

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 102

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO COUNTIES; AMENDING SECTION 31-857, IDAHO CODE, TO PROVIDE
2 THAT CHALLENGES TO PROCEEDINGS AND JURISDICTIONAL STEPS
3 PRECEDING ORDERS RELATING TO THE CREATION, ESTABLISHMENT,
4 DISESTABLISHMENT, DISSOLUTION OR MODIFICATION OF CERTAIN
5 DISTRICTS SHALL NOT BE HEARD OR CONSIDERED FOLLOWING THE
6 LAPSE OF A SPECIFIED PERIOD OF TIME.
7

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

9 SECTION 1. That Section 31-857, Idaho Code, be, and the same is hereby amended to
10 read as follows:

11 31-857. SCHOOL, ROAD, HERD AND OTHER DISTRICTS – PRESUMPTION
12 OF VALIDITY OF CREATION OR DISSOLUTION. Whenever any school district, road
13 district, herd district, or other district has heretofore been, or shall hereafter be, declared to be
14 created, established, disestablished, dissolved, or modified, by an order of the board of county
15 commissioners in any county of the state of Idaho, a legal prima facie presumption is hereby
16 declared to exist, after a lapse of two (2) years from the date of such order, that all proceedings
17 and jurisdictional steps preceding the making of such order have been properly and regularly
18 taken so as to warrant said board in making said order, and the burden of proof shall rest upon
19 the party who shall deny, dispute, or question the validity of said order to show that any of
20 such preceding proceedings or jurisdictional steps were not properly or regularly taken; and
21 such prima facie presumption shall be a rule of evidence in all courts in the state of Idaho. No
22 challenge to the proceedings or jurisdictional steps preceding such an order, shall be heard or
23 considered after seven (7) years has lapsed from the date of the order.