

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 403, As Amended in the Senate

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO SOIL CONSERVATION DISTRICTS; AMENDING SECTION 22-2721, IDAHO  
2 CODE, TO ESTABLISH PROVISIONS REGARDING A REDUCTION IN THE NUMBER OF  
3 SUPERVISORS, TO REVISE PROVISIONS REGARDING TERMS OF OFFICE, FILLING OF  
4 VACANCIES, AND QUORUMS, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLAR-  
5 ING AN EMERGENCY.  
6

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

8 SECTION 1. That Section 22-2721, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPER-  
11 VISORS. (1) The governing body of the district shall consist of five (5)  
12 supervisors, elected or appointed as provided in this chapter. Elections  
13 shall be conducted pursuant to the provisions of this section and the uni-  
14 form district election law, chapter 14, title 34, Idaho Code. If at any time  
15 the supervisors of a district deem it necessary, upon majority vote of the  
16 district board, they may increase the number of supervisors to seven (7) or  
17 decrease the number of supervisors to five (5). If increased, the additional  
18 supervisors shall then be appointed as outlined in this section until such  
19 time as regular district elections for two (2) supervisors in each district.  
20 At that time, those districts having seven (7) supervisors shall then elect  
21 four (4) supervisors for four (4) year terms. The two (2) supervisors ap-  
22 pointed by the district shall be persons who are by training and experience  
23 qualified to perform the specialized services ~~which~~ that will be required  
24 of them in the performance of their duties. In the event the supervisors  
25 of a district, upon majority vote of the district board, deem it necessary  
26 to reduce the number of supervisors to five (5), there must either be two  
27 (2) vacant positions on the board or two (2) of the supervisors must first  
28 volunteer to give up their seats. Written notification of the reduction in  
29 supervisors, signed by the district board chairman, shall then be sent to  
30 the state soil and water conservation commission. Such notification shall  
31 also be sent to the secretary of state to ensure only two (2) or three (3)  
32 supervisors shall be on the ballot for the next election cycle. All supervi-  
33 sors shall be landowners or farmers of the district where they are elected or  
34 appointed and shall be registered to vote in the state of Idaho.

35 (2) Within thirty (30) days after the date of issuance by the secretary  
36 of state of a certificate of organization of a soil conservation district,  
37 nominating petitions may be filed with the state soil and water conservation  
38 commission to nominate candidates for supervisors of each district. The  
39 county clerk shall conduct the election for the district in compliance with  
40 chapter 14, title 34, Idaho Code, and shall be the election official for the  
41 district. The election official shall have authority to extend the time  
42 within which nominating petitions may be filed. Nominating petitions shall

1 be filed with the secretary of the district, and no such nominating petition  
2 shall be accepted by the election official unless it shall be subscribed  
3 by not less than five (5) persons who are qualified electors owning land or  
4 residing within the boundaries of the district. The election official shall  
5 give due notice of an election to be held, subject to the provisions of sec-  
6 tion 34-106, Idaho Code, for the election of three (3) supervisors for the  
7 district. The names of all nominees on behalf of whom such nominating pe-  
8 titions have been filed within the time herein designated shall appear upon  
9 ballots, with directions to choose three (3) names to indicate the voter's  
10 preference. The three (3) candidates who shall receive the largest number,  
11 respectively, of the votes cast in such election shall be the elected super-  
12 visors for such district.

13 (3) All elections in districts shall be conducted by the county clerk.  
14 Such election shall be held on the first Tuesday succeeding the first Monday  
15 of November in each even-numbered year. Such elections shall be in compli-  
16 ance with the provisions of chapter 14, title 34, Idaho Code, and shall be  
17 supervised and conducted by the county clerk. The cost of conducting such  
18 elections shall be borne by the county that conducted the election. The  
19 county clerk shall certify to the soil and water conservation district the  
20 names of the elected supervisors. The soil and water conservation district  
21 shall issue certificates of election to each elected supervisor so certi-  
22 fied. The county clerk or county clerks of the county or counties in which  
23 the district is located shall conduct the election for the soil conservation  
24 district, and the county clerk must provide a ballot for the district elec-  
25 tion and must provide a process that allows only qualified electors of the  
26 district to vote in that district's election.

27 (4) In any election for supervisor, if, after the deadline for filing a  
28 declaration of intent as a write-in candidate, it appears that the number of  
29 qualified candidates who have been nominated is equal to the number of super-  
30 visors to be elected, it shall not be necessary for the candidates to stand  
31 for election, ~~and the~~. The board of supervisors shall declare such candi-  
32 dates elected as supervisors, and the soil and water conservation district  
33 shall immediately make and deliver to such persons certificates of election.

34 (5) The supervisors shall designate a chairman and may, from time to  
35 time, change such designation. The term of office of each supervisor shall  
36 be four (4) years commencing on the first day of January next following elec-  
37 tion, except that the two (2) supervisors who are first appointed shall be  
38 designated to serve for terms of two (2) years. ~~A supervisor shall hold of-~~  
39 ~~fice until a qualified successor has been elected or appointed.~~ Vacancies  
40 shall be filled for the unexpired term. The selection of successors to fill  
41 an unexpired term, or for a full term shall be made by a vote of the majority  
42 of the supervisors duly qualified and acting at the time the vacancy shall  
43 arise, and the supervisors shall certify the name of the appointed super-  
44 visor to the state soil and water conservation commission. In the event super-  
45 visors fail to appoint a replacement within ninety (90) days following a va-  
46 cancy, and the vacancy results in the loss of a quorum of the district board,  
47 the governor shall appoint a replacement sufficient to reestablish a quorum  
48 of the district board. The soil conservation district shall issue a certifi-  
49 cate of such appointment.

1           ~~(6) A majority of the supervisors shall constitute a quorum~~ A quorum  
2 shall consist of three (3) supervisors for those districts with a total of  
3 five (5) supervisors and four (4) supervisors for those districts with a to-  
4 tal of seven (7) supervisors, and the concurrence of a majority in any mat-  
5 ter within their duties shall be required for its determination. A super-  
6 visor shall be entitled to expenses, including travel expense, necessarily  
7 incurred in the discharge of duties. A supervisor shall receive no compen-  
8 sation for services from regular district funds, county funds authorized in  
9 section 22-2726, Idaho Code, or state funds authorized in section 22-2727,  
10 Idaho Code.

11           (7) In the event the district has a special project, approved by the  
12 state soil and water conservation commission, making project funds avail-  
13 able from federal or other sources, a supervisor may receive compensation  
14 not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary  
15 expenses from project funds for services directly related to the project.

16           (8) The supervisors may employ a secretary, technical experts, and such  
17 other officers, agents, and employees, permanent and temporary, as they may  
18 require, and shall determine their qualifications, duties and compensation.  
19 The supervisors may call upon the attorney general of the state for such le-  
20 gal services as they may require or may employ their own counsel and legal  
21 staff. The supervisors may delegate to their chairman, to one (1) or more  
22 supervisors, or to one (1) or more agents, or employees, such powers and du-  
23 ties as they may deem proper. The supervisors shall furnish to the state soil  
24 and water conservation commission, upon request, copies of such ordinances,  
25 rules, orders, contracts, forms and other documents as they shall adopt or  
26 employ, and such other information concerning the supervisors' activities  
27 as the commission may require in the performance of the commission's duties  
28 under this chapter.

29           (9) The supervisors shall provide for the execution of surety bonds for  
30 all employees and officers ~~who shall be~~ entrusted with funds or property;  
31 ~~they~~ shall provide for the keeping of a full and accurate record of all pro-  
32 ceedings and of all resolutions, and orders issued or adopted; and shall pro-  
33 vide for independent financial audits in accordance with the provisions of  
34 section 67-450B, Idaho Code. Supervisors shall be subject to recall in ac-  
35 cordance with the provisions of chapter 17, title 34, Idaho Code.

36           (10) The supervisors may invite the legislative body of a municipality  
37 or county located near the territory comprised within the district to desig-  
38 nate a representative to advise and consult with the supervisors of the dis-  
39 trict on all questions of program and policy ~~which~~ that may affect the prop-  
40 erty, water supply, or other interests of such municipality or county.

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