

TITLE 70  
WATERCOURSES AND PORT DISTRICTS

CHAPTER 11  
PORT DISTRICTS -- FORMATION -- ANNEXATION -- DISINCORPORATION

70-1101. PORT DISTRICTS AUTHORIZED -- OBJECTS AND PURPOSES. Port districts are hereby authorized for the acquirement, construction, maintenance, operation, development and regulation of harbor improvements, land and water transfer and terminal facilities, industrial and economic development, and other development, facilities, and services, reasonably incident to a modern, efficient and competitive port, and may be established under this act in any county bordering upon any continuous waterway system, limited to the port area, which will float commercial tug and barge vehicles to ports handling transoceanic traffic, as in this act provided.

[70-1101, added 1969, ch. 55, sec. 1, p. 144; am. 2001, ch. 189, sec. 1, p. 652.]

70-1102. FORMATION OF DISTRICT -- GENERAL. At any election which may be called for that purpose, subject to the provisions of section 34-106, Idaho Code, the board of county commissioners of any county in this state which qualified under section 70-1101, Idaho Code, may, or in petition of ten per cent (10%) of the qualified electors of such county, based on the total vote cast in the county in the last general election, shall by resolution, submit to the voters of such county the proposition of creating a port district with boundaries co-extensive with the boundaries of such county. Such county commissioners may also submit to such vote the proposition of creating a port district with boundaries less than county-wide upon their own resolution, or shall submit the same upon petition as provided in section 70-1103, Idaho Code. No port district shall, at the time of its formation, include lands in more than one (1) county.

[70-1102, added 1969, ch. 55, sec. 2, p. 144; am. 1995, ch. 118, sec. 98, p. 508.]

70-1103. PETITION AND ELECTION -- DISTRICT OF LESS THAN ENTIRE COUNTY. Any petition for the formation of a port district may describe a district of less area than the county in which such petition is filed, and in such event the county commissioners shall fix a date for hearing on such petition and publish a notice of such hearing once a week for two (2) successive weeks prior thereto in a newspaper of general circulation within such county. After such hearing, the county commissioners may increase or diminish the boundaries of such proposed port district and shall thereafter submit to vote the proposition of the formation of such port district. The same procedure for notice and election shall be followed as is prescribed for the formation of a port district having boundaries co-extensive with the county boundaries, except that the election shall be confined solely to the lesser port district; and provided, that whenever two (2) or more petitions for the formation of a port district shall be filed as herein provided, the petition describing the greater area shall supersede all others and an election shall first be held thereon, and no port districts shall ever be created within the limits, in whole or in part, of any existing port district.

The boundaries of all port districts shall follow county precinct lines, so that such districts shall include only whole voting districts.

[70-1103, added 1969, ch. 55, sec. 3, p. 144.]

70-1104. PETITION -- FILING AND CERTIFICATION. Such petition shall be filed with the clerk of the county within which the district is to be formed, who shall within fifteen (15) days examine the signatures thereon and certify to the sufficiency or insufficiency thereof, and for such purpose the county clerk shall have access to all registration books in the possession of the officials of any municipal corporation in such proposed port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten (10) days, when the same shall be returned to the said clerk, who shall have an additional fifteen (15) days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the first filing of the same with the said clerk.

[70-1104, added 1969, ch. 55, sec. 4, p. 144.]

70-1105. PETITION -- TRANSMISSION TO COUNTY COMMISSIONERS. Whenever such petition shall be certified to as sufficient, the county clerk shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners, who shall submit such proposition at the next election to be held pursuant to the provisions of section 34-106, Idaho Code, following the date of such certificate.

[70-1105, added 1969, ch. 55, sec. 5, p. 144; am. 1995, ch. 118, sec. 99, p. 509.]

70-1106. ELECTION -- NOTICE. The board of county commissioners shall direct its clerk to give notice of such election by publishing notice thereof at least twice, the first of which shall be not less than twelve (12) days prior to the election and the last of which publication shall be not less than five (5) days preceding such election as provided in section 34-1406, Idaho Code. The notice of election shall state the boundaries of the proposed port district and the object of such election.

[70-1106, added 1969, ch. 55, sec. 6, p. 144; am. 1995, ch. 118, sec. 100, p. 509.]

70-1107. ELECTION -- FORM OF BALLOT. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

"Port of .... Yes."

"Port of .... No."

(Giving the name of the principal river port city within such proposed port district; or, if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners.)

[70-1107, added 1969, ch. 55, sec. 7, p. 144.]

70-1108. DISTRICT FORMATION. Within five (5) days after such election the board of county commissioners shall canvass the returns; and, if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the board of county commissioners shall so declare in its canvass of the returns of such election, and such port district shall thereupon be and become a municipal corporation of the state

of Idaho and the name of each port district shall be "Port of . . . ." (inserting the name appearing on the ballot).

[70-1108, added 1969, ch. 55, sec. 8, p. 144.]

70-1109. ANNEXATION OF LAND TO DISTRICT -- PETITIONS. The boundaries of any port district may be altered and new territory may be annexed thereto as provided in this act. Such enlarged port district may include land in one or more adjacent counties. Such territory to be annexed must be contiguous to the port district and in one (1) continuous tract, and the exterior lines thereof in all cases must follow precinct boundary lines of such county or counties, so that port districts shall include only whole voting precincts; elections to annex two (2) or more separate tracts of territory shall not be held at the same time. Such annexation may be made only upon the petition of at least ten per cent (10%) of the qualified voters of the area proposed to be annexed based upon the whole number of votes cast within the precincts included within said area proposed to be annexed, at the last preceding general election; such petition shall contain the name of the port district proposed to be enlarged, a description of the exterior boundaries of the territory to be annexed, and shall refer to this section of the act, and all persons signing such petition shall, in addition to signing their name thereon, write thereon their residence address. The petition shall be presented to the county clerk of the county or counties wherein the territory to be annexed lies.

[70-1109, added 1969, ch. 55, sec. 9, p. 144.]

70-1110. ANNEXATION -- CERTIFICATION OF PETITION. If the county clerk or clerks shall find the said petition to be in proper form, and to be signed by the proper number of qualified voters of such areas within their county, they shall so certify to the commissioners of their respective counties, and of the county in which the port district exists. The petition shall be certified at least sixty (60) days before the date of the election herein referred to; the procedure if such petition shall be found insufficient and for the amending thereof, shall be the same as herein provided for petitions for the formation of port districts.

[70-1110, added 1969, ch. 55, sec. 10, p. 144.]

70-1111. ANNEXATION -- ELECTION. The commissioners of all counties involved, including the existing port district and the area to be annexed, shall submit the proposition to the voters of such area within their respective counties, at the next election held pursuant to section 34-106, Idaho Code. Except as in this section otherwise provided, the procedure for submitting the proposition shall be the same as herein provided for the original formation of a port district. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballots substantially in the following terms:

"Enlargement of Port of . . . ., Yes." (Giving the name of the port district);

"Enlargement of Port of . . . ., No." (Giving the name of said port district).

The said elections in the counties involved shall be held simultaneously.

[70-1111, added 1969, ch. 55, sec. 11, p. 144; am. 1995, ch. 118, sec. 101, p. 509.]

70-1112. ANNEXATION -- CANVASS AND DECLARATION OF ELECTION RESULTS. At the time provided by law for the canvass of the vote of the election, the board of county commissioners of each county in which either the existing port district, or the area proposed to be annexed, shall lie, shall canvass the returns of the area of its respective county and declare the results of such election in each county. The annexation shall be deemed approved only if a majority of the votes cast in the existing port district were in favor of the proposal and, in addition thereto, a majority of the votes cast in the area proposed to be annexed were in favor of the proposal.

[70-1112, added 1969, ch. 55, sec. 12, p. 144.]

70-1113. ANNEXATION -- ENTRY OF ORDER -- LIABILITIES FOR OUTSTANDING INDEBTEDNESS. If a majority of votes cast in the port district and, in addition thereto, a majority of the votes cast in the area to be annexed, favor such annexation, the board of county commissioners in each county in which any such land shall lie, shall enter an order declaring such port district enlarged so as to embrace within the limits thereof the territory described in the petition for such election, and thereupon the boundaries of said port district shall be so enlarged and the port commissioners thereof shall have jurisdiction over the whole of said district as enlarged to the same extent, and with like power and authority, as though the additional territory had been originally embraced within the boundaries of the existing port district; provided, however, that none of the lands or property embraced within the territory added to and incorporated within such port district shall be liable to assessment for the payment of any outstanding bonds, warrants or other indebtedness of the preexisting port district so enlarged, but such outstanding bonds, warrants or other indebtedness together with interest thereon, shall be paid exclusively from assessments levied and collected on the lands and property embraced within the boundaries of the preexisting port district.

[70-1113, added 1969, ch. 55, sec. 13, p. 144.]

70-1114. DISINCORPORATION. (1) A port district may disincorporate after proceedings as required by this section. The port commission shall, upon receiving a petition for disincorporation signed by not less than twenty-five percent (25%) of the number of qualified electors casting votes at the last election of the port commissioners held therein, submit the question of whether such port district shall disincorporate to the electors of the port district. Such election shall be held in accordance with title 34, Idaho Code.

(2) In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

"Disincorporation of Port of .... Yes."

"Disincorporation of Port of .... No."

(Giving the name of the port district.)

(3) The votes shall be canvassed in the same manner as in other elections. If the canvass of votes shows that less than two-thirds (2/3) of the votes cast were in favor of disincorporation, the port commission shall declare the petition for disincorporation denied, in which event no other election shall be held on the question of disincorporating the port district until the expiration of two (2) years from the date of the election so held. If it is found by the canvass of votes that two-thirds (2/3) of all the

votes cast were in favor of disincorporation, the port commission shall certify such election results to the boards of commissioners of the county or counties in which the port district is located.

(4) The board or boards of commissioners of the county or counties shall thereupon enter an order that the port district be disincorporated, said order to take effect at the end of the calendar year in which the election was held, but in no event less than thirty (30) days from the date of the holding of the election.

(5) All proceedings following entry of the order of disincorporation shall be conducted to the extent practicable in the same manner as is provided for the disincorporation of municipal corporations under sections 50-2206 through 50-2214, Idaho Code; provided that in no event shall disincorporation be effective until all indebtedness of the port district has been paid or duly provided for; and provided further, that no port district may incur new or additional indebtedness after an order for disincorporation has been entered.

[70-1114, added 2003, ch. 353, sec. 2, p. 946.]