

inconsistent language. Some of the former provisions referred to the appointments being made "with the advice of the Secretary", while others used the language "upon the recommendation of the Secretary". After thorough consultation with the Governor's office, the Department of Health and Mental Hygiene, and the Attorney General's office, the Commission found that, in practice, the Secretary's input is considered to be advisory in either case. Since the word "advice" more clearly indicates the advisory nature of this input, the Commission chose to use the phrase "with the advice of the Secretary" uniformly throughout this article. This approach also seems to reflect the legislative intent behind the former provisions. Cf. Ingard v. Barker, 27 Idaho 124, 147 P. 293 (1915) (statute requiring governor to consider "recommendations" of a specified association in making appointments to state board of horticultural inspectors held not to bind governor to appoint a "recommended" individual).

In the "Membership" sections of this article, there is a subsection captioned "Tenure; vacancies". A standard paragraph included in each of those subsections provides that a "member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies". That paragraph applies: (1) When a successor is appointed to replace a member who has died, resigned, or failed for any other reason to complete a term; (2) When a member is appointed to succeed a member who has "held over" to part of the next term, pending the delayed appointment and qualification of the successor; or (3) When, in any other situation, a member takes office after a term has begun, e.g., when, at the completion of a term, there is a delay in the appointment of a successor, but the member who served the prior term does not "hold over".

Licensing and certification:

It is a precept of the Commission to Revise the Annotated Code to revise the law in a clear, straightforward manner, and, once something is said, to say it the same way every time it is said. To that end, in revising this article, the Commission has conformed the language and organization of this article to that of the Health Occupations Article and other revised articles, to the extent that the former law allowed. This is particularly true as to provisions in this article that relate to licensing and certification.

Throughout this article, the terms "license" and "licensed" are used to denote an authorization, e.g., to operate a particular facility that a person who is not licensed may not operate. Also throughout this article, the terms "certification" and "certified" are used to indicate an official recognition of a person as a qualified