for specified state department heads to specify a deputy director to act in cases of illness, or incapacity, or leave from office. The Governor may appoint an acting director from among division directors if no deputy is specified. The authority of an acting director will be for a 120 day period, which is tolled during periods where a permanent appointment is under consideration by the Senate, and an additional 30 day period if an appointee to replace the acting director does not receive consent in the Senate. After serving for 30 days, an acting director shall receive the salary of the director;

(4) Specifies the Division of Workers Compensation to nominate candidates for the position of administrative law judge and allow the Governor to make an appointment subject to the advice and consent of the Senate for that position; and

(5) Contains a referendum clause which states that the bill will become effective only upon adoption of a constitutional amendment regarding the Governor's appointment power. The constitutional amendment will:

(a) Require the Governor to issue writs of election to fill vacancies in the office of lieutenant Governor within 30 days so that the election will be held within three months. In cases of impeachment, there is no vacancy until the impeachment is resolved; and

(b) Allow the Governor to appoint replacements for vacancies in the offices of state treasurer, state auditor, attorney general, and secretary of state until the next general election occurs. In cases of impeachment, the Governor may appoint a qualified person to serve until the issue is decided and the official is either reinstated to office or impeached. The Governor must make a new appointment to serve until the next general election if impeachment

does occur.