

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 565

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO FLOOD CONTROL DISTRICTS; AMENDING CHAPTER 31, TITLE 42, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 42-3129, IDAHO CODE, TO PROVIDE
3 FOR PETITIONS FOR ANNEXATION OF LAND; AMENDING CHAPTER 31, TITLE 42,
4 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3130, IDAHO CODE, TO
5 PROVIDE THAT GUARDIANS AND ADMINISTRATORS MAY SIGN PETITIONS; AMEND-
6 ING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
7 42-3131, IDAHO CODE, TO PROVIDE FOR NOTICE OF PETITION; AMENDING CHAP-
8 TER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3132,
9 IDAHO CODE, TO PROVIDE FOR HEARING OF PETITIONS; AMENDING CHAPTER 31,
10 TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3133, IDAHO
11 CODE, TO PROVIDE FOR ORDERS REJECTING OR ACCEPTING PETITIONS; AND
12 AMENDING CHAPTER 31, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
13 TION 42-3134, IDAHO CODE, TO PROVIDE THAT ORDERS BE RECORDED.
14

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

16 SECTION 1. That Chapter 31, Title 42, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 42-3129, Idaho Code, and to read as follows:

19 42-3129. PETITION FOR ANNEXATION OF LAND. The holder or holders of any
20 title, or evidence of title, representing any body of lands, may file with
21 the board of commissioners of a flood control district a petition in writing
22 praying that said land may be annexed into the district. The petition shall
23 be submitted on a form provided by the district. The petition shall contain
24 a legal description of the lands proposed to be annexed and any other infor-
25 mation the district may require, and the petitioners shall state under oath
26 that petitioners hold title to the lands. The board may require petitioners
27 to advance to the district sufficient money to pay the district's estimated
28 costs of proceedings on the petition.

29 SECTION 2. That Chapter 31, Title 42, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 42-3130, Idaho Code, and to read as follows:

32 42-3130. GUARDIANS AND ADMINISTRATORS MAY SIGN PETITION. A guardian,
33 executor, or administrator of an estate who is appointed as such under the
34 laws of this state, and who, as such guardian, executor, or administrator, is
35 entitled to the possession of the lands belonging to the estate that he rep-
36 represents, may, on behalf of the ward or the estate that he represents, upon be-
37 ing thereunto authorized by the proper court, sign and acknowledge the peti-
38 tion mentioned in this chapter for the change of boundaries of the district.

1 SECTION 3. That Chapter 31, Title 42, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 42-3131, Idaho Code, and to read as follows:

4 42-3131. NOTICE OF PETITION. The district shall cause a notice of the
5 filing of such petition to be published in the manner provided in section
6 42-3117, Idaho Code. The notice shall contain the names of the petitioners
7 and a description of the lands mentioned in the petition. The notice shall
8 provide that all persons interested in or that may be affected by the pro-
9 posed annexation may appear at the office of the board, at a time named in the
10 notice, and show cause in writing, if they have any, why the lands mentioned
11 should not be annexed to the district.

12 SECTION 4. That Chapter 31, Title 42, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 42-3132, Idaho Code, and to read as follows:

15 42-3132. HEARING OF PETITION. The board of commissioners, at the time
16 mentioned in the notice, or at such other time to which the hearing may be ad-
17 journed, shall hear the petition and all the objections thereto. The failure
18 of any person to appear and object shall be taken as an assent on the person's
19 part to a change of the boundaries of the district as prayed for in the peti-
20 tion, or to such a change thereof as will include a part of the lands.

21 SECTION 5. That Chapter 31, Title 42, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 42-3133, Idaho Code, and to read as follows:

24 42-3133. ORDER REJECTING OR ACCEPTING PETITION. If the board of com-
25 missioners deems a proposed annexation not to be in the best interest of the
26 district, the board shall reject the petition. If the board deems the pro-
27 posed annexation in the best interest of the district, the board may order
28 the lands identified in the petition or some part thereof be annexed into the
29 district. The annexation order shall describe the lands to be annexed into
30 the district, and the board may cause a survey thereof to be made if deemed
31 necessary. Thereafter, the annexed land shall be included within the bound-
32 aries of the district and shall be subject to such assessments from time to
33 time as the board levies pursuant to section 42-3115, Idaho Code. The board
34 shall state in its minutes at its next regular meeting which division in the
35 district the annexed lands shall be included in, and, if it deems necessary,
36 the board shall make an order redividing the district into divisions, in the
37 same manner and to like effect, as near as may be, as provided for that pur-
38 pose on the formation of the district.

39 SECTION 6. That Chapter 31, Title 42, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 42-3134, Idaho Code, and to read as follows:

42 42-3134. ORDER TO BE RECORDED. The board of commissioners shall cause
43 a copy of the annexation order, certified by the chairman and secretary of
44 the board, to be filed for record in the recorder's office of the county or

1 counties within which the annexed lands are situated, and thereupon the dis-
2 trict shall be and remain a flood control district as fully and to every in-
3 tent and purpose as if the annexed lands that are included in the district's
4 boundaries had been included at the original organization of the district.