

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 550

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO FLOOD CONTROL DISTRICTS; AMENDING SECTION 42-3109, IDAHO CODE,
2 TO PROVIDE FOR THE REMOVAL OF A COMMISSIONER BY THE DIRECTOR OF THE DE-
3 PARTMENT OF WATER RESOURCES.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 42-3109, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 42-3109. BOARD MEMBERS -- APPOINTMENT -- BOND OF COMMISSIONERS -- OATH
9 -- REMOVAL. The order of the director organizing said district shall name the
10 members of the board without regard to political affiliation. Each division
11 of the district shall be represented by one (1) commissioner who shall be a
12 qualified voter within the division which he represents, and a resident and
13 qualified elector of the county in which he resides.

14 The members of the board of the district, appointed as aforesaid, shall
15 be entitled to enter upon the duties of their office upon qualification as
16 county officers are required to qualify, and upon each commissioner giving a
17 bond to the state for the benefit of said district for the faithful perfor-
18 mance of his duties as such commissioner in the sum of five thousand dollars
19 (\$5,000) with one (1) or more sureties, or a surety bond, the premium for
20 which shall be a lawful expenditure of the district, either of which shall
21 be approved by the judge of the district court wherein the commissioner
22 resides; provided, the judge of the district court, upon application and
23 proper showing by the board may enter an order reducing the amount of the
24 bond to such sum as may appear to him to be reasonable and adequate under the
25 showing made. The commissioners shall take the oath of office and file their
26 bonds within fifteen (15) days after they are appointed and they shall hold
27 office until their successors are duly appointed and qualified as in this act
28 provided. The bonds of the commissioners shall be filed with the clerk of the
29 district court of the county in which the office of the district is located
30 and kept in trust by said clerk of the district court.

31 Immediately after their appointment and the filing and approval of
32 their bonds the commissioners shall organize themselves into a board, as
33 in this act provided, and shall by lot determine the terms of their office,
34 which shall be one (1), two (2) and three (3) years, respectively. Annually
35 thereafter the director shall appoint the commissioner, or commissioners,
36 to succeed those whose terms of office are expiring. Such appointments shall
37 be for three (3) years, provided that each division of the district shall be
38 represented by one (1) commissioner who shall be a qualified voter within the
39 division which he represents, and a resident and qualified elector of the
40 county in which he resides.

41 The director may remove a commissioner for inefficiency, neglect of
42 duty, misconduct or malfeasance, inability to perform the duties of a com-

1 missioner or other good and sufficient cause, or if the commissioner is no
2 longer a resident of the division from which appointed. The director may
3 remove a commissioner for reasons as set forth in this paragraph upon his
4 own initiative, following investigation by the director, or upon complaint
5 being made to the director in writing by one (1) or more qualified voters in
6 the district, following investigation by the director, and the director may
7 appoint a successor for the unexpired term.