

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 609

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO WATER AND SEWER DISTRICTS; AMENDING SECTION 42-3219, IDAHO CODE,  
2 TO REMOVE PROVISIONS REGARDING THE EXCLUSION OF CERTAIN LANDS FROM WA-  
3 TER OR SEWER DISTRICTS, TO PROVIDE CONDITIONS UNDER WHICH CERTAIN PETI-  
4 TIONS SHALL BE GRANTED, AND TO MAKE TECHNICAL CORRECTIONS.  
5

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

7 SECTION 1. That Section 42-3219, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 42-3219. EXCLUSION OF PROPERTY PETITIONED ~~---HEARING --~~ ORDER. The  
10 owner or owners in fee of any real property constituting a portion of the dis-  
11 trict may file with the board a petition praying that such lands be excluded  
12 and taken from said district. Petitions shall describe the property which  
13 the petitioners desire to have excluded. ~~Such petition must be acknowledged~~  
14 ~~in the same manner and form as required in case of a conveyance of land and be~~  
15 ~~accompanied by a deposit of money sufficient to pay all costs of the exclu-~~  
16 ~~sion proceedings. The secretary of the board shall cause a notice of filing~~  
17 ~~of such petition to be published in the county in which said property or the~~  
18 ~~major portion thereof, is located. The notice shall state the filing of such~~  
19 ~~petition, the names of petitioners, description of the property mentioned in~~  
20 ~~said petition, and the prayer of said petitioners; and it shall notify all~~  
21 ~~persons interested to appear at the office of said board at the time named~~  
22 ~~in said notice, showing cause in writing, if any they have, why said peti-~~  
23 ~~tion should not be granted. The board at the time and place mentioned in the~~  
24 ~~notice, or at the time or times at which the hearing of said petition may be~~  
25 ~~adjourned, shall proceed to hear the petition and all objections thereto,~~  
26 ~~presented in writing by any person showing cause as aforesaid, why the prayer~~  
27 ~~of the petition should not be granted. The filing of such petition shall be~~  
28 ~~deemed and taken as an assent by each and all such petitioners to the exclu-~~  
29 ~~sion from the district of the property mentioned in the petition, or any part~~  
30 ~~thereof. The board, if it deems it not for the best interests of the district~~  
31 ~~that the property mentioned in the petition, or portion thereof, shall be~~  
32 ~~excluded from the district, shall order that said petition be denied, but if~~  
33 ~~it deems it for the best interest of the district that the property mentioned~~  
34 ~~in the petition, or some portion thereof, be excluded from the district, then~~  
35 ~~the board may order the property mentioned in the petition or some portion~~  
36 ~~thereof, excluded from the district. In the case of water districts, the pe-~~  
37 ~~tion shall be granted if the lands rely on means other than water provided~~  
38 ~~by the district as the sole source of water for the property. In the case of~~  
39 ~~sewer districts, the petition shall be granted if the lands rely on means~~  
40 ~~other than sewage disposal provided by the district as the sole source of~~  
41 ~~sewage disposal for the property. Upon allowanee granting of such petition,~~  
42 the board shall file a certified copy of the order of the board making such

1 change with the clerk of the court and, upon order of the court, said property  
2 shall be excluded from the district.