

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 85

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO SINGLE COUNTY-WIDE HIGHWAY DISTRICTS; AMENDING CHAPTER 14, TI-  
2 TLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-1404B, IDAHO  
3 CODE, TO ESTABLISH PROVISIONS RELATING TO DETERMINING A VACANCY ON A  
4 SINGLE COUNTY-WIDE HIGHWAY DISTRICT BOARD, TO ESTABLISH PROVISIONS  
5 RELATING TO FILLING A VACANCY, TO ESTABLISH QUALIFICATIONS FOR A PER-  
6 SON SELECTED TO FILL A VACANCY, TO ESTABLISH A TERM OF APPOINTMENT, TO  
7 PROVIDE THAT AN APPOINTMENT SHALL BE IN WRITING AND FILED AND TO PROVIDE  
8 THAT THE PERSON APPOINTED SHALL POSSESS CERTAIN RIGHTS AND POWERS AND  
9 SHALL BE SUBJECT TO CERTAIN LIABILITIES, DUTIES AND OBLIGATIONS.  
10

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

12 SECTION 1. That Chapter 14, Title 40, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 40-1404B, Idaho Code, and to read as follows:

15 40-1404B. VACANCIES -- FILLING A MID-TERM VACANCY. (1) Any vacancy  
16 occurring on the highway district board, other than by expiration of the term  
17 of office, shall be determined by the remaining highway district board using  
18 the criteria established in section 59-901, Idaho Code.

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

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

24 (b) If a majority of the remaining highway district board so consti-  
25 tuted shall be unable to agree upon an appointment of a person to fill  
26 the vacancy before the expiration of the thirty (30) day period, the re-  
27 maining highway district board shall submit a list of three (3) nomina-  
28 tions to the governor within five (5) days.

29 (c) The governor shall fill the vacancy within ten (10) days by appoint-  
30 ing a person having the qualifications set forth herein. In the event  
31 the remaining highway district board fails to submit a list of three (3)  
32 nominations as set forth in this section, the governor shall have an ad-  
33 ditional ten (10) days to fill the vacancy by appointing a person having  
34 the same qualifications at the time of the appointment as those provided  
35 by law for election to the office.

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

39 (4) The term of the appointment shall be for the balance of the term of  
40 the person replaced.

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

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