

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 550, As Amended

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

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

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

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

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

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

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

The director may remove a commissioner for neglect of duty, misconduct  
or malfeasance or inability to perform the duties of a commissioner, or

1 if the commissioner is no longer a resident of the division from which ap-  
2 pointed. The director may appoint a successor for the unexpired term.