

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 610

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE COMMISSION FOR REAPPORTIONMENT; AMENDING SECTION 72-1502,
2 IDAHO CODE, TO REMOVE A PROVISION REGARDING MEMBERSHIP ON THE COMMIS-
3 SION; AMENDING SECTION 72-1506, IDAHO CODE, TO REVISE PROVISIONS RE-
4 GARDING CRITERIA FOR REAPPORTIONMENT OR REDISTRICTING PLANS; AND PRO-
5 VIDING SEVERABILITY.
6

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

8 SECTION 1. That Section 72-1502, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 72-1502. MEMBERS. The president pro tempore of the senate, the speaker
11 of the house of representatives, and the minority leaders of the senate
12 and the house of representatives shall each designate one (1) member of the
13 commission and the state chairmen of the two (2) largest political parties,
14 determined by the vote cast for governor in the last gubernatorial election,
15 shall each designate one (1) member of the commission. Appointing author-
16 ities should give consideration to achieving geographic representation in
17 appointments to the commission. If an appointing authority does not select
18 the members within fifteen (15) calendar days following the secretary of
19 state's order to form the commission, such members shall be appointed by the
20 supreme court.

21 Should a vacancy on the commission occur during the tenure of a commis-
22 sion, the secretary of state shall issue an order officially recognizing
23 such vacancy. The vacancy shall be filled by the original appointing author-
24 ity within fifteen (15) days of the order. Should the original appointing
25 authority fail to make the appointment within fifteen (15) days, the vacancy
26 shall be filled by the supreme court.

27 No person may serve on the commission who:

28 (1) Is not a registered voter of the state at the time of selection; or
29 (2) Is or has been within one (1) year a registered lobbyist; or
30 (3) Is or has been within two (2) years prior to selection an elected of-
31 ficial or elected legislative district, county or state party officer. The
32 provisions of this subsection do not apply to the office of precinct commit-
33 teeperson.

34 A person who has served on a commission for reapportionment shall be
35 precluded from serving in either house of the legislature for five (5) years
36 following such service on the commission and shall be precluded from serving
37 on a future commission for reapportionment unless the commission is recon-
38 stituted because a court of competent jurisdiction has invalidated a plan
39 of the commission and the commission is required to meet to complete a reap-
40 portionment or redistricting plan. This limitation on serving on a future
41 commission for reapportionment shall apply on and after January 1, 2001.

1 SECTION 2. That Section 72-1506, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 72-1506. CRITERIA GOVERNING PLANS. Congressional and legislative
4 redistricting plans considered by the commission, and plans adopted by the
5 commission, shall be governed by the following criteria:

6 (1) The total state population as reported by the U.S. census bureau,
7 and the population of subunits determined therefrom, shall be exclusive per-
8 missible data.

9 (2) To the maximum extent possible, districts shall preserve tradi-
10 tional neighborhoods and local communities of interest.

11 (3) Districts shall be substantially equal in population and should
12 seek to comply with all applicable federal standards and statutes.

13 (4) To the maximum extent possible, the plan should avoid drawing dis-
14 tricts that are oddly shaped.

15 (5) Division of counties ~~shall~~ should be avoided whenever possible.
16 Counties should be divided into districts not wholly contained within that
17 county only to the extent reasonably necessary to meet the requirements of
18 the equal population principle. In the event that a county must be divided,
19 the number of such divisions, per county, should be kept to a minimum.

20 (6) To the extent that counties must be divided to create districts,
21 such districts shall be composed of contiguous counties.

22 (7) District boundaries ~~shall~~ should retain, as far as practicable,
23 the local voting precinct boundary lines to the extent those lines comply
24 with the provisions of section 34-306, Idaho Code. ~~When the commission de-~~
25 ~~termines, by an affirmative vote of at least five (5) members recorded in~~
26 ~~its minutes, that it cannot complete its duties for a legislative district~~
27 ~~by fully complying with the provisions of this subsection, this subsection~~
28 ~~shall not apply to the commission or legislative redistricting plan it shall~~
29 ~~adopt.~~

30 (8) Counties shall not be divided to protect a particular political
31 party or a particular incumbent.

32 ~~(9) When a legislative district contains more than one (1) county or a~~
33 ~~portion of a county, the counties or portion of a county in the district shall~~
34 ~~be directly connected by roads and highways which are designated as part of~~
35 ~~the interstate highway system, the United States highway system or the state~~
36 ~~highway system. When the commission determines, by an affirmative vote of at~~
37 ~~least five (5) members recorded in its minutes, that it cannot complete its~~
38 ~~duties for a legislative district by fully complying with the provisions of~~
39 ~~this subsection, this subsection shall not apply to the commission or leg-~~
40 ~~islative redistricting plan it shall adopt.~~

41 SECTION 3. The provisions of this act are hereby declared to be sever-
42 able and if any provision of this act or the application of such provision to
43 any person or circumstance is declared invalid for any reason, such declara-
44 tion shall not affect the validity of the remaining portions of this act.