

IN THE SENATE

SENATE BILL NO. 1072

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-209, IDAHO CODE, TO
REVISE PROVISIONS REGARDING THE FILLING OF VACANCIES.

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) Each director shall meet the qualification re-
quirements 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 deter-
mine whether a vacancy in the office of director has occurred upon the di-
rector 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 directors shall, by resolution, declare that the vacancy shall be
filled as herein provided. The remaining directors may allow the disqual-
ified director to remain in office temporarily until his successor is ap-
pointed or elected if they determine that they will be unable to conduct the
district's affairs without a director serving in that office. The disqual-
ified 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 divi-
sion in which the vacancy occurred~~ under the provisions of section 43-201,
Idaho Code. A director appointed to fill a vacancy shall take and subscribe
the official oath and execute a bond 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 direc-
tor shall be elected for the remainder of the unexpired term.

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