

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 116

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO AUDITORIUM DISTRICTS; AMENDING SECTION 67-4902, IDAHO CODE, TO  
2 DEFINE THE TERM "MARKETING," TO PROVIDE THAT ANY DISTRICT MAY MARKET A  
3 DISTRICT FACILITY ACQUIRED, LEASED, OR BUILT, OR THAT IS THE SUBJECT  
4 OF PLANNING FOR ACQUISITION, LEASE, DESIGN, AND/OR CONSTRUCTION; AND  
5 AMENDING SECTION 67-4912, IDAHO CODE, TO REVISE GENERAL POWERS OF THE  
6 BOARD OF AN AUDITORIUM DISTRICT.  
7

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

9 SECTION 1. That Section 67-4902, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 67-4902. DEFINITIONS. An auditorium or community center district is  
12 one to build, operate, maintain, market and manage for public, commercial  
13 and/or industrial purposes by any available means public auditoriums, exhi-  
14 bition halls, convention centers, sports arenas and facilities of a similar  
15 nature, and for that purpose any such district shall have the power to con-  
16 struct, maintain, manage, market and operate such facilities.

17 "Marketing" of such facilities shall include, but not be limited to, any  
18 advertising or dissemination of information, promotional method, or other  
19 activity that is designed to attract events, conventions, visitation and  
20 other business to the district's facility by any and all means available.  
21 "Marketing" includes, but is not limited to, any promotional method that  
22 informs potential facility users and the public of the business, cultural,  
23 scenic, educational, or similar amenities contained within a district, in-  
24 cluding, but not limited to, hotels, restaurants, museums, special events,  
25 sporting facilities, theaters, parks, cultural centers and any other simi-  
26 lar facility that may be related to the facility operated by the district.

27 Any district may market, as defined in this section, a district facility  
28 acquired, leased, or built, or that is the subject of planning for acquisi-  
29 tion, lease, design, and/or construction.

30 A district organized after July 1, 2001, shall consist of a single con-  
31 tiguous area comprising all or part of one (1) or more municipalities or  
32 counties.

33 The word "board" as used in this chapter shall mean the board of direc-  
34 tors of a district.

35 A "qualified elector" of a district, within the meaning of and entitled  
36 to vote under this chapter, is a person who resides in the district and is  
37 otherwise qualified under section 34-104, Idaho Code.

38 Wherever the term "publication" is used in this chapter it means publi-  
39 cation twice, the first time not less than twelve (12) days prior to an elec-  
40 tion, and the second time not less than five (5) days prior to an election, as  
41 provided in section 34-1406, Idaho Code.

1 SECTION 2. That Section 67-4912, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 67-4912. GENERAL POWERS OF BOARD. For and on behalf of the district the  
4 board shall have the following powers:

5 (a) To have perpetual existence;

6 (b) To have and use a corporate seal;

7 (c) To sue and be sued, and be a party to suits, actions, and proceed-  
8 ings;

9 (d) Except as otherwise provided in this chapter, to enter into con-  
10 tracts and agreements, cooperative and otherwise, affecting the affairs  
11 of the district, including contracts with the United States of America and  
12 any of its agencies or instrumentalities, and contracts with corporations,  
13 public or private, municipalities, or governmental subdivisions, and to  
14 cooperate with any one (1) or more of them in building, erecting, marketing  
15 or constructing facilities within the district. Except in cases in which a  
16 district will receive aid from a governmental agency, or in which a district  
17 contracts with a private nonprofit corporation for marketing services,  
18 where the entity has or will receive a grant from the Idaho regional travel  
19 grant program, purchasing shall be accomplished in accordance with the pro-  
20 visions of chapter 28, title 67, Idaho Code;

21 (e) To borrow money and incur indebtedness and evidence the same by cer-  
22 tificate, notes or debentures, and to issue bonds, in accordance with the  
23 provisions of this chapter;

24 (f) To acquire, dispose of and encumber real and personal property, and  
25 any interest therein, including leases and easements within said district;

26 (g) To refund any bonded indebtedness of the district without any elec-  
27 tion; provided, however, that the obligations of the district shall not be  
28 increased by any refund of bonded indebtedness. Otherwise the terms and con-  
29 ditions of refunding bonds shall be substantially the same as those of an  
30 original issue of bonds;

31 (h) To have the management, control and supervision of all the business  
32 and affairs of the district, and the construction, installation, operation  
33 and maintenance of district facilities therein or therefor;

34 (i) To hire and retain agents, employees, engineers and attorneys;

35 (j) To construct and maintain works and establish and maintain facili-  
36 ties across or along any public street or highway, and in, upon or over any  
37 vacant public lands, which public lands are now, or may become, the property  
38 of the state of Idaho, and to construct works and establish and maintain fa-  
39 cilities across any stream of water or watercourse; provided, however, that  
40 the district shall promptly restore any such street or highway to its former  
41 state of usefulness as nearly as may be, and shall not use the same in such  
42 manner as to completely or unnecessarily impair the usefulness thereof;

43 (k) To fix and from time to time to increase or decrease rates, tolls or  
44 charges for services or facilities furnished by the district, and to pledge  
45 such revenue for the payment of any indebtedness of the district. The board  
46 shall fix rates, tolls and charges;

47 (l) To petition to enlarge the district by obtaining the consent of not  
48 less than ten percent (10%) of the qualified electors of any area to be so in-

1 cluded, and then to follow the procedure set forth herein for creating said  
2 district;

3 (m) To promote any functions for said district, provided that said  
4 board shall not engage in operations that are inconsistent with the purpose  
5 of said district; and it shall be the policy of the board not to compete with  
6 existing facilities and services in the district, wherever practicable;

7 (n) To adopt and amend bylaws not in conflict with the constitution and  
8 laws of the state for carrying on the business, objects and affairs of the  
9 board and of the districts;

10 (o) To have and exercise all rights and powers necessary or incidental  
11 to or implied from the specific powers granted herein, except that districts  
12 formed prior to January 1, 1987, or districts with twenty-five thousand  
13 (25,000) or more population shall have no power to levy and collect property  
14 taxes. Such specific powers shall not be considered as a limitation upon any  
15 power necessary or appropriate to carry out the purposes and intent of this  
16 chapter.