

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2526

AN ACT

AMENDING SECTIONS 38-291, 38-295 AND 41-1051, ARIZONA REVISED STATUTES;
RELATING TO STATE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-291, Arizona Revised Statutes, is amended to
3 read:

4 38-291. Vacancy defined

5 An office shall be deemed vacant from and after the occurrence of any
6 of the following events before the expiration of a term of office:

7 1. Death of the person holding the office.

8 2. Insanity of the person holding the office, when judicially
9 determined.

10 3. Resignation of the person holding the office and the lawful
11 acceptance of the resignation.

12 4. Removal from office of the person holding the office, INCLUDING THE
13 REMOVAL OF A BOARD OR COMMISSION MEMBER BY THE APPOINTING POWER BEFORE THE
14 EXPIRATION OF THE PERSON'S TERM OF OFFICE.

15 5. If the office is elective, the person holding the office ceasing to
16 be a resident of the state, or, if the office is local, or from a legislative
17 or congressional district, the person holding the office ceasing to be a
18 resident of the district, county, city, town or precinct for which ~~he~~ THE
19 PERSON was elected, or within which the duties of ~~his~~ THE PERSON'S office are
20 required to be discharged.

21 6. Absence from the state by the person holding the office, without
22 permission of the legislature, beyond the period of three consecutive months.

23 7. The person holding the office ceasing to discharge the duties of
24 office for the period of three consecutive months.

25 8. Conviction of the person holding the office of a felony or an
26 offense involving a violation of ~~his~~ THE PERSON'S official duties.

27 9. Failure of the person elected or appointed to ~~such~~ THE office to
28 file ~~his~~ THE PERSON'S official oath within the time prescribed by law.

29 10. A decision of a competent tribunal declaring void the election or
30 appointment of the person elected or appointed to the office.

31 11. Failure of a person to be elected or appointed to the office.

32 12. A violation of section 38-296 by the person holding the office.

33 Sec. 2. Section 38-295, Arizona Revised Statutes, is amended to read:

34 38-295. Term of office; discharge of official duties after
35 expiration of term; appointment to fill unexpired
36 term

37 A. UNLESS OTHERWISE SPECIFIED BY LAW, every officer ~~whose term is not~~
38 ~~fixed by law shall hold~~ HOLDS office at the pleasure of the appointing power.

39 B. Every officer shall continue to discharge the duties of the office,
40 although the term has expired, until a successor has qualified. The
41 discharge of the duties of office for appointments requiring senate
42 confirmation shall be governed by section 38-211.

43 C. Vacancies occurring in an office, or in the membership of a board
44 or commission, shall be filled only for the unexpired term of the officer or
45 member.

1 Sec. 3. Section 41-1051, Arizona Revised Statutes, is amended to read:

2 41-1051. Governor's regulatory review council; membership;
3 terms; compensation; powers

4 A. ~~A~~ THE governor's regulatory review council is established ~~that~~
5 ~~consists~~ CONSISTING of six members who are appointed by the governor pursuant
6 to section 38-211 AND WHO ARE SUBJECT TO SECTIONS 38-291 AND 38-295, and the
7 director of the department of administration or the assistant director of the
8 department of administration who is responsible for administering the
9 council. The director or assistant director is an ex officio member and
10 chairperson of the council. The council shall elect a vice-chairperson to
11 serve as chairperson in the chairperson's absence. The governor shall
12 appoint at least one member who represents the public interest, at least one
13 member who represents the business community, AT LEAST ONE MEMBER WHO IS A
14 SMALL BUSINESS OWNER, one member from a list of three persons who are not
15 legislators submitted by the president of the senate and one member from a
16 list of three persons who are not legislators submitted by the speaker of the
17 house of representatives. At least one member of the council shall be an
18 attorney licensed to practice law in this state. The governor shall appoint
19 the members of the council for staggered terms of three years. A vacancy
20 occurring during the term of office of any member shall be filled by
21 appointment by the governor for the unexpired portion of the term in the same
22 manner as provided in this section.

23 B. The council shall meet at least once a month at a time and place
24 set by the chairperson and at other times and places as the chairperson deems
25 necessary.

26 C. Members of the council are eligible to receive compensation in an
27 amount of two hundred dollars for each day on which the council meets and
28 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

29 D. The chairperson, subject to chapter 4, article 4 and, as
30 applicable, articles 5 and 6 of this title, shall employ, determine the
31 conditions of employment of and specify the duties of administrative,
32 secretarial and clerical employees as the chairperson deems necessary.

33 E. The council may make rules pursuant to this chapter to carry out
34 the purposes of this chapter.

35 F. The council shall make a list of agency rules approved or returned
36 pursuant to sections 41-1027 and 41-1052 and section 41-1056, subsection C
37 for the previous twelve-month period available to the public on request and
38 on the council's website.