

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 326

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1404A,
2 IDAHO CODE, TO PROVIDE FOR CERTAIN APPOINTED SINGLE-COUNTY HIGHWAY
3 DISTRICT COMMISSIONERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
4 SECTION 40-1404B, IDAHO CODE, TO PROVIDE FOR APPOINTED SINGLE-COUNTY
5 HIGHWAY DISTRICT COMMISSIONERS AND TO MAKE A TECHNICAL CORRECTION; AND
6 DECLARING AN EMERGENCY.
7

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

9 SECTION 1. That Section 40-1404A, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 40-1404A. ELECTIONS, APPOINTMENTS, TERMS, AND SALARIES OF COMMIS-
12 SIONERS IN CERTAIN COUNTYWIDE HIGHWAY DISTRICTS. (1) In countywide highway
13 districts located in a county with a population of more than two hundred
14 thousand (200,000) persons in which the voters have chosen to establish a
15 countywide highway district at a previous election, the county shall be
16 divided by the county commissioners immediately upon the effective date of
17 this act into five (5) subdistricts which shall be as nearly equal in popula-
18 tion as practicable. No precincts shall be divided. A

19 (2) Except for the appointed highway district commissioners provided
20 for in subsection (3) of this section, a highway district commissioner shall
21 be a resident of the subdistrict which he represents. Voters in each subdis-
22 trict shall vote only for one (1) candidate seeking to represent that subdis-
23 trict.

24 (3) In addition to the five (5) elected highway district commissioners
25 provided for in subsection (2) of this section, two (2) additional highway
26 district commissioners shall be appointed pursuant to this subsection. One
27 (1) shall be appointed by the governor and one (1) shall be appointed by the
28 county commissioners of the county where the highway district is located.
29 The appointed commissioners shall not represent subdistricts of the highway
30 commission but shall otherwise possess the same powers and duties as elected
31 highway district commissioners. The first county commissioner appointment
32 pursuant to this subsection shall be for a term concluding on December 31,
33 2026. The first gubernatorial appointment shall be for a term concluding on
34 December 31, 2028. Thereafter, each of the appointed highway district com-
35 missioners shall serve four (4) year terms. Appointed commissioners may be
36 re-appointed.

37 (4) County commissioners, mayors, and city council members shall not be
38 eligible to hold office as a countywide highway district commissioner.

39 (5) At the election held in 1998, commissioners representing subdis-
40 tricts two and five shall be elected for two (2) year terms and commis-
41 sioners representing subdistricts three and four shall be elected for four (4)
42 year terms. Thereafter, all commissioners shall be elected for four (4) year

1 terms. Any incumbent in office on the effective date of this act may complete
 2 the term to which they were elected and shall represent the subdistrict in
 3 which they reside. Any incumbent in office on the effective date of this act
 4 whose term expires on January 1, 2000, shall retain that office until January
 5 1, 2000, shall be assigned the subdistrict in which they reside by the county
 6 commissioners, which subdistrict shall be numbered one as provided in this
 7 section and that commissioner need not stand for election in 1998.

8 (6) A qualified voter of the countywide highway district shall be eli-
 9 gible to vote for a countywide highway district commissioner residing in the
 10 elector's subdistrict, and the election shall be conducted as provided by
 11 Idaho statutes relating to holding general elections at the county level.

12 (7) The highway commissioners shall take office on January 1 of the year
 13 immediately following their election, ~~and each or appointment.~~

14 (8) Highway district commissioners may be compensated in accordance
 15 with the provisions of section 40-1314, Idaho Code, or receive a salary not
 16 to exceed one thousand two hundred dollars (\$1,200) per calendar month with
 17 the exception of the president of the highway commissioners who may receive a
 18 salary not to exceed one thousand four hundred dollars (\$1,400) per calendar
 19 month.

20 SECTION 2. That Section 40-1404B, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 40-1404B. VACANCIES -- FILLING A MID-TERM VACANCY. (1) Any vacancy oc-
 23 ccurring on the highway district board, other than by expiration of the term
 24 of office, shall be determined by the remaining highway district board using
 25 the criteria established in section 59-901, Idaho Code.

26 (2) If it is determined that a vacancy has occurred as provided in sub-
 27 section (1) of this section, the remaining highway district board shall de-
 28 clare there is a vacancy and such vacancy shall be filled as herein provided:

29 (a) For elected highway district commissioners:

30 ~~(a)~~ (i) The remaining highway district board shall have thirty
 31 (30) days to appoint a person to fill the vacancy.

32 ~~(b)~~ (ii) If a majority of the remaining highway district board so
 33 constituted shall be unable to agree ~~upon~~ on an appointment of a
 34 person to fill the vacancy before the expiration of the thirty (30)
 35 day period, the remaining highway district board shall submit a
 36 list of three (3) nominations to the governor within five (5) days.

37 ~~(c)~~ (iii) The governor shall fill the vacancy within ten (10) days
 38 by appointing a person having the qualifications set forth herein.
 39 In the event the remaining highway district board fails to submit
 40 a list of three (3) nominations as set forth in this section, the
 41 governor shall have an additional ten (10) days to fill the vacancy
 42 by appointing a person having the same qualifications at the time
 43 of the appointment as those provided by law for election to the of-
 44 fice.

45 (b) For the highway district commissioner appointed by the governor,
 46 the governor shall make an appointment. For the highway district com-
 47 missioner appointed by the county board of commissioners, the county
 48 board of commissioners shall make an appointment. The appointments

1 provided for in this paragraph shall be made within thirty (30) days of a
2 vacancy.

3 (3) The person selected shall be a person who possesses the same qual-
4 ifications at the time of his appointment as those provided by law for elec-
5 tion to the vacant office.

6 (4) The term of the appointment shall be for the balance of the term of
7 the person replaced.

8 (5) Appointment pursuant to the provisions of this chapter shall be in
9 writing and filed with the secretary of the highway district, the clerk of
10 the county commissioners and the tax collector of the county.

11 (6) Any person appointed to fill a vacancy, after filing the official
12 oath and qualifying for the official bond in accordance with the provisions
13 of section 40-1405, Idaho Code, shall possess all the rights and powers,
14 and is subject to all the liabilities, duties and obligations of the office
15 filled.

16 SECTION 3. An emergency existing therefor, which emergency is hereby
17 declared to exist, this act shall be in full force and effect on and after its
18 passage and approval.