

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 569

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO WATERSHED IMPROVEMENT DISTRICTS; AMENDING SECTION 42-3717,  
2 IDAHO CODE, TO PROVIDE FOR DISSOLUTION OF DISTRICTS BY COUNTY COMMIS-  
3 SIONERS UNDER CERTAIN CONDITIONS; AND DECLARING AN EMERGENCY.  
4

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

6 SECTION 1. That Section 42-3717, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 42-3717. DISCONTINUANCE -- DISSOLUTION OF DISTRICTS. (1) At any  
9 time after three (3) years after the organization of a district under the  
10 provisions of this chapter any twenty-five (25) qualified electors or own-  
11 ers of land lying within the boundaries of such district or, if less than  
12 twenty-five (25) owners of land or qualified electors reside within the  
13 boundaries of such district it would be deemed sufficient if two-thirds  
14 (2/3) of the resident group, may file a petition with the state soil and water  
15 conservation commission requesting that the operations of the district be  
16 terminated and the existence of the district discontinued. After such peti-  
17 tion has been received by the state soil and water conservation commission  
18 it shall give notice of the holding of an election, subject to the provisions  
19 of section 34-106, Idaho Code, which the said commission shall supervise and  
20 govern the conduct in accordance with the provisions of chapter 14, title 34,  
21 Idaho Code. The question to be submitted by ballots upon which the words "For  
22 terminating the existence of the (name of the watershed improvement district  
23 to be here inserted)" and "Against terminating the existence of the (name of  
24 the watershed improvement district to be inserted here)" shall appear with  
25 a square before each proposition, and a direction to insert an X mark in the  
26 square before one or the other of said propositions as the voter may favor  
27 or oppose discontinuance of such district. All qualified electors who own  
28 land or reside within the proposed district shall be eligible to vote in said  
29 election. No informality in the conduct of such election or in any matters  
30 relating thereto shall invalidate said election or the result thereof if  
31 notice thereof shall have been given as herein provided, and said election  
32 shall have been fairly conducted.

33 The state soil and water conservation commission shall certify the re-  
34 sult of such election to the directors of the district. If the state soil  
35 and water conservation commission shall certify that a majority of the votes  
36 cast in said election favor the discontinuance of the existence of the dis-  
37 trict, the directors of the district shall forthwith proceed to terminate  
38 the affairs of the district. Any moneys remaining in the treasury of said  
39 district following the winding up of the affairs of the district shall be  
40 paid by the directors into the state treasury. The directors shall file an  
41 application duly verified with the secretary of state for the discontinuance  
42 of such district which shall recite that the affairs of the district have

1 been wound up, and shall set forth a full accounting of the winding up of the  
2 affairs of said district. The secretary of state shall issue to the direc-  
3 tors a certificate of dissolution, and shall record said certificate in his  
4 office.

5 The state soil and water conservation commission shall not entertain  
6 petitions for the discontinuance of any district nor conduct elections upon  
7 such petitions more often than once in three (3) years.

8 (2) Provided however, any district that fails or has ceased to function  
9 for two (2) or more years may be dissolved by the board or boards of county  
10 commissioners of the county or counties in which it is located. The county  
11 commissioners may initiate such action upon their own volition, or the ac-  
12 tion may be initiated by petition.

13 SECTION 2. An emergency existing therefor, which emergency is hereby  
14 declared to exist, this act shall be in full force and effect on and after its  
15 passage and approval.