

House Engrossed

governor nominations; agency position; eligibility

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2630

AN ACT

AMENDING SECTION 38-211, ARIZONA REVISED STATUTES; RELATING TO NOMINATION
AND CONFIRMATION OF APPOINTIVE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1.. Section 38-211, 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
29 close of such legislative session, appoint the nominee to serve, and the
30 nominee shall discharge the duties of office, subject to confirmation
31 during the next legislative session.

32 C. If the term of any state office that is appointive pursuant to
33 this section expires, begins or becomes vacant during a time in which the
34 legislature is not in regular session, the governor shall nominate a
35 person who meets the requirements of law for such office and shall
36 transmit the nomination to the president of the senate during the first
37 week of the next regular session. The nominee shall assume and discharge
38 the duties of the office until rejection of the nomination or inaction of
39 the senate.

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

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

1 F. Nominations made by the governor shall be in writing,
2 designating the residence of the nominee and the office for which
3 nominated.

4 G. When the senate consents to a nomination, its secretary shall
5 deliver a copy of the resolution of consent, certified by the president of
6 the senate, to the secretary of state, who shall notify the governor.
7 When the senate rejects a nomination, its secretary shall inform the
8 governor promptly.

9 H. Before nomination or appointment by the governor pursuant to
10 this section, the prospective nominee shall submit a full set of
11 fingerprints to the governor for the purpose of obtaining a state and
12 federal criminal records check pursuant to section 41-1750 and Public Law
13 92-544. The department of public safety may exchange this fingerprint
14 data with the federal bureau of investigation.

15 I. IF THE SENATE REJECTS THE NOMINATION OF A DIRECTOR MADE BY THE
16 GOVERNOR PURSUANT TO THIS SECTION, THE NOMINEE IS NOT ELIGIBLE FOR ANY
17 POSITION WITHIN THE SAME STATE AGENCY FOR WHICH THE NOMINEE WAS NOMINATED,
18 INCLUDING AS AN INDEPENDENT CONTRACTOR.