

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 130, As Amended in the Senate

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-201, IDAHO CODE, TO  
2 REVISE IRRIGATION DISTRICT ELECTION PROVISIONS, TO PROVIDE FOR THE  
3 COMMENCEMENT AND DURATION OF TERMS OF OFFICE, TO PROVIDE A PROCEDURE  
4 IF NO DIRECTOR IS ELECTED AND QUALIFIED AT THE END OF AN INCUMBENT'S  
5 TERM, TO PROVIDE FOR RETROACTIVITY OF SPECIFIED ELECTION REQUIREMENTS  
6 UNDER CERTAIN CONDITIONS, TO PROVIDE THAT CANDIDATES FOR ELECTION TO  
7 THE OFFICE OF DIRECTOR SHALL BE NOMINATED, TO PROVIDE FOR NOMINATING  
8 PETITIONS, TO PROVIDE FOR OATHS, TO PROVIDE FOR VERIFICATION OF QUALI-  
9 FICATIONS BY THE SECRETARY OF THE IRRIGATION DISTRICT, TO PROVIDE FOR  
10 CERTIFICATION OF QUALIFIED NOMINEES FOR INCLUSION ON THE ELECTION BAL-  
11 LOT, TO PROVIDE FOR DISQUALIFICATION OF CERTAIN NOMINEES AND TO PROVIDE  
12 A PROCEDURE RELATING TO DISQUALIFICATION; AMENDING SECTION 43-202,  
13 IDAHO CODE, TO PROVIDE FOR A DIRECTOR'S OATH AND BOND, TO PROVIDE FOR  
14 SPECIFIED ACTION AT A MEETING OF THE IRRIGATION DISTRICT'S BOARD OF DI-  
15 RECTORS, TO PROVIDE FOR VERIFICATION OF SPECIFIED QUALIFICATIONS, TO  
16 PROVIDE FOR CERTIFICATES OF ELECTION, TO PROVIDE FOR BONDS, TO PROVIDE  
17 FOR ASSUMPTION OF DUTIES OF THE DIRECTOR AND TO PROVIDE FOR TERMINATION  
18 OF AN INCUMBENT'S TERM OF OFFICE; AND AMENDING SECTION 43-208, IDAHO  
19 CODE, TO REVISE PROVISIONS RELATING TO MEETING FOR THE PURPOSE OF CAN-  
20 VASSING RETURNS, TO PROVIDE A PROCEDURE FOR THE SECRETARY FOLLOWING  
21 DECLARATION OF THE RESULT AND TO REMOVE PROVISIONS RELATING TO CERTAIN  
22 DUTIES OF THE SECRETARY.  
23

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

25 SECTION 1. That Section 43-201, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 43-201. ELECTION, TERM OF OFFICE, NOMINATIONS AND QUALIFICATIONS. (1)  
28 Following the organization of any district, an election shall be held in ac-  
29 cordance with section 34-106, Idaho Code, at which shall be elected one (1)  
30 director for each division of said district by the electors of the district  
31 at large.

32 (2) The term of office of the directors shall, immediately after the  
33 first election following such organization, be selected by lot so that as  
34 nearly as may be, one-third (1/3) of the number shall hold office for the term  
35 of one (1) year; one-third (1/3) for the term of two (2) years, and the bal-  
36 ance for the term of three (3) years. ~~And a~~An election shall be held in the  
37 district each year thereafter in accordance with section 34-106, Idaho Code,  
38 ~~for each year thereafter, at which directors shall be elected to elect di-~~  
39 rectors to succeed those whose terms expire, to hold. Each director's term  
40 of office shall commence on the regularly scheduled board meeting closest to  
41 the date specified for taking office in section 34-106, Idaho Code, and shall  
42 continue for a term of three (3) years, ~~or~~ and until their successors are

1 elected and qualified. If no director is elected and qualified at the end of  
 2 an incumbent director's three (3) year term, an election shall be held at the  
 3 next regular election of the irrigation district for the incumbent direc-  
 4 tor's successor to hold office for the remainder of the unexpired term. This  
 5 election requirement shall apply retroactively where an incumbent director  
 6 remains in office on the date of the effective date of this act because the  
 7 incumbent's successor was not elected and qualified in the 2012 election.

8 (3) Every director must be a qualified elector and a resident of the di-  
 9 vision of the director whom he is to succeed in office; provided that the  
 10 bylaws may, by resolution of two-thirds (2/3) of the board and adoption by  
 11 two-thirds (2/3) of the electors voting in a district election conducted in  
 12 accordance with the general election laws of the state applicable to irriga-  
 13 tion districts, set forth a provision allowing a district landowner to serve  
 14 as the director from the division in which the landowner owns land, if the  
 15 landowner possesses all the qualifications required of electors under the  
 16 general laws of the state and has resided within fifteen (15) miles of the  
 17 district for a period of at least thirty (30) days prior to the election; pro-  
 18 vided further that any landowner who owns land in more than one (1) division  
 19 may serve as the director only from the division nearest which he resides.

20 (4) Written nominations for the office of director if any are made, must  
 21 be Candidates for election to the office of director of an irrigation dis-  
 22 trict shall be nominated by nominating petitions on forms provided by the  
 23 district. Each nominating petition shall:

24 (a) Identify the name of the nominee;

25 (b) Identify the office for which the nomination is made;

26 (c) Identify the term for which nomination is made;

27 (d) Be signed by at least six (6) electors in districts having less than  
 28 one hundred (100) resident electors and by at least twelve (12) electors  
 29 in districts having more than one hundred (100) resident electors; and

30 (e) Be filed with the secretary of the district not less than forty (40)  
 31 days nor more than sixty (60) days before the date of election; and the  
 32 names of the persons so nominated shall be placed upon official ballot  
 33 to be furnished by the district.

34 (5) Each nominee shall subscribe to a nominee's oath on a form provided  
 35 by the irrigation district, and shall submit the oath to the secretary of the  
 36 district with the written nomination. The oath shall:

37 (a) Identify the land the nominee owns within the district;

38 (b) Provide the address of the nominee's residence;

39 (c) Certify that the nominee meets the qualification requirements of  
 40 section 43-111, Idaho Code; and

41 (d) Certify that the nominee will meet such requirements on the date of  
 42 election.

43 The secretary of the district shall verify the qualifications of each nom-  
 44 inee and shall, no more than seven (7) days after the close of filing, cer-  
 45 tify the qualified nominees for inclusion on the election ballot. If at any  
 46 time prior to the election, circumstances change so that a nominee no longer  
 47 meets the qualification requirements of section 43-111, Idaho Code, the nom-  
 48 inee shall be disqualified, shall not take office if elected and shall imme-  
 49 diately file with the secretary of the district a written withdrawal of his  
 50 nomination for the office of director. The secretary shall not place on the

1 election ballot the name of any candidate that does not meet the qualifica-  
 2 tion requirements of section 43-111, Idaho Code.

3 SECTION 2. That Section 43-202, Idaho Code, be, and the same is hereby  
 4 amended to read as follows:

5 43-202. DIRECTOR'S OATH AND BOND. Within ten (10) days after receiving  
 6 the certificate of election hereinafter provided for, said officers On the  
 7 date a director's term of office is to begin, at the meeting of the irriga-  
 8 tion district's board of directors as provided in section 43-201(2), Idaho  
 9 Code, the person that has been elected shall: (1) take and subscribe the of-  
 10 ficial oath and required by section 59-401, Idaho Code, in which the person  
 11 shall verify that he or she meets the qualification requirements of section  
 12 43-111, Idaho Code; (2) be presented a certificate of election; (3) execute  
 13 a bond if one (1) is hereinafter required; and (4) assume the duties of the  
 14 office of director. The incumbent director's term of office shall be termi-  
 15 nated upon the next director's assumption of office as provided in this sec-  
 16 tion. Each director shall file the same in the office of the board of di-  
 17 rectors, and execute the bond hereinafter provided for. Each member of said  
 18 board of directors shall execute an official bond in the sum of not less than  
 19 five hundred dollars (\$500) nor more than five thousand dollars (\$5,000),  
 20 the amount to be determined and approved by the judge of the probate court of  
 21 said county where such organization was effected and shall be recorded in the  
 22 office of the county recorder thereof and filed with the secretary of said  
 23 board. All official bonds provided for in this title shall be in the form  
 24 prescribed by law for the official bond of county officers. If the district  
 25 obtains a surety bond, blanket surety bond or crime insurance coverage pur-  
 26 suant to the applicable provisions of chapter 8, title 59, Idaho Code, the  
 27 directors shall not be required to post a bond under the provisions of this  
 28 section.

29 SECTION 3. That Section 43-208, Idaho Code, be, and the same is hereby  
 30 amended to read as follows:

31 43-208. CANVASS OF RETURNS. The board of directors must meet at its  
 32 usual place of meeting on or before the ~~first Monday after~~ next regularly  
 33 scheduled board meeting following each election to canvass the returns, and  
 34 they shall proceed in the same manner and with like effect, as near as may  
 35 be, as the board of county commissioners in canvassing the returns of gen-  
 36 eral elections, and when they shall have declared the result, the secretary  
 37 shall ~~make full entries in his records in like manner as is required of the~~  
 38 county recorder in general elections enter a statement of the result on the  
 39 records of the board of directors as required by section 43-213, Idaho Code.  
 40 The board of directors must declare elected the person or persons having the  
 41 highest number of votes for each office. ~~The secretary must, immediately,~~  
 42 ~~make out and deliver to such person or persons a certificate of election~~  
 43 ~~signed by him and authenticated with the seal of the board.~~