

IN THE SENATE

SENATE BILL NO. 1086

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1304, IDAHO CODE, TO RE-
2 VISE THE PROCEDURE OF FILLING A VACANCY FOR A HIGHWAY DISTRICT COMMIS-
3 SIONER IN THE EVENT THE BOARD IS UNABLE TO AGREE ON A SUCCESSOR AND TO
4 MAKE TECHNICAL CORRECTIONS.
5

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

7 SECTION 1. That Section 40-1304, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 40-1304. DIVISION OF DISTRICTS INTO SUBDISTRICTS -- VACANCY IN OFFICE
10 OF HIGHWAY COMMISSIONER. (1) At the meeting of the county commissioners at
11 which the highway district is declared organized, the commissioners shall
12 divide the highway district into three (3) subdistricts, as nearly equal in
13 population, area and mileage as practicable, to be known as highway commis-
14 sioners subdistricts one, two and three. Subdistricts may be revised or mod-
15 ified by the highway district commissioners as changes in conditions demand.
16 Not more than one (1) of the highway district commissioners shall be an elec-
17 tor of the same highway subdistrict. The first highway district commis-
18 sioners appointed by the governor shall serve until the next highway district
19 election, at which their successors shall be elected. The highway commis-
20 sioners shall take office on July 1 following their election.

21 (2) Any vacancy occurring in the office of highway commissioner, other
22 than by expiration of the term of office, shall be determined by the remain-
23 ing highway district commissioners using the criteria established in sec-
24 tion 59-901, Idaho Code. If it is determined that a vacancy has occurred,
25 the commissioners shall declare there is a vacancy and such vacancy shall be
26 filled by the highway district board and be for the balance of the term of the
27 person replaced. If the remaining highway district commissioners are unable
28 to agree on a person to fill the vacancy within ~~ten~~ thirty (±30) days after
29 the vacancy occurs, the chairman of the county commissioners of the county
30 with the largest number of electors in the highway district shall then be-
31 come a member of the highway district board for the purpose of filling the va-
32 cancy only. If a majority of the highway district board so constituted shall
33 be unable to agree upon a person to fill the vacancy within ~~ten~~ thirty (±30)
34 days, or if two (2) or more vacancies shall occur in the board of highway com-
35 missioners at one (~~1~~) time, a special election to fill the vacancy shall be
36 called and held in the same manner provided by law for the holding of elec-
37 tions for highway commissioners, except that the date of the election shall
38 be as soon as possible, and all duties imposed by law upon the highway dis-
39 trict board in connection with elections shall be performed by the county
40 commissioners.

41 (3) When there are two (2) or more vacancies on the highway district
42 board at the same time, the chairman of the county commissioners, along with

1 the additional county commissioners that the county commission chairman ap-
2 points, and with the remaining highway district commissioner, if applica-
3 ble, shall constitute a temporary board of highway district commissioners.
4 The temporary board of highway district commissioners shall perform the du-
5 ties required by law of a highway district board of commissioners until the
6 newly elected highway commissioners take office.