

IN THE SENATE

SENATE BILL NO. 1268

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO DRAINAGE DISTRICTS; AMENDING SECTION 42-2913, IDAHO CODE, TO RE-  
2 VISE PROVISIONS REGARDING DRAINAGE COMMISSIONER COMPENSATION; AMEND-  
3 ING SECTION 42-2936, IDAHO CODE, TO PROVIDE FOR ASSESSMENT FOR THE PAY-  
4 MENT OR RETIREMENT OF ANY BONDS OR WARRANTS AND TO MAKE TECHNICAL COR-  
5 RECTIONS; AMENDING SECTION 42-2962, IDAHO CODE, TO PROVIDE FOR ASSESS-  
6 MENTS FOR THE PAYMENT OF RETIREMENT OF BONDS OR WARRANTS AND TO MAKE A  
7 TECHNICAL CORRECTION; AMENDING SECTION 42-2979, IDAHO CODE, TO REVISE  
8 PROVISIONS REGARDING THE SALE OF PERSONAL PROPERTY OF A DRAINAGE DIS-  
9 TRICT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 29, TITLE  
10 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-2979A, IDAHO CODE,  
11 TO PROVIDE FOR THE TRADE-IN OR EXCHANGE OF PERSONAL PROPERTY OF THE DIS-  
12 TRICT, TO PROVIDE A PROCEDURE AND TO PROVIDE A CONDITION.  
13

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

15 SECTION 1. That Section 42-2913, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 42-2913. COMPENSATION. The drainage commissioners shall receive for  
18 their services such sum as the board of drainage district commissioners fix  
19 by resolution, ~~but not greater than the amount allowed in section 59-509(h),~~  
20 ~~Idaho Code,~~ for each day they shall actually be engaged in the business of  
21 their office, and actual and necessary expenses. In addition, the commis-  
22 sioners shall each receive a mileage allowance computed at the rate estab-  
23 lished by the state board of examiners for employees of the state for each  
24 mile driven and such allowance shall be the full amount allowed for travel  
25 expense.

26 SECTION 2. That Section 42-2936, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 42-2936. ASSESSMENTS ENTERED AS TAX LIENS -- ~~INSTALMENTS~~ INSTALLMEN-  
29 TS. A similar transcript duly certified by the clerk which shall contain a  
30 list of the names of all persons and corporations benefited by said improve-  
31 ment and the amount of the assessment upon each lot, parcel or governmental  
32 subdivision shall be by said clerk filed with the auditor of the county, who  
33 shall immediately enter the same upon the tax rolls of his office, as pro-  
34 vided by law for the entry of other taxes, against the land of each of the  
35 said persons named in the list, together with the amounts thereof; and the  
36 same shall be subject to the same interest and penalties in case of delin-  
37 quency as in case of general taxes and shall be collected in the same man-  
38 ner as other taxes and subject to the same right of redemption, and the lands  
39 sold for the collection of said taxes shall be subject to the same right of  
40 redemption, as the sale of lands for general taxes; provided, that said as-

1     assessment shall not become due and payable except at such time or times and  
2     in such amounts as may be designated by the board of commissioners of said  
3     drainage district, which designation shall be made to the county auditor by  
4     said board of commissioners of said drainage district, by serving written  
5     notice upon the county auditor designating the time and the amount of the as-  
6     sessment, said assessment to be in proportion to the benefits to become due  
7     and payable, which amount shall fall due at the time of the falling due of  
8     general taxes, and the amount so designated shall be added by the auditor to  
9     the general taxes of said person, persons or corporation, according to said  
10    notice, upon the assessment rolls in his said office, and collected there-  
11    with: provided further, that no one call for assessment for the payment or  
12    retirement of any bonds or warrants by said commissioners shall be in amount  
13    to exceed ~~twenty per cent~~ percent (20%) of the actual amount necessary to pay  
14    the cost of proceedings, and the establishment of said district and drainage  
15    system and the cost of construction of said work. In all calls for assess-  
16    ments made under the provisions hereof for the payment or retirement of any  
17    bonds or warrants issued subsequent to February 25, 1935, the commissioners  
18    shall itemize the various items for which a call is made, specifying the per-  
19    centage called against the assessment roll for bond interest, bond redemp-  
20    tion, warrant interest, warrant redemption, operation and maintenance and  
21    any other purpose for which a call is made. The board by resolution shall,  
22    prior to any call for the payment or retirement of any bonds or warrants is-  
23    sued subsequent to February 25, 1935, determine separately the interest re-  
24    quirement for bonds and warrants outstanding and shall not make a call or  
25    levy for interest payment in excess of the actual amount required stated sep-  
26    arately. Calls made for the payment of such prior bonds and warrants issued  
27    prior to September 25, 1935, as to itemization thereof, as to the specifica-  
28    tion of the percentage called against the assessment roll for the foregoing  
29    purposes and as to the separate determination of interest requirements for  
30    the payment of outstanding bonds and warrants and as to the call or levy in  
31    amount for interest or principal payments or for the payment of funding or  
32    refunding bonds issued heretofore or hereafter to fund or to refund or to pay  
33    any of said prior warrants or bonds, shall be as provided by the statutes of  
34    Idaho in effect prior to February 25, 1935.

35           SECTION 3. That Section 42-2962, Idaho Code, be, and the same is hereby  
36    amended to read as follows:

37           42-2962. LEVY OF AND LIMITATION ON ASSESSMENTS. The commissioners  
38    may also levy assessments for any expense necessarily incurred by them for  
39    construction, maintenance, repair, or any extraordinary reasons, and also  
40    may add to said assessment sufficient to pay any deficiency occurring the  
41    preceding year or any other unpaid warrant indebtedness, if any, or to pay  
42    any outstanding warrants: provided, that any assessments to be hereafter  
43    made by any drainage commissioners to pay for the payment or retirement of  
44    any bonds or warrants shall not exceed twenty percent (20%) of the original  
45    cost of organization and construction, and said assessment for the payment  
46    or retirement of any bonds or warrants shall be in addition to the assess-  
47    ments which may be levied under this section or section 42-2936, Idaho Code,  
48    and such assessments, when made, shall be apportioned under section 42-2961,  
49    Idaho Code, and collected as hereinbefore provided for.

1 SECTION 4. That Section 42-2979, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 42-2979. SALE OF PERSONAL PROPERTY -- PROCEDURE. Personal property of  
4 a drainage district may be sold by its board of commissioners whenever the  
5 board finds and by resolution declares that the district no longer has use  
6 therefor.

7 1. If, in the opinion of the board, such property does not exceed \$500  
8 fifty thousand dollars (\$50,000) in value, it may sell the same without inde-  
9 pendent appraisal, notice or competitive bids.

10 2. Personal property exceeding ~~\$500~~ fifty thousand dollars (\$50,000)  
11 in estimated value shall first be appraised by three (3) disinterested free-  
12 holders of the district, who shall be selected by the board. It may then be  
13 sold at public or private sale to the highest bidder for cash at not less than  
14 its appraised value, after due notice.

15 3. Notice of sale shall describe the property, the appraised value  
16 thereof (by separate items, if so appraised), and the time, place and condi-  
17 tion of sale.

18 4. If the appraised value does not exceed ~~\$1000~~ fifty thousand dollars  
19 (\$50,000), notice of sale shall be posted in three (3) public places in said  
20 district to be determined in the resolution of said board of commissioners  
21 (one (1) of which shall be at the office or meeting place of said board) at  
22 least ten (10) days before the date of sale.

23 5. If the appraised value of the property exceeds ~~\$1000~~ fifty thousand  
24 dollars (\$50,000), notice shall be posted as set forth in ~~subdivision 4 above~~  
25 subsection 4. of this section and in addition shall be published in a weekly  
26 newspaper, published or having a general circulation in the district, once  
27 each week during the four (4) weeks preceding the date of sale.

28 SECTION 5. That Chapter 29, Title 42, Idaho Code, be, and the same is  
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
30 ignated as Section 42-2979A, Idaho Code, and to read as follows:

31 42-2979A. TRADE-IN OR EXCHANGE OF DISTRICT PROPERTY. (1) Whenever the  
32 board of commissioners of a drainage district finds and by resolution de-  
33 clares that the district no longer has use for any personal property of the  
34 district, or finds and declares that such property is no longer economical  
35 to use, the district may, in lieu of the sale of said property as provided in  
36 section 42-2979, Idaho Code, dispose of the property by exchanging the same  
37 in part payment for new or replacement property.

38 (2) If the acquisition of the new or replacement property is to be let  
39 to bid under the provisions of chapter 28, title 67, Idaho Code, the district  
40 shall include in its request for bids a full description of the property to be  
41 exchanged as part payment and shall permit any interested bidder to examine  
42 the same, and any contract let as a result of said bid shall be awarded on the  
43 basis of net cost to the district after allowance for the property to be ex-  
44 changed in part payment.

45 (3) Exchange of property will be permitted only when, in the opinion of  
46 the board of commissioners of the district, the sale of property under the  
47 provisions of section 42-2979, Idaho Code, will yield a lesser monetary re-  
48 turn to the district than the exchange thereof as provided in this section.