

IN THE SENATE

SENATE BILL NO. 1280

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-209, IDAHO CODE, TO SPECIFY CONDITIONS FOR SERVICE OF A DIRECTOR, TO REQUIRE NOTICE TO OTHER DIRECTORS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DETERMINATION OF WHETHER A VACANCY HAS OCCURRED, TO PROVIDE A PROCEDURE UPON DETERMINATION THAT A VACANCY HAS OCCURRED, TO PROVIDE FOR TEMPORARY CONTINUATION OF SERVICE, TO PROVIDE A RESTRICTION ON CONTINUATION OF SERVICE, TO REVISE PROCEDURES RELATING TO THE FILLING OF A VACANCY AND TO PROVIDE THAT A PERSON FILLING A VACANCY SHALL POSSESS ALL RIGHTS AND POWER AND IS SUBJECT TO ALL LIABILITIES, DUTIES AND OBLIGATIONS OF THE OFFICE.

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

SECTION 1. That Section 43-209, Idaho Code, be, and the same is hereby amended to read as follows:

43-209. VACANCIES. (1) In case of Each director shall meet the qualification requirements of section 43-201(3), Idaho Code, during his term of office. Each director shall notify the other directors if circumstances change so that he will no longer meet those requirements during his term of office, or if any of the events specified in section 59-901, Idaho Code, are occurring or have occurred. The remaining directors shall have the authority to determine whether a vacancy in the office of director has occurred upon the director no longer qualifying to serve as a director as provided in section 43-201(3), Idaho Code, or upon the occurrence of any of the events specified in section 59-901, Idaho Code.

(2) If the remaining directors determine that a vacancy in the office of director has occurred as provided in subsection (1) of this section, the remaining members of the board of directors shall, by resolution, declare that the vacancy shall be filled as herein provided. The remaining directors may allow the disqualified director to remain in office temporarily until his successor is appointed or elected if they determine that they will be unable to conduct the district's affairs without a director serving in that office. The disqualified director shall not remain in office after the district's next regular election.

(3) After declaring a vacancy, the remaining directors shall fill such vacancy by appointing thereto a qualified elector residing within the division in which the vacancy occurred. An officer appointed to fill a vacancy as above provided shall take and subscribe the official oath and execute a bond as provided if one is required in the case of an elected director under section 43-202, Idaho Code, and shall hold his office until the next regular election of said district, at which election a director shall be elected for the remainder of the unexpired term.

1           (4) Any person filling a vacancy as herein provided shall possess all  
2 the rights and powers and is subject to all the liabilities, duties and obli-  
3 gations of the office filled.